



UNIVERSITY POLICY

SUBJECT: STUDENT AFFAIRS **TITLE:** FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

CODING: 00-01-25-05:00 **ADOPTED:** 07/01/87 **AMENDED:** 11/12/08

LAST REVIEWED: 11/12/08

I. PURPOSE

To set policy concerning the control and disclosure of education records, including admissions, academic, financial aid, health and other applicable student administrative records, in compliance with the Family Educational Rights and Privacy Act (FERPA) of 1974 and its subsequent amendments.

II. ACCOUNTABILITY

Under the direction of the Executive Vice President for Academic and Clinical Affairs, the Deans and University Registrar shall ensure compliance with this policy. Each School registrar, all student affairs personnel and other individuals with access to education records shall implement this policy.

III. DEFINITIONS

a. A **UMDNJ student** is an individual who has officially enrolled in coursework at UMDNJ following formal admission into one or more of the Schools or programs of the University or has been granted permission to enroll on a non-matriculated basis. Applicants are not considered students until formally enrolled. **Enrollment** is defined by registration in the student information system and begins the date of registration. Student status continues during leaves-of-absence, suspensions, and other temporary gaps in enrollment. FERPA applies to the records of individuals from the point of first registration until death of the individual.

b. **Directory information** is that information identified by UMDNJ which may be released without prior consent of the student.

c. **Education records** are records which:

1. contain information which is directly related to a student; and
2. are maintained by an educational agency or institution or by a party acting for the agency or institution.

D. A **School official** is:

1. a person employed by the University or acting in an administrative, supervisory, academic, research or support staff position (including law enforcement personnel and health care staff);
2. a person or company with whom the University has contracted (such as an attorney, auditor or collection agent);
3. an administrator or faculty member from an institution with which UMDNJ has an academic or clinical affiliation who has a legitimate educational interest;

4. a person serving on the Board of Trustees; or
 5. a student serving on an official School committee, such as a disciplinary or grievance committee, or assisting another School official in performing his or her tasks.
- E. A School official has a **legitimate educational interest** if he/she is:
1. performing a task in order to fulfill his or her professional responsibility;
 2. performing a task related to a student's education; or
 3. performing a task related to a disciplinary action involving a student.

School officials may not access student records without satisfying at least one of the above reasons for legitimate educational interest in specific records. This applies to paper and electronic records.

IV. POLICY

- A. In accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) and its subsequent amendments, UMDNJ students have the right to review, inspect and challenge the accuracy of certain information kept in their education records unless the student waives this right.
- B. UMDNJ is required by FERPA regulations to provide students with annual notification of their FERPA rights (EXHIBIT A). UMDNJ's Schools may promulgate, electronically or in a hard copy format, an annual notification in such publications as School bulletins or student handbooks, or in separate statements in registration or orientation packets, or on a web site.

C. Access to Education Records

1. Procedure to Inspect Education Records

- a. Students may inspect and review their education records upon request to the School. Students shall submit to the School a written request that identifies as precisely as possible the record or records he or she wishes to inspect.
- b. The School will make the needed arrangements for timely access and notify the student of the time and place where the records may be inspected. Access must be given within 45 days from the receipt of the request.
- c. When a record contains information about more than one student, the student may inspect and review only the records that relate to him/her. Review of records may take place only under the supervision of the School registrar.

2. Right of University to Refuse Access

UMDNJ reserves the right to refuse to permit a student to inspect the following records:

- a. the financial statement of the student's parents;
- b. letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in a student file before January 1, 1975;
- c. records which are part of an application to one School of UMDNJ if that application was unsuccessful and the student subsequently applies and is admitted to another School of UMDNJ. Students initially denied admission but whose subsequent applications are successful may not access the records of the prior unsuccessful application; and
- d. those records that are excluded from the FERPA definition of education records.

3. Right to Obtain Copies of Education Records

- a. With the exception in Section IV.C.3.b below, a student may obtain copies of his/her education records from the School registrar upon submission of a written request and payment of a standard fee to cover duplication, reasonable labor costs and postage, if applicable.
- b. UMDNJ reserves the right to deny copies of transcripts or education records in the following situations:
 - i. the student has an unpaid financial obligation to the University/School;
or
 - ii. there is an unresolved disciplinary action against the student.

D. Location of Education Records

EXHIBIT B contains a list of the major types of education records that the University maintains, their locations, and their custodians. Education records for students enrolled in joint programs with partner institutions outside UMDNJ may have some or most of the education records maintained at the affiliate institution.

E. Directory Information

The University reserves the right to disclose directory information without prior written consent, unless notified in writing to the contrary by a student by the deadline date established by the School in which the student is enrolled. UMDNJ has designated the following items as Directory Information: student name, University-issued identification number (A#), addresses (including electronic), telephone number, date and place of birth, field(s) of study or program(s), participation in officially recognized activities, photographs, enrollment status, dates of attendance, degrees, awards and honors received, previous schools attended, and graduate medical/dental placements.

F. Disclosure of Education Records

UMDNJ may disclose information from a student's education records only with the written consent of the student, except:

1. to those School officials (see definition) who have a legitimate educational interest (see definition) in the records;
2. upon request, to officials of non-UMDNJ schools in which a student is enrolled or seeks or intends to enroll, or with which UMDNJ has an academic or clinical affiliation. Such officials must have a legitimate educational interest;
3. to the Comptroller of the United States, the Secretary of the U.S. Department of Education, state and local educational authorities or to the Attorney General of the United States, when the Attorney General of the United States seeks disclosures in connection with the investigation or enforcement of federal legal requirements applicable to federally supported education programs;
4. in connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or condition of the financial aid or scholarship, or to enforce the terms and conditions of the aid or scholarship;
5. if required by a state law requiring disclosure that was adopted before November 19, 1974;
6. to organizations conducting certain studies for or on behalf of the University;

7. to accrediting organizations to carry out their functions;
8. at the discretion of School officials, to parents of an eligible student who claim the student as a dependent for income tax purposes;
9. to comply with a judicial order or a lawfully issued subpoena, provided that UMDNJ makes a reasonable effort to notify the student of the order or subpoena in advance of compliance, when the order or subpoena does not prohibit such notification;
10. to appropriate parties in a health or safety emergency;
11. to an alleged victim of any crime of violence or non-forcible sex offense, the results (if the results were reached on or after October 7, 1998) of any University disciplinary proceeding against the alleged perpetrator with respect to that offense. Disclosure under this section shall include only final results of disciplinary proceedings within the University, limited to the student's name, the violation committed and the sanction imposed. Disclosure of final results pursuant to this section may be made regardless of whether the University determined that a violation has occurred. The University may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student;
12. to parents of students aged 18-21 who have been determined by the University to have violated any University policy governing the use or possession of alcohol or a controlled substance, or who have violated federal, state or local law governing such use or possession;
13. to a court, with or without a court order or subpoena, education records that are relevant for the University to defend itself in legal action brought by a parent or student, or education records that are relevant for the University to proceed with a legal action the University initiated against a parent or student;
14. to a court when relevant for UMDNJ to proceed with legal action which involves UMDNJ and the student as parties.

G. Record of Requests for Disclosure of Education Records

UMDNJ will maintain a record of all requests for and/or disclosures of information from a student's education records made by individuals not associated with the University. The record of requests for education records will indicate the name of the party making the request and the legitimate interest the party had in requesting or obtaining the information. Such listing of those given access to a student's record may be reviewed by the eligible student.

H. Corrections/Challenges to Content of Education Records

1. A student has a right to a hearing to challenge education records which the student believes are inaccurate, incomplete, misleading or otherwise in violation of the privacy or other rights of the student, but a student does not have a right to a hearing on matters of academic judgment.
2. Following are the procedures for the correction of education records:
 - a. The student identifies the part of the education record he/she wants changed and specifies his/her reasons.
 - b. If a satisfactory solution of an issue cannot be reached informally, the University must hold a hearing within 60 days after receiving a student's written request for such a hearing. The hearing shall be before a University official, designated by the Executive Vice President for Academic and Clinical Affairs, who does not have a direct interest in the outcome of the hearing.

- c. The University official will prepare a written decision based solely on the evidence presented at the hearing within 21 days of such hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
 - d. If UMDNJ decides that the challenged information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the student, in writing that the record has been amended.
 - e. If UMDNJ decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the student that he/she has a right to place in his/her education record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision; the student's statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the University discloses the contested portion of the record, it must also disclose the student's statement.
- I. Questions about FERPA and this University policy concerning the release of student information should be directed to the Office of the University Registrar.

V. EXHIBITS

- A. Annual Notification of Rights Under FERPA
- B. Types, Locations and Custodians of Major Types of Education Records

By Direction of the President

Vice President for Academic Affairs

EXHIBIT A

Annual Notification of Rights Under FERPA

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

1. The right to inspect and review their education records within 45 days of the day an appropriate University official receives a written request for access.

Students shall submit to the Registrar, Financial Aid Director, Associate Dean or other appropriate University or School official written requests that identify the record(s) they wish to inspect.

2. The right to request the amendment of education records that the student believes are inaccurate or misleading.

Students may ask the University to amend a record that they believe is inaccurate or misleading by writing to the University official responsible for the record, clearly identifying the part of the record they want changed, and specifying why it is inaccurate or misleading.

If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to School officials with legitimate educational interests. A School official is a person employed by the University or acting in an administrative, supervisory, academic, research, or support staff position (including law enforcement personnel and health care staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); an administrator or faculty member from an institution with which UMDNJ has an academic or clinical affiliation who has a legitimate educational interest; a person serving on the Board of Trustees; or a student serving on an official School committee, such as a disciplinary or grievance committee, or assisting another School official in performing his or her tasks.

A School official has a legitimate educational interest if he/she is:

- a. performing a task in order to fulfill his or her professional responsibility;
- b. performing a task related to a student's education; or
- c. performing a task related to a disciplinary action involving a student.

Upon request, the University discloses education records without consent to officials of another school in which a student is, seeks, or intends to enroll.

UMDNJ reserves the right to release directory information without prior written consent of a student unless notified in writing to the contrary. UMDNJ has designated the following items as Directory Information: student name, University-issued identification number (A#), addresses (including electronic), telephone numbers, date and place of birth, field(s) of study or program(s), participation in officially recognized activities, photographs, enrollment status, dates of attendance, degrees, awards and honors received, previous schools attended, and graduate medical/dental placements.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

EXHIBIT B

TYPES, LOCATIONS AND CUSTODIANS OF MAJOR TYPES OF EDUCATION RECORDS

Types of Records	Location	Custodians
Admissions	School Registrar's Office, (NJMS/NJDS/RWJMS/SOM) Enrollment & Student Services Office (SHRP/SN), Graduate Office (GSBS) Campus Admissions (SPH)	School Registrar, Admissions Officer or Enrollment Services Officer
Academic (Transcripts/Verifications)	School Registrar's Office (all Schools)	School Registrar, Student/Academic Affairs or Enrollment Service Officials
Financial (Student)	Business Office	Associate Controller
Financial Aid	Financial Aid Office (each campus)	Campus and University Financial Aid Directors
Disciplinary	Offices of Dean, Associate Dean, or Registrar (each School)	Registrar or Student Affairs Deans
Deans Letters/Curriculum/Fieldwork	Associate Dean for Academic Affairs (each School) Departmental offices (each School)	Associate Deans, Faculty
Graduate Medical/Dental Placement	Offices of the Registrar, Graduate Medical/Dental Education or Alumni (as appropriate to each School)	Appropriate School Official