

## ENYC-GE 2018 Environmental Justice through Digital Empowerment

Thursdays 4:55-6:35 pm

Bobst LL1-48 (Some sessions at Bobst LL1-12 a.k.a. PC Lab2)

Instructor: Raul Lejano (lejano@nyu.edu)

Guest Lecturer: Prof. Carlos Restrepo

Department of Teaching & Learning  
Environmental Conservation Education Program

Credits: Variable (1, 2, or 3)

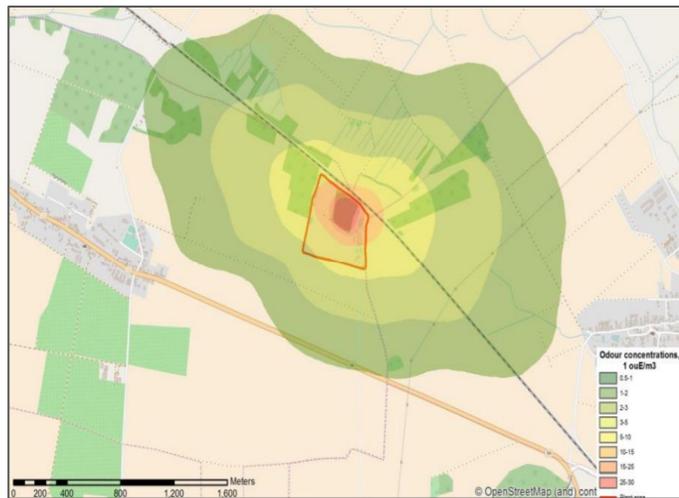
---

### Catalogue Description.

The course provides skills in analyzing environmental justice issues using digital tools. In this course, students learn environmental risk assessment, applied GIS (Geographic Information System), and spatial analysis. The course involves instruction in basic GIS.

### Overview.

The course is a foray into a different way of thinking about environment –i.e., in terms of spatial justice. Environmental Justice is the term used for situations where lower-income communities of color have higher exposures to environmental risks such as sources of air toxics or contaminated brownfield sites and/or disproportionate under-provision of environmental amenities such as parks, trees, scenery, and others. The class provides students with efficient entry into the field of environmental justice and equips them with skills to begin intervening in real sites in their own careers. Learning begins with understanding the meaning and origins of environmental injustice. Another step involves building analytical skills in translating proximity to environmental impacts and, for this, the class will learn rapid assessment skills in health risk analysis. This comprises a third of the meetings. The second part of the class involves learning digital tools for analyzing environmental justice. There are already available tools online for rapid assessment of sites in a community. Students will take three required hands-on workshops on the use of GIS (Geographic Information Systems) for locating and mapping environmental justice sites (at the Bobst GIS lab). The last part of the class involves applying these skills and tools in the field, choosing a community in New York and combining GIS mapping with ground-truthing to analyze the situation.



Note: There is no prerequisite for the course, and no prior knowledge of GIS is needed. This is a variable unit class. For those taking it for 1 credit, there will be one final deliverable (referred to as Spatial Analysis I Report). For those taking it for 2 units, there will be a second deliverable (Spatial Analysis II Report) and for 3 units, a third deliverable (Spatial Analysis III Report). Those taking it for 1 credit should attend GIS Sessions 1 and 2 and Weeks 1-7 and 14. Those taking it for 2 and 3 units should attend all three GIS Sessions and all the class meetings.

In a sense, the class consists of three mini-classes on these topics:

- conceptual and empirical foundations of environmental justice
- training in fundamentals of GIS (using ArcGIS)
- basic approaches to health risk assessment (some rudimentary calculations involved)

Readings are available at the NYU Classes site or provided by the instructor. In addition, two workbooks (Risk Assessment Workbook, Spatial Analysis Workbook) and a Guidebook (for ArcGIS/ArcMap) have been developed for the class by the instructor.

Students can download a free copy of ArcGIS for Windows. If Mac users want to use this software, they need to get a Windows enabling program like Boot Camp on your own. The universal option is for students to use ArcGIS and do their assignments on the computers on the Bobst computer lab on the fifth floor (or room LL1-12 where we have our GIS sessions).

## **Learning Objectives**

1. To be able to analyze spatial patterns of environmentally risk facilities and assess whether communities are disproportionately burdened by these or not. This involves learning how to be able to compare risk/hazard levels in community against those found in others.
2. To understand fundamentals in health risk assessment and to use this knowledge in determining the severity of risks faced in community settings.
3. To be able to gather, summarize, and utilize data (census data, spatial locations of facilities, business databases) from online (and other) sources to aid the spatial analysis.
4. To be able to use GIS (Geographic Information Systems) to map locations of facilities and to represent spatial patterns and clusters, as well as other online data and environmental mapping tools. This includes using GIS to communicate environmental justice issues to the public.
5. To be able to conduct community assessments in the field --walking through a community and observing environmental significant or risky land uses and to collect spatial information (with geo-locators) for subsequent mapping.
6. To be able to serve, in future professional settings, as community advocates and to be able to prepare environmental justice analyses for community groups, agencies, or other stakeholders and, moreover, to do so with digital tools that are commonly available.

## GRADING CRITERIA

Students taking the course for 1 unit need only attend Weeks 1-7 and 14 and submit the first assignment. Students taking it for 2 units need to attend all class meetings and submit the first two assignments. Students taking it for 3 units need to attend all class meetings and submit all three assignments.

### Students enrolled for 1 credit

Class Presentations	25%
Participation/Professionalism	25%
Spatial Analysis #1 Report	50%
Attendance: Weeks 1-7, 14	

### Students enrolled for 2 credits

Class Presentations	15%
Participation/Professionalism	20%
Spatial Analysis #1 Report	30%
Spatial Analysis #2 Report	35%
Attendance: All Meetings	

### Students enrolled for 3 credits

Class Presentations	15%
Participation/Professionalism	20%
Spatial Analysis #1 Report	25%
Spatial Analysis #2 Report	25%
Spatial Analysis #3 Report	15%
Attendance: All Meetings	

### Brief Descriptions of Reports

- Spatial Analysis Report #1: Mapping/analysis of suspected sources of air toxics in a neighborhood (or equal alternative).
- Spatial Analysis Report #2: Environmental justice analysis, calculating indices within site radius (or equal alternative).
- Spatial Analysis Report #3: Mapping iso-concentration contours of field particulate measurements, cluster analysis (or equal alternative).

### Expectations for Reports

Work will be judged according to the following criteria:

- i. the effective gathering of field information, showing evidence of careful observation (requiring at least an hour in the field), meticulous notes,
  - ii. the quality of analysis, showing proper interpretation of data,
  - iii. the quality and effectiveness of the mapping, using shading, grouping, etc. to convey information as well as be aesthetically appealing,
  - iv. the quality of the mapping, using proper conventions (scale bar, north arrow, etc.) and use of real-time lat/long data, along with evidence that the student learned and used ArcGIS and several online tools,
  - v. professional qualities of the report, in writing, appearance, and technical value,
- and note that the instructor will be available at all times to guide the student in understanding, in more detail, what constitutes high quality work.

### Expectations regarding Participation/Professionalism

Students are allowed to miss one class meeting without documentation. Students are allowed to miss two class meetings with documentation (e.g., doctor's note). Absences in excess of this will lead to an Incomplete (if the student opts to take the course again the following year or to do substitute coursework) or a Fail. Students are expected to treat each other and instructor(s) in the class with respect and courtesy, allowing each other the chance to participate in class discussions. Students are also expected to conduct themselves professionally --including submitting deliverables on time and up to spec, being on time for class meetings and field work, responding to queries by email or other promptly. Importantly, students in this graduate course are expected to be industrious --not relying on the instructor to provide every item of information and understanding that graduate students are expected to be able to act independently and search for information as needed. It is important to note that much of the learning, especially of GIS, occurs outside the classroom, and the student is expected to spend considerable time trying the program out on their own outside class. Just attending the GIS tutorials will not suffice --instead, time must be spent outside the classroom using ArcGIS and gaining some familiarity with it.

## WEEKLY SCHEDULE

**Week 1**      Jan. 31      Introduction to Environmental Justice      (Objectives 1 and 6)  
Environmental Goods, Bads, and Spatial Equity

We examine the basic origins and tenets of the environmental justice movement (and literature). What claims are being made, and what evidence backs up these claims? What are the major areas of contention? And, more than anything else, how inequitable is spatial inequity?

Readings:

Holifield, R. (2001). Defining environmental justice and environmental racism. *Urban Geography*, 22(1), 78-90.

Lejano, R. P., & Iseki, H. (2001). Environmental justice: Spatial distribution of hazardous waste treatment, storage and disposal facilities in Los Angeles. *Journal of Urban Planning and Development*, 127(2), 51-62.

Optional: Pastor, M., Sadd, J., & Hipp, J. (2001). Which Came First? Toxic Facilities, Minority Move-in, and Environmental Justice. *Journal of Urban Affairs*, 23(1), 1-21.

**Week 2**      Feb. 7      Toxics and the Inner City      (Objectives 2 and 3)  
Air Quality: Sources, Information  
Census Data Online

The discussion of environmental justice and spatial phenomena becomes more tangible (and applicable) when couched in the specific. The more we learn how spatial effects work out in particular cases, the deeper we understand what the environmental inequities are and perhaps why they persist. For this class, we take up the example of air toxics and lower-income neighborhoods. However, we note that this is just one type of environmental effect, and we will always expand what we learn to encompass other situations (e.g., environmental conservation, parks, organic food, walkability, street lighting, even non-environmental things like schools and libraries). We also learn about overlay mapping (and vulnerability). Lastly, we learn how to access census data (using SimplyAnalytics) to see how environmental goods and bads are distributed vis-à-vis the socio-demographics of communities.

Readings:

US EPA, 2007. Plain English Guide to the Clean Air Act, Washington, D.C.

Hiscox, H. and M. Macaуда (2007). Airborne Toxic Chemicals. in E.A. Laws (ed.), *Environmental Toxicology: Selected Entries from the Encyclopedia of Sustainability Science and Technology*.

HRA Workbook, pp. 1-7.

Supplementary: Using and Accessing SimplyAnalytics to Download Census Data.

Supplementary: NY DEC, Policy DAR-1: Guidelines for the Control of Toxic Ambient Air Contaminants.

(Note: Optional Intro to ArcGIS Intro at Bobst on Feb. 11, 4-5:30 pm, you can register for it at the following website: <https://guides.nyu.edu/c.php?g=851842&p=6096046> )

**Week 3**      Feb. 14      GIS Workshop I (Bobst LL1-12)      (Objectives 3 and 4)  
Creating maps, playing with choropleths.

This week, the class meets in Bobst LL1-12 (PC Lab 2) for the first of three GIS workshops. In this hands-on class (each sitting at a computer), we learn basic operations in ArcGIS --loading and classifying spatial data (e.g., census statistics), plotting data points, and designing choropleth maps. Everybody should be seated at their own computer and should be able to access census files generated by SimplyAnalytics (the instructor will email you sample files, but you can generate your own as well).

Readings:

Excerpt from McHarg, I., Design with Nature.

Plotting Points on a Map.

Mapping Justice Supplement.

Supplementary: GIS Workbook (ArcGIS/ArcMap).

**Week 4**      Feb. 21      GIS Workshop II (Bobst LL1-12)      (Objectives 3 and 4)  
Displaying spatial data, creating new variables.

Again meeting at Bobst LL1-12, we continue the ArcGIS tutorial, studying how to prepare isopleths, contours, and radii, calculating spatial statistics, constructing and mapping composite indices, and various techniques for showing spatial patterns (e.g., relating proximity to sources with composite SES measures). This means taking time to think about what to map, and what variables tell the story best. Thinking more broadly, how do we use maps to tell stories that advocate positive environmental change and educate multiple publics (e.g., take a look at the story maps at <https://collections.storymaps.esri.com/team-stories-2018/> ).

Readings:

Supplementary: GIS Workbook (ArcGIS/ArcMap).

**Week 5**      Feb. 28      HRA Introduction      (Objectives 1, 2, and 3)

This week, we return to the measurement of air toxics and examination of how these environmental bads are spatially distributed (e.g., across NYC). Part of our wanting to "make things real" is to learn the nuts and bolts of how to measure air toxics, estimate how toxic the air is in specific places, and translate this to thresholds of acceptability. This theme is continued over the next two weeks. We will learn the fundamentals of risk assessment, but always keeping in mind that this is one particular example of environmental injustice (and imagining how we would do similar analyses for other phenomena).

Readings:

HRA Workbook, pp. 1-7.

**Week 6**      March 7      Risk Assessment: Science, Tools (Objectives 1, 2, and 3)  
(Lecturer: Carlos Restrepo)

Tracing spatial inequity becomes much clearer when we have a handle on how much a community is impacted by some environmental problem. In this class, we have taken air toxics as our example of choice, and we gain some expertise in assessing just how risky air toxics in the air is. In this class, Prof. Restrepo introduces us to rudimentary risk assessment. As always, we imagine how we would analyze other phenomena (unrelated to air toxics) using a similar approach.

Readings:

HRA Workbook, pp. 8-16.

Additional/Optional: Hendryx, M. (2009). Mortality from heart, respiratory, and kidney disease in coal mining areas of Appalachia. *International Arch Occupational Environmental Health*. 82, 243-249.

**Week 7**      March 14      Health Risk Assessment: Spatial Analysis, Modeling. (Obj. 1, 2, 3)  
(Lecturer: Carlos Restrepo)

Having assessed how risky the air is, we proceed to mapping. This involves being able to predict what the concentrations are (and, conjoint with this, what the risks are) over space. In some cases, we have databases of air toxics concentrations that provide us with actual data.

Readings:

HRA Workbook.

Lejano, R. P., & Smith, C. S. (2006). Incompatible land uses and the topology of cumulative risk. *Environmental management*, 37(2), 230-246.

Lahr, J., & Kooistra, L. (2010). Environmental risk mapping of pollutants: state of the art and communication aspects. *Science of the Total Environment*, 408(18), 3899-3907.

**Week 8**      March 21      Spring Break, No Meeting

**Week 9**      March 28      No Meeting

In lieu of class, students can spend the time familiarizing themselves further with GIS and working through Homework # 1.

**Week 10**      April 4      GIS Workshop III (Bobst LL1-12)      (Objectives 1, 3, 4)  
Mapping clusters, using geospatial tools.

In the third GIS tutorial, students will learn some techniques for doing cluster analysis on GIS, as well as other geospatial tools. We will also learn how to use quick, user-friendly dispersion mapping tools online and develop a contour map. We take time to play with different ways of showing cluster data, from contours to density maps to 3D plots.

**Week 11**      April 11      Investigating Justice in the Field      (Objectives 4 and 6)

We turn our attention to what spatial justice looks like on the streets, in workplaces, schools, etc. Also, imagine working as a consultant for a community group that is worried about potential hazards in their neighborhoods. How would you proceed inquiring into their concerns?

Reading:

Lejano, R. and R. Funderburg (2016). Geographies of risk, the regulatory state, and the ethic of care, *Annals of the American Association of Geographers* 106(5):1097.

**Week 12**      April 18      Presentations: Spatial Analysis Report #1      (Objectives 4 and 6)

Students will present the group part of HW#1.

**Week 13**      April 25      Field Work (no meeting in class)      (Objectives 5 and 6)

This week, groups can spend time in the field gathering data, in lieu of class.

**Week 14**      May 2      Intersections between ECE and EJ.  
Thesis Presentations.

This week, we examine how and why environmental justice is essential to the fields of environmental education and conservation. This conceptual discussion is followed by applied research presentations by two graduating ECE students.

Reading:

Lejano, R. P. (2008). Technology and institutions: A critical appraisal of GIS in the planning domain. *Science, Technology, & Human Values*, 33(5), 653-678.

**Week 15**      May 9              Presentations: Spatial Analysis Reports #2,3 (Objectives 4 and 6)

Groups present their maps and spatial investigations (HWs 1 and 2).

### **Submission of Deliverables**

Written Reports: Due date for submission (to lejano@nyu.edu) of Spatial Analysis Report #1 is March 28, and Spatial Analysis Reports #2 and 3 on May 10.

There is no final exam for the class (since the written reports substitute for the final).

## Grading Scale/Rubric:

### A—Outstanding Work

An "A" applies to outstanding student work. A grade of "A" features not simply a command of material and excellent presentation (spelling, grammar, organization, writing style, etc.), but importantly, sustained intellectual engagement with the material. This engagement takes such forms as shedding original light on the material, investigating patterns and connections, posing questions, and raising issues.

An "A" paper is excellent in nearly all respects:

It is well argued and well organized, with a clear thesis

It is well developed with content that is specific, interesting, appropriate and convincing

It has logical transitions that contribute to a fluent style of writing

It has few, if any, mechanical, grammatical, spelling, or diction errors

It demonstrates command of a mature, unpretentious diction

### B—Good Work

A "B" is given to work of high quality that reflects a command of the material and a strong presentation but lacks sustained intellectual engagement with the material.

A "B" paper shares most characteristics of an "A" paper, but

It may have some minor weaknesses in its argumentation

It may have some minor lapses in organization and development

It may contain some sentence structures that are awkward or ineffective

It may have minor mechanical, grammatical, or diction problems

It may be less distinguished in its use of language

### C—Adequate Work

Work receiving a "C" is of good overall quality but exhibits a lack of intellectual engagement as well as either deficiencies in the student's command of the material or problems with presentation.

A "C" paper is generally competent; it is the average performance. Compared to a "B" paper, it may have a weaker thesis and less effective development.

It may have serious shortcomings in its argumentation

It may contain some lapses in organization

It may have poor or awkward transitions

It may have less varied sentence structures that tend toward monotony

It may have more mechanical, grammatical, and diction problems

### D or F—Unsuccessful Work

The grade of "D" indicates significant problems with the student's work, such as a shallow understanding of the material or poor writing.

It presents no clear thesis

It displays major organizational problems

It lacks adequate support for its thesis

It includes irrelevant details

It includes confusing transitions or lacks transitions altogether

It fails to fulfill the assignment

It contains ungrammatical or poorly constructed sentences and/or demonstrates problems with spelling, punctuation, diction or syntax, which impedes understanding

An "F" is given when a student fails to demonstrate an adequate understanding of the material, fails to address the exact topic of a question or assignment, or fails to follow the directions in an assignment, or fails to hand in an assignment. Pluses (e.g., B+) indicate that the paper is especially strong on some, but not all, of the criteria for that letter grade. Minuses (e.g., C-) indicate that the paper is missing some, but not all, of the criteria for that letter grade.

# ADDENDA

## University Policies

---

### Statement on Academic Integrity

"Your degree should represent genuine learning."

The relationship between students and faculty is the keystone of the educational experience in The Steinhardt School of Culture, Education, and Human Development at New York University. This relationship takes an honor code for granted. Mutual trust, respect and responsibility are foundational requirements. Thus, how you learn is as important as what you learn. A university education aims not only to produce high quality scholars, but to also cultivate honorable citizens.

Academic integrity is the guiding principle for all that you do; from taking exams, making oral presentations to writing term papers. It requires that you recognize and acknowledge information derived from others, and take credit only for ideas and work that are yours.

You violate the principle of academic integrity when you:

Cheat on an exam

Submit the same work for two different courses without prior permission from your professors

Receive help on a take-home examination that calls for independent work

Plagiarize

Plagiarism, one of the gravest forms of academic dishonesty in university life, whether intended or not, is academic fraud. In a community of scholars, whose members are teaching, learning and discovering knowledge, plagiarism cannot be tolerated.

Plagiarism is failure to properly assign authorship to a paper, a document, an oral presentation, a musical score and/or other materials, which are not your original work. You plagiarize when, without proper attribution, you do any of the following:

Copy verbatim from a book, an article or other media

Download documents from the Internet

Purchase documents

Report from other's oral work

Paraphrase or restate someone else's facts, analysis and/or conclusions

Copy directly from a classmate or allow a classmate to copy from you

Your professors are responsible for helping you to understand other people's ideas, to use resources and conscientiously acknowledge them, and to develop and clarify your own thinking. You should know what constitutes good and honest scholarship, style guide preferences, and formats for assignments for each of your courses. Consult your professors for help with problems related to fulfilling course assignments, including questions related to attribution of sources.

Through reading, writing, and discussion, you will undoubtedly acquire ideas from others, and exchange ideas and opinions with others, including your classmates and professors. You will be expected, and often required, to build your own work on that of other people. In so doing, you are expected to credit those sources that have contributed to the development of your ideas.

### Avoiding Academic Dishonesty

Organize your time appropriately to avoid undue pressure, and acquire good study habits, including note taking.

Learn proper forms of citation. Always check with your professors of record for their preferred style guides. Directly copied material must always be in quotes; paraphrased material must be acknowledged; even ideas and organization derived from your own previous work or another's work need to be acknowledged.

Always proofread your finished work to be sure that quotation marks, footnotes and other references were not inadvertently omitted.

Know the source of each citation.

Do not submit the same work for more than one class without first obtaining the permission of both professors even if you believe that work you have already completed satisfies the requirements of another assignment.

Save your notes and drafts of your papers as evidence of your original work.

### Disciplinary Sanctions

When a professor suspects cheating, plagiarism, and/or other forms of academic dishonesty, appropriate disciplinary action may be taken following the department procedure or through referral to the Committee on Student Discipline.

### **Departmental Procedure**

The professor will meet with the student to discuss, and present evidence for the particular violation, giving the student opportunity to refute or deny the charge(s).

If the Professor confirms the violation(s), he/she, in consultation with the Program Director and Department Chair may take any of the following actions:

- Allow the student to redo the assignment
- Lower the grade for the work in question
- Assign a grade of F for the work in question
- Assign a grade of F for the course
- Recommend dismissal

Once an action(s) is taken, the professor will inform the program director and department chair, and inform the student in writing, instructing the student to schedule an appointment with the Associate Dean for Student Affairs, as a final step. Copies of the letter will be sent to the department chair for his or her confidential student file and the Associate Dean for Student Affairs. The student has the right to appeal the action taken in accordance with the School's Student Discipline Within the Steinhardt School as outlined in the Steinhardt School of Culture, Education, and Human Development Student's Guide.

### **Referral to the Steinhardt Committee on Student Discipline**

In cases when dismissal is recommended, and in cases of repeated violations and/or unusual circumstances, faculty may choose to refer the issue to the Committee on Student Discipline for resolution, which they may do through the Office of the Associate Dean for Student Affairs.

The Steinhardt School Statement on Academic Integrity is consistent with the New York University Policy on Student Conduct, published in the NYU Student Guide.

### **New York University Anti-Harassment Policy**

New York University is committed to maintaining a learning and working environment that is free of bias, prejudice, and harassment - an environment that supports, nurtures, and rewards career and educational advancement on the basis of ability and performance. Harassment based upon race, gender and/or gender identity or expression, color, creed, religion, age, national origin, ethnicity, disability, veteran or military status, sex, sexual orientation, marital status, citizenship status, or any other legally protected basis is prohibited by law and undermines the character and purpose of the University. Such harassment is illegal and against University policy, and will not be tolerated.

Students in the Steinhardt School may refer instances of harassment to the Associate Dean for Student Affairs, Pless Hall, 2nd Floor, 212 998 5065. To learn more, visit [www.nyu.edu/eo/anti-harass-policy.pdf](http://www.nyu.edu/eo/anti-harass-policy.pdf)

NEW YORK UNIVERSITY GUIDELINES FOR COMPLIANCE

WITH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Inquiries may be submitted to [ferpa@nyu.edu](mailto:ferpa@nyu.edu).

Among its several purposes, the Family Educational Rights and Privacy Act of 1974 (FERPA) was enacted to protect the privacy of students' education records, to establish the rights of students to inspect and review their education records, and to provide students with an opportunity to have inaccurate or misleading information in their education records corrected. FERPA also permits the disclosure by an institution without a student's prior consent of so-called directory information about that student. Students have the right to file complaints with the Department of Education's Family Policy Compliance Office concerning alleged failures by an institution to comply with FERPA. In accordance with the statute and the FERPA regulations issued by the Department of Education, New York University ("NYU" or "the University") has adopted the following policies and procedures.

"Student" includes any person with respect to whom the University maintains an education record, whether or not that person is currently in attendance. Persons who have not been in attendance are not "students" entitled to review their records. Thus, persons who have applied to and been admitted by the University, but who have not yet begun to attend classes, are not eligible to review their records. Also, students who, while attending one school or college of NYU, have applied to another NYU school or college, are not entitled to review records of the school or college to which they are applying until they have been accepted and are in attendance at that school or college.

"Education records" available for review are defined as those records, files, documents, and other materials that contain information directly related to a student and that are maintained by the University. The form in which the information is maintained by the University does not matter; for example, computerized or electronic files, audio or video tape, photographic images, film, etc., with such information are "education records". This includes communications and documents distributed or received by e-mail, or other similar University systems, which are retained in these systems, either by the sending or receiving party.

In general, records maintained by the University that are available for student review are: recorder's docket, admissions docket, departmental docket, placement docket (if student has a file there), financial aid docket (if student has applied for aid), advisement and counseling dockets from the various schools, and bursar's docket. Not all of these categories of records are maintained for any given student, and there may be others. Students have the right to review original documents from their files.

Under FERPA and its related regulations the following types of University records are not "education records" and are, therefore, not available for student review:

Personal notes or records (including computerized files) that are kept by an individual University employee solely in her or his possession, are used only as a personal memory aid, and are not accessible or revealed to others, except to a temporary substitute. Records that relate to an individual who is employed by the University and that (a) are made and maintained in the normal course of business, (b) are not available for use for any other purpose, and (c) relate exclusively to the individual in that individual's capacity as an employee. This exception does not apply to records that relate to a student in attendance at the University who is employed as a result of his or her status as a student.

Medical and psychiatric records created, maintained, and used only in connection with the treatment of a student and that are not available to anyone other than the persons providing such treatment. Such records can be personally reviewed by a physician, psychologist, or other appropriate health professional of the student's choice. (Students who have received treatment from the University Health Center or from the University Counseling Services may contact those offices to inquire concerning access to patient information.)

Records that contain information relating to an individual who no longer is a student at the University and that are not directly related to the individual's attendance as a student, i.e., alumni records.

Grades or peer-graded papers before they are collected and recorded by an instructor.

Also, the University does not have to permit a student to review education records that are:

Financial records of the parents of a student.

Confidential letters and statements of recommendation placed in the education records of a student (a) prior to January 1, 1975, as long as they are used only for the purposes for which they were specifically intended; and (b) after January 1, 1975, if the student has waived access to such letters and recommendations and if such letters and recommendations relate to the student's admission to an educational institution (including admission to NYU), application for employment, or receipt of an honor or honorary recognition (see Section V, Waivers).

At NYU, FERPA is administered by Associate Provost Barnett W. Hamberger (note exceptions below), the Office of the Associate Provost is located at 194 Mercer Street, Room 403F, 212-998-2310. Except as noted below, requests to review records, for copies of the statute or its attendant regulations, or for additional information concerning FERPA, should be directed to the Office of the Associate Provost.

Current and former NYU students wishing to review records must complete a record request form in person at the office of the Associate Provost, Mr. Hamberger. The office is located at 194 Mercer Street, Room 403F. The request should specify what records are to be inspected. Upon receipt of a request, the record review officer notifies the office(s) maintaining the requested record(s), arranges for the transmittal of the record(s), sets up an appointment for the student's review of such records, and supervises the review. Students are provided with this review opportunity within a reasonable time, not to exceed 45 days from the date of receipt of the request by the appropriate record review officer. If any material or document in the education record(s) of a student includes information on more than one student, the student may inspect and review or be informed of only that part of the material or document relating to herself or himself. Students may duplicate materials other than NYU transcripts at a cost of 10 cents per page. Students will not be permitted to remove the original record(s) from the record review office. At the conclusion of the review the record(s) is returned to the originating office(s).

If a student is physically unable to come to the appropriate record review office, and if this inability would effectively deny the student access to her or his records, the student may obtain a record request form by calling or writing to the appropriate record review officer. The student should then return the completed request form by mail to the record review officer. The officer will make special arrangements for the review.

A student may waive his or her right to access to confidential recommendations for any of the following: admission to an educational institution; employment; receipt of an honor or honorary recognition. Waiver forms are available from each Dean's Office and in Departmental Offices. The waiver must be in writing and must be signed by the student. If a student waives her or his right to access, the recommendations must be used solely for the purposes for which they were intended, and, if the student so requests, the University will give her or him the names of the individuals who made the recommendations. Recommendations mailed to third parties should include a copy of the signed waiver, so that the third party is aware that the student has waived access to the recommendation, and, hence, cannot obtain access to it from the third party's records in the future. The University does not have the right to make the student's waiver a condition to the student's receipt of any service or benefit from the University. Waivers may

be revoked by the student, but the revocation will not enable the student to gain access to confidential recommendations made while the waiver was in effect.

If a student believes that any of the education records relating to her or him contain information that is inaccurate, misleading, or in violation of her or his rights of privacy, she or he may ask the University to correct or delete such information. The student may also ask that additional explanatory material be inserted in the record. Requests for amendment of a record or the addition of explanatory material should be submitted at the conclusion of the record review on form PL 93-3803, available from the appropriate record review officer. The reasons for the request should be set forth on the form and should clearly identify the part of the record the student wants changed and specify why it is inaccurate or misleading. There is no obligation on the part of the University to grant such a request. If the University declines to amend the records as requested by the student, it will so inform the student, and the student may request that explanatory material be inserted into the record or may request a hearing (see Section VII). The right to challenge the contents of an educational record may not be used to question substantive educational judgments that have been correctly recorded or to contest the assignment of a grade. Grades given in the course of study include written evaluations that reflect institutional judgment of the quality of a student's academic performance.

If the University declines to amend a student's record as he or she requests, the student has the right to a hearing. The hearing will be held within a reasonable time after the University receives the student's request for it. The hearing may be conducted by any person, including an official of the University, who does not have a direct interest in its outcome. At the hearing, the student may be assisted or represented by one or more individuals, including legal counsel, of the student's choice at the student's expense. Within a reasonable time following the hearing, the hearing officer will make her or his recommendation(s) in writing to the President (or his designee). This recommendation, and the written decision of the President or his designee on behalf of the University, will be based solely on the evidence presented at the hearing and will include a summary of that evidence and the reasons for the conclusions reached. If the decision of the President or his designee is to amend the record, the record will be amended and the student will be given written notice of the amendment. If the decision of the President or his designee is not to amend the record, the student will be informed that he or she has the right to place a written statement in his or her record, which will be kept in the file as long as the file itself is kept. The statement may comment on the contested portion of the file or say why the student disagrees with the decision of the President or his designee, or do both. If the contested portion of the file is disclosed to anybody, the student's statement will also be disclosed.

Prior to disclosing personally identifiable information from a student's education records, the University will obtain the student's signed and dated written consent to such disclosure, unless consent is not required by law. The student's written consent must "specify the records that may be disclosed; state the purpose of the disclosure; and identify the party or class of parties to whom the disclosure may be made." In the case of certain offices, such as the career services or preprofessional committees, students can sign a blanket consent for disclosure of specified records to "appropriate third parties." Signed and dated written consent "may include a record and signature in electronic form that identifies and authenticates" the student as the source of the consent and indicates the student's "approval of the information contained in the electronic consent." Such consent is not needed for disclosure of directory information (see Section IX below) or for disclosure:

to the student;

to school officials with legitimate educational interests; school officials having a legitimate educational interest include any University employee acting within the scope of her or his University employment, and any duly appointed agent or representative of the University acting within the scope of his or her appointment.

to accrediting, testing, and similar organizations;

to parents of dependent students (see Section XI below);

to certain federal, state, and local officials and authorities, in each case as specified in Subpart D of the FERPA Regulations, 34 C.F.R. Part 99;

in connection with financial aid for which the student has applied or received, under the conditions set forth in the FERPA Regulations.

to comply with a subpoena or judicial order, provided that the University attempts to notify the student of the order or subpoena before complying with it (unless, in the case of a Federal grand jury subpoena or other subpoena issued for a law enforcement purpose, the subpoena orders that such notification not be made), or to provide information to the Attorney General of the United States or to his designee, without notification to the student, in response to a court order issued in connection with the investigation or prosecution of terrorism crimes as specified in Title 18, U.S. Code, sections 2331 and 2332 (g) (5) (B). Permission is not needed for disclosure to a court when the University has initiated legal action against a parent or student or when necessary for the University to defend itself when a parent or student has initiated action against it.

in an emergency where there is an articulable and significant threat to the health or safety of a student or other individual, to appropriate parties whose knowledge of the information is necessary to protect the health or safety of the student or other

individuals. In such cases, the University will maintain a record of the articulable and significant threat which formed the basis for disclosure and the parties to whom the information was disclosed.

when forwarding education records to the officials of another institution (a) in which a student seeks or intends to enroll if that institution requests such records, or (b) if the student is enrolled in, or receiving services from, that institution while she or he is attending NYU, provided that the disclosure is for purposes related to the student's enrollment or transfer. The student's consent is not required for such disclosure, nor is any other notice of the transfer required, although a copy of each record so disclosed will be provided to the student if the student asks for it.

of the final results of any University disciplinary proceeding relating to a crime of violence or non-forcible sex offense allegedly perpetrated by a University student to an alleged victim of that crime or offense, regardless of whether or not it is concluded that a violation was committed. The consent of the alleged student perpetrator is not a condition to this disclosure.

of the final results of any University disciplinary proceeding reached on or after October 7, 1998 if it is determined that a student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the University's rules or policies with respect to the allegation. The names of other students, including the victim or witnesses, may not be disclosed without their prior written consent.

to the parent of a student regarding the student's violation of any Federal, State, or local law, or any rule or policy of the University, regarding the use or possession of alcohol or a controlled substance, provided that the University has determined that the student has committed a disciplinary violation with respect to that use or possession and the student is under the age of 21 at the time of the disclosure.

#### State sex offender registration and community notification programs

In the case of certain offices, such as the career services or preprofessional committees, students can sign a blanket consent for disclosure of records to "appropriate third parties."

The University will maintain a record of each request for and disclosure of personally identifiable information from the education records of a student to persons outside the University for as long as such records are maintained. The record will indicate the parties who have requested or obtained the personally identifiable information and the legitimate interest these parties had in requesting or obtaining the information. The student has the right to inspect and review this record of requests. The requirement to keep records of requests does not apply to: disclosures to the student; disclosures made pursuant to the written consent of the student; disclosures to University employees determined by the University to have legitimate educational interests; disclosures of directory information; or disclosures made in compliance with a Federal grand jury or other law enforcement subpoena which orders that the existence or the contents of the subpoena or the information furnished not be disclosed to the student.

In instances where disclosure of personally identifiable information from an education record to a third party is permitted (see above), the third party is subject to the requirements of the FERPA Regulations with respect to possible redisclosure of that information and the University must so inform the third party.

When a student gives his or her written consent to the disclosure of personally identifiable information from his or her records to persons outside the University, the student may request that the University provide him or her with a copy of any records thus disclosed, and the University will do so.

The purpose of the consent form is to permit the student to have some control over the disclosure of personally identifiable information in her or his education records. The fact that a student signs a consent form, whether specific or "blanket," does not, however, bind the University to make the student's records available to the third party or parties who have obtained the student's consent to their review of his or her files. The student's records are still the property of the University and, even if a consent has been signed, the University will exercise its discretion in each case by disclosing to the third party only such information, records, and files, if any, as the University deems appropriate in light of the reason that the third party is seeking access to the student's records. Because of this, all consents obtained directly from students by third parties must include a specification of the records to be disclosed, the purposes of the disclosure, and the person or groups of persons to whom disclosure may be made. The original signed consent must be provided to the University by the third party at the time the request for access is made. The University will retain the original consent. Records to which students are denied access because they are not "education records" usually will not be made available to an outside party. In addition, the third party generally will not be permitted to make copies of records to which he or she is granted access, even if the consent signed by the student explicitly gives permission for such copies to be made. If the student wishes the third party to have copies of documents in her or his file, or if there are other documents to which the third party has not been granted access by the University but which the student wishes the third party to have, the student may copy those records (see Section IV above) and provide such copies to the third party directly.

The University has designated the following student information as "directory information." Directory information may be disclosed for any purpose, at the discretion of the University, except as provided below.

Name, dates of attendance, NYU school or college, class, previous institution(s) attended, major field of study, full or part-time status, degree(s) conferred (including dates), honors and awards (including dean's list), past and present participation in officially

recognized activities (including positions held and official statistics related to such participation and performance), e-mail address and NetID. [Important. See notes (1) and (2) below.]

(1) E-mail address and NetID 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.

(2) Under federal law, address information, telephone listings, and age are also considered directory information for military recruitment purposes. Address refers to "physical mailing address" but not e-mail address.

Currently enrolled students may refuse to permit disclosure of this information. To do so, a student enrolled in any school other than the College of Dentistry, School of Medicine, School of Law, or Stern School of Business - Graduate Division should complete a form requesting nondisclosure at the Office of the University Registrar, 25 West 4th Street, and submit it to that office. A hold will be placed on the release of directory information filed with the University Registrar, which will remain in effect until the student files a written request to remove it. Students in the College of Dentistry, School of Law, School of Medicine, or Stern School of Business - Graduate Division should complete the nondisclosure form available in the Recording Office of the school in which he or she is enrolled. Students in these schools will be informed if they must file a new nondisclosure form each academic year. A request not to disclose directory information applies to the entire category of such information and cannot be selective with regard to specific items defined as directory information. Similarly, a request not to disclose directory information applies to all individuals and organizations, subject to the exceptions stated in Section VIII above, and cannot be selective with regard to specific individuals or organizations.

A student may not use the withholding of directory information to prevent the University from disclosing or requiring the student to disclose his or her name, identifier, or institutional e-mail address in a class in which the student is enrolled.

Students should consider very carefully the effect of a decision to withhold directory information. If that decision is made, any requests during that academic year for such information from non-University persons or organizations will be refused (subject to the exceptions stated in Section VIII above or unless the student has subsequently removed the hold by notifying the Registrar or appropriate Recording Office in writing). If a student does not specifically request the withholding of directory information by filing the appropriate University form, as indicated above, the University assumes that he or she approves of the disclosure of such information. The University disclaims any and all liability for inadvertent disclosure of directory information designated to be withheld.

Authorized representatives of government agencies may occasionally ask to see a student's education records. Such requests are usually made when a student or former student has applied for a government job. The government agent should be referred to the appropriate record review officer, as indicated in Section IV above. Generally, the University will handle such requests in the same manner as other requests for access to student records by third parties (see Section VIII), provided that the government agent shows official identification and provides a signed release from the student, a copy of which will be retained by the University.

If a government agent has a subpoena, she or he should be referred to the Office of Legal Counsel. Under the FERPA regulations, the University is required to make a reasonable attempt to notify the student prior to complying with the subpoena unless, in the case of a subpoena issued for law enforcement purposes, the subpoena orders that such notification not be made. (See Section VIII above.)

Occasionally, a parent will request information from a student's education records or a copy of the student's transcript. Under FERPA, institutions are not required to disclose such information to the student's parent, but may do so if: (a) there is written consent to the disclosure from the student, or (b) the parent requests the information in writing and provides evidence that the student is his or her dependent under the Internal Revenue Code of 1986 (See Section VIII above.), or (c) the student has violated a Federal, State, or local law or any rule or policy of the University regarding the use or possession of alcohol or a controlled substance, provided that the University has determined that the student has committed a disciplinary violation with respect to that use or possession and the student is under the age of 21 at the time of the disclosure.

If the procedure indicated under (b) is followed, the University's practice is to ask the parent to establish dependency by providing a copy of her or his latest federal income tax return. Confidential information on the return may be expunged, provided that the information that remains is sufficient for the University to ascertain that the parent has claimed the student as a dependent. Further, it is also the practice of the University (except in a health or safety emergency) to inform the student of such a request and of the information requested before deciding whether to provide the requested information to the parent. "Parent" is defined by FERPA as "a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian."

The University will inform students of these Guidelines and of their rights under FERPA and the Department of Education's FERPA regulations by placing a notice about them on the website of the Registrar. For Annual Notice, go to <http://www.nyu.edu/registrar/university-policies/ferpa.html>.

## **Students with Disabilities**

The School works with the Henry and Lucy Moses Center to ensure that all students with disabilities are able to participate fully and benefit from classes. Students with disabilities can confer and work with the Center, who then in turn work with instructors, to ensure that such participation is promoted and to make any necessary arrangements in this regard. The Center's services and policies can be found at:

<http://www.nyu.edu/students/communities-and-groups/students-with-disabilities.html>

**Memorandum**

**Date:** August 25, 2014

**To:** Deans and Faculty

**From:** David W. McLaughlin, Provost

**Re:** Students' Religious Observance and Class Attendance

As a nonsectarian, inclusive institution, NYU policy permits members of any religious group to absent themselves from classes without penalty when required for compliance with their religious obligations. The policy and principles to be followed by students and faculty may be found here: [The University Calendar Policy on Religious Holidays](#).

This autumn is a time of important religious observance for many of our students who celebrate the Jewish High Holy Days and Sukkot holiday in September and October, and the Muslim holiday of Eid al Adha in October. Some students may miss a significant amount of class early in the semester, as they choose to observe some or all the holidays.

Notwithstanding the University's supportive approach to these matters, some students may feel uncomfortable alerting their professors to upcoming absences related to religious observance. As we start the new semester, I thank you for your continued cooperation in creating an atmosphere of understanding and accommodation in response to our students' commitment to religious observance.