

Compliance Matters

Office of the President / Office of Compliance and Risk Management / Office of Equal Opportunity



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SPA Post-Award Policies and Procedures Handbook & Website Now Available by José M. Román

The Spring 2013 issue of *Compliance Matters* included an article about the Sponsored Programs Administration’s (SPA) exciting plans for NYU’s first *Post-Award Policies and Procedures Handbook* (the “SPA Handbook”) and its companion website. Happily, the *SPA Handbook* is now available and can be found, with its companion website, at: <http://www.nyu.edu/spahandbook>.

The *SPA Handbook*, which codifies all NYU post-award policies and procedures, is the product of a team effort that included SPA, the Office of Sponsored Programs (OSP), Principal Investigators, Department Administrators, and collaborative partners in Finance, the schools, and in the business units.

Representatives of the Faculty Senate reviewed and approved the *SPA Handbook* before it was published. It was also made available to the NYU sponsored research community on June 24, 2013 for them to provide feedback prior to the *Handbook’s* September 1, 2013 effective date. The feedback site received 30,574 hits between July 17 and September 13, 2013.

The web-based *SPA Handbook*, a central University resource, clarifies and supports the complex post-award grants administration landscape for individuals involved in organized research grants and contracts management.

The *SPA Handbook* is also available as a searchable and interactive PDF. It contains University and Federal resources, forms, and other materials required for post-award grants administration. The *SPA Handbook* and website complement the existing policies and procedures on the OSP website at www.nyu.edu/research/resources-and-support-offices/getting-started-withyourresearch/office-of-sponsored-programs/policies.html.

Questions and comments regarding the *SPA Handbook* can be sent to: spahandbook.feedback@nyu.edu.

José M. Román is the Assistant Vice President, Sponsored Awards Programs Administration

**NYU
POST-AWARD
HANDBOOK**
nyu.edu/spahandbook



Violent Crimes on Campus: New Reporting Obligations by Mary Signor

Newspapers and other media across the country have recently been reporting about increases in violence against women on college and university campuses, including domestic violence, dating violence, stalking and sexual assault. In response to this issue, Congress has expanded the scope of how colleges and universities must respond to violence.

The first Violence Against Women Act (VAWA), signed into law by President Bill Clinton in 1994, provided funding for the investigation and prosecution of violent crimes against women across the nation, including on college and university campuses. VAWA was reauthorized by Congress in 2000 and 2005; the reauthorizations granted women the right to sue their attackers in federal court, and authorized the use of VAWA funds for security, education, training, and victim services on campuses.

The 2012 VAWA Reauthorization Act, signed by President Barack Obama on March 7, 2013, brought changes to the Jeanne Clery Disclosure of Campus Security Act and Campus Crime Statistics Act (“Clery Act”). All colleges and universities that participate in federal financial aid programs now must maintain and disclose information about crime on and near their respective campuses in annual Campus Security Reports, and [Title IX of the Education Amendments of 1972](#) (Title IX).

Title IX prohibits recipients of federal financial assistance from discriminating based on sex in education programs or activities, and requires colleges and universities “to take immediate and effective steps to end sexual harassment and sexual violence” on campuses.

The new VAWA provisions take effect on March 7, 2014. They require that annual Campus Security Reports include three additional categories of crimes: “dating violence,” “domestic violence,” and “stalking.” The 2012 VAWA Reauthorization also extended the list of hate crime categories to be reported; Campus Security Reports must now include information about crimes based on national origin and gender identity.

VAWA defines “dating violence” as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. “Domestic violence” includes crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, or by a person who is cohabiting with or has cohabitated with the victim as a spouse. The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others.

Under VAWA, colleges and universities are now required to provide “primary prevention and awareness

programs” for all incoming students and new employees on an ongoing basis and to ensure that there will be no retaliation against anyone who exercises rights under the Clery Act and/or Title IX.

The NYU [Office of Equal Opportunity](#) (OEO) is partnering with the Office of General Counsel, the Office of Community Standards, Student Affairs, Public Safety, and the Wellness Center to implement the new VAWA requirements. Beginning in 2014, these offices will offer prevention and awareness workshops for new students and new employees.

If you have any questions about rights and obligations under VAWA, or to schedule an individual workshop for your department, contact Mary Signor, Executive Director of OEO and Title IX Coordinator, at mary.signor@nyu.edu.



As we move into the beginning of the new school year, it's a good time to be reminded of the University community's obligations under the [Family Rights and Privacy Act \(FERPA\)](#), the federal statute that governs the privacy of student records and information. The NYU [Office of Academic Program Review \(APR\)](#) is responsible for overseeing compliance with FERPA.

FERPA protects the privacy of student education records, including establishing the rights of students to inspect and review their education records and providing students with an opportunity to have inaccurate or misleading information in their education records corrected.

In general terms, FERPA prohibits the University from disclosing student records, or information from student

records, to anyone other than the student to whom the records pertain unless the student has consented to the disclosure or in situations where the FERPA regulations specifically grant an exception to the student consent requirement.

Given the range of information that constitutes education records and what is covered under FERPA, it is useful to be reminded of a few facts.

Faculty, administrators, and staff members are responsible for protecting information contained in students' education records. Education records may only be used for legitimate purposes in exercising responsibilities as an NYU employee. Students have the right to see original documents in their own files.

What is protected by FERPA?

FERPA protects the education records of students who are *attending or have attended* a postsecondary institution. FERPA *does not* protect records of applicants who did not attend the institution.

A student education record consists of information about a student which is maintained by the University or any employee, department, school for use in the educational process.

Student education records include any personally identifiable information, such as enrollment records, grades, class lists, financial records, and written material to, from, or about a student. FERPA does not make a distinction between paper and electronic records.

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Welcome the Newest Members to the OCRM/OEO Team!

Rachna Vaid in the Office of Compliance and Risk Management

Rachna is the Associate Compliance Officer in the Office of Compliance and Risk Management (OCRM). She previously worked on a compliance project at NYU Abu Dhabi. Rachna's responsibilities at OCRM include regulatory compliance with U.S. export controls and trade sanctions laws, compliance initiatives through collaborative University-wide compliance committees, developing compliance-related educational materials, and training and outreach. Her focus areas include NYU Abu Dhabi, NYU-POLY — soon to be the NYU Polytechnic School of Engineering — and the Center for Urban Science and Progress (CUSP).

Rachna has a J.D. from the University of San Diego School of Law, a master's degree in English from Brandeis University, and a bachelor's degree (*cum laude*) in English from Vassar College. Her prior work experience includes several years of law firm practice and subsequent in-house counsel practice in Rochester, New York. Rachna's legal practice included labor and employment law, administrative law, transactional work, and regulatory compliance. Rachna can be reached via email at rachna.vaid@nyu.edu or by calling 212-998-1060.

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Educational Activities Outside New York State: How to Do it Right by Brianna Bates

When the federal Higher Education Act was reauthorized in 2008, it included a requirement that institutions offering online educational programs—referred to as “distance education”—had to get authorization from every state requiring such approval in which their distance education students resided before they could enroll those students.

A 2012 court ruling prevented this particular requirement from being implemented as a federal regulation. However, notice of the original requirement had already led to an increased awareness by universities of state laws and regulations requiring registration and/or authorization that applied to distance learning and other educational activities by out of state institutions. Complicating the issue is that every state has different rules and definitions regarding which activities require approval, as well as different fee structures and time frames in which authorization must be renewed.

Many states also require out of state institutions that conduct educational activities other than courses, such as placing students in internships in the state, direct marketing, and proctoring of exams, to obtain authorization.

A website has been created to provide guidance to the NYU community on Non-New York State authorization. NYU Schools offering online programs or other activities in states other than New York should consult the website for details concerning restrictions imposed by other states. For more information, visit <http://www.nyu.edu/academics/academic-resources/program-approvalprocess/distance-education.html>.

For answers to specific questions, contact Brianna Bates, Accreditation Coordinator, in the Office of Academic Program Review, at brianna.bates@nyu.edu.

The Newest Members to the OCRM/OEO Team *(continued from page 3)*

Shakera Khandakar in the Office of Equal Opportunity

Shakera is the Associate Director of the Office of Equal Opportunity (OEO) at NYU. As part of the OEO, Shakera supports the University’s Equal Opportunity and Affirmative Action programs. This includes investigating and resolving discrimination and harassment complaints (including Title IX allegations), as well as serving as a resource regarding reasonable workplace accommodations under the Americans with Disabilities Act (ADA). In conjunction with the entire OEO team, Shakera has been training the University community on NYU policies and federal, state and local discrimination laws. As the Associate Director, she also serves as the OEO’s liaison to NYU’s global sites and portal campuses.

Prior to joining NYU, Shakera was an Assistant Corporation Counsel in the Labor and Employment Law Division of the New York City Law Department, where she defended the City of New York in complex and challenging state and federal actions arising out of the City’s role as an employer. She is a graduate of Brooklyn Law School and earned her bachelor’s degree from NYU’s College of Arts and Science (CAS). Shakera can be reached via email at shakera.khandakar@nyu.edu or by calling 212-998-2377.

Compliance Matters is a newsletter published by the Office of the President. *Compliance Matters* is issued three times a year and provides updates about important compliance, risk management, equal employment opportunity, and disability issues.

The editors of *Compliance Matters* welcome ideas for articles in future issues from the NYU community. Please send your ideas or submissions to Deputy Compliance Officer Rebecca Holland at rebecca.holland@nyu.edu, or to Assistant Compliance Officer Diane Delaney at diane.delaney@nyu.edu. Previous issues of *Compliance Matters* can be found by visiting the Office of Compliance and Risk Management Services webpage or by [clicking here](#).

FERPA– What Employees Need to Know *(continued from page 3)*

Student Directory Information

Some [personally identifying information](#) regarding a student is considered "directory information." Directory information may be released without the student's written permission, usually through the University Registrar Office or the Office of Academic Program Review. This information includes students' names, dates of attendance, names of institutions previously attended, the major field of study, the enrollment status (undergraduate or graduate, full- or part-time), participation in officially recognized sports and activities, degree(s) conferred and date(s), and degrees and awards received. E-mail addresses and NetIDs are directory information *for internal purposes only* and will not be made available to the general public except in specified directories from which students may opt out. Students may also opt to have directory information withheld. Before releasing a student's directory information, check to see if there is a privacy flag in the student's record in Albert, NYU's student information system.

The Do's and Don'ts of FERPA: How to Avoid Violations

DO:

- Follow the confidentiality principles of FERPA by not sharing education record information with colleagues or co-workers unless there is a legitimate educational interest for the disclosure.
- Keep any personal notes relating to individual students separate from educational records, and do not share them with anyone who is not entitled to access the students information.
- Keep only those individual student records necessary for fulfillment of your responsibilities.
- Use randomly assigned numbers or codes when displaying scores or grades.
- Refer requests for information from students' education records to the proper educational record custodian (e.g., academic, financial, medical, placement, etc.) *When in doubt, contact the Office of Academic Program Review or the Office of General Counsel.*

DO NOT:

- Publicly display students' scores, grades, Social Security Numbers, University Identification Numbers or NetIDs.
- Put papers, projects, graded exams, or reports in publicly accessible places.
- Provide anyone other than university employees with students' schedules or assist anyone in finding a student on campus.
- Provide anyone with lists of students for any commercial purpose.
- Submit a student's paper to an anti-plagiarism service without first removing the student's name, ID number, or any other personally identifiable information.
- When you are no longer a student's instructor, you should destroy the personal information you have about him or her.

For NYU's guidelines on complying with FERPA, visit the NYU FERPA policy page at www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/FERPA.html. An informative FERPA video and tutorial may be accessed by following the same link.

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