

## Waiving or Not Waiving Access to Letters: FERPA

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The Family Educational Rights and Privacy Act (FERPA) of 1974 requires that students be advised of their rights concerning educational records, such as letters of recommendation.

FERPA gives important rights, including:

1. the right of students to inspect their student records,
2. the right to challenge incorrect information in those records, and
3. the right to keep student records private.

Because FERPA gives students these rights, neither Cornell University nor other institutions or organizations can require you to waive these rights. University policy on access and release of student records is stated at the CU policy website.

When you establish a file for letters of recommendation (whether through a letter service or the Health Careers Evaluation Committee) you should consider your FERPA right to access the letter(s). After you decide to waive or not to waive, inform the letter writer (including the HCEC or letter service) in writing, that you want to waive or not waive access to the letter(s). If you do not provide this information, by default you have not waived this right. It is not possible to know how each person receiving the letters may react to the fact that a student exercised or not exercise FERPA rights. You can discuss this choice with those writing your letters of recommendation, and the following factors may be useful in making your decision.

### Factors to consider in deciding not to waive access

- You need to be prepared to explain your reasons for your choice during interview(s).
- An employer or a member of an admissions committee at a graduate or professional school receiving the letter might tentatively draw one or more of the following conclusions:
  - The evaluation may be less candid, as the writer knew that the candidate may see it. As a result, these letters may carry less weight in the decision-making process.
  - The candidate did not waive access in order to determine that recipients received full information.
  - The candidate wanted to discuss the letter with the recommender/evaluator before it was put in final draft.
  - The candidate feels a moral obligation to exercise his/her civil rights.
- You will have an idea of the information schools/employers have and, therefore, can prepare for interviews accordingly.
- By reading a letter, you have a chance of learning from any feedback it provides.
- It may relieve stress and anxiety to know exactly what has been said.
- Factual mistakes in the letter may be corrected.
- A potential recommender can choose not to write a letter for you unless you waive FERPA.
- If you conclude that the letter is unfavorable, you can choose not to use the letter. **The HCEC is an exception. You may not withdraw a letter submitted to HCEC or substitute a new letter.** (See HCEC section below.)

### Factors to consider in deciding to waive access

- If your recommender knows you well and has said he/she can write a letter in support of your candidacy, the chances are slight that inaccuracies or unfair statements will be presented in the letter.
- An employer or a member of an admissions committee might tentatively draw one or more of the following conclusions:
  - The evaluation may be more candid if the writer knew that the candidate would not see it. As a result, more weight may be assigned to such letters.
  - The candidate has nothing to conceal.
  - The candidate did not feel it was necessary to view the letter before it was sent.
  - The candidate does not wish to exercise his/her civil rights in this way.

### Factors for HCEC registrants to consider

- You may waive or not waive the right of access to your Cornell Health Careers Evaluation Committee letter of evaluation and/or the letter(s) of recommendation in your file in any combination you choose: all, none, some.
- If you view a letter and disagree with the subjective opinion expressed or believe the information is inaccurate, you may place a rebuttal in the HCEC file; it will be sent with the letters to the professional schools.
- The HCEC process includes substantial review and oversight. It is not likely that an inaccuracy will be stated in the letter.