

Kean University

Kean Digital Learning Commons

Evidence Inventory

2020

Family Educational Rights and Privacy Act (FERPA)

Office of Registrar

Follow this and additional works at: https://digitalcommons.kean.edu/evidence_inventory

Recommended Citation

Registrar, Office of, "Family Educational Rights and Privacy Act (FERPA)" (2020). *Evidence Inventory*. 83. https://digitalcommons.kean.edu/evidence_inventory/83

This University Document is brought to you for free and open access by Kean Digital Learning Commons. It has been accepted for inclusion in Evidence Inventory by an authorized administrator of Kean Digital Learning Commons. For more information, please contact learningcommons@kean.edu.

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) grants students certain rights, privileges, and protections relative to individually identifiable student education records maintained by Kean University.

Definition of a Student

A student is defined as a person taking classes at any campus or site of Kean University. A person becomes a student when s/he arrives to her/his first class of the semester in which the person first enrolls. If the person is fully matriculated or is at least 18 years of age by the first day of the student's first semester, then the privacy rights belong to the student; otherwise, the privacy rights belong to the parent or legal guardian until the student turns 18 or matriculates, whichever comes first.

Annual Notification

Students are notified of their FERPA rights at least once each year by email, by publication in the [University Catalog](#) and on the University's website. This notification permits the release of directory information (see below) without prior written consent of the student. Such notification provides only that directory information may be released; Kean University is not obligated by this law to release directory information to any party other than the student.

Definition of Education Records

Education records are those which contain information directly related to the student. Records originating at another institution are also subject to this provision. Education records include, but are not limited to, records from admission, academic progress (from academic departments as well as those maintained centrally such as in the office of the registrar), health, financial aid and student accounting, teacher education, career placement, course records, disciplinary proceedings, and similar records.

Exclusions from Education Records

The following are excluded from the definition of education records:

- Records or notes of instructional and administrative personnel which are in the sole possession of the individual.
- Faculty notes or progress records in a class unless that information already exists in the form of an education record.
- Grades of peer-graded papers before recorded by faculty member.
- Information maintained by a physician, psychiatrist, psychologist, or paraprofessional used in connection with the provision of treatment.
- Safety, security, and law enforcement records created or maintained by the Kean University Department of Public Safety (University Police).
- Alumni records that are not related to the individual's attendance as a student.
- Materials or records in any admissions files, until the student has been admitted to and has attended the Kean school or college for which the materials were submitted.
- Financial information submitted by parents.
- Confidential letters or recommendations placed in the file prior to January 1, 1975.
- Confidential letters or recommendations to which the student has waived rights of inspection.
- Employment records of any individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment.

Right to Inspect Education Records

Students have the right to inspect and review their education records within 45 days of the day the University receives a request for access.

When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her.

Students wishing to review their record should submit to the University Registrar a written request that identifies the record(s) they wish to inspect. The University Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University Registrar, he or she shall advise the student of the correct official to whom the request should be addressed.

Copies

The University provides on-campus access to student records. Other than transcripts, the University will not ordinarily provide copies unless inability to

obtain copies would effectively prevent the student from exercising his or her right to inspect and review the education record. In cases where copies are provided, the department or office maintaining the record may impose a copying fee of \$0.50 per page for making such copies.

The University reserves the right to deny copies of records, including transcripts, in the following situations:

- The student has an unpaid financial obligation to the University.
- There is an unresolved disciplinary action against the student.
- The education record requested is an exam or set of standardized test questions. (An exam or standardized test which is not directly related to a student is not an education record subject to FERPA's access provisions.)

Right to Seek Amendment

Students have the right to request the amendment of their education records to ensure they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. The substantive judgment of a faculty member about a student's work, expressed in grades or other evaluations, is not within the scope of this right to challenge information.

Students who believe their record is inaccurate or misleading may request that the University amend the record by writing to the University official responsible for the record. The request should clearly identify the part of the record to be changed and specify 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.

The hearing must be held within three weeks of the request and the student notified of the time, date, and place in advance of the hearing.

The hearing will be conducted by a hearing officer who is a disinterested party. He or she may, however, be an official of the University. The student will be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend his or her records. The student may be represented by an individual of his or her choosing, including an attorney (at the student's expense).

Within two weeks of the conclusion of the hearing, the hearing officer will prepare a written decision based solely on evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.

If it is decided that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the University will notify the student that he or she has a right to place in the record a statement commenting on the challenged information and setting forth reasons for disagreeing with the decision. This statement will be maintained as part of the student's education record as long as the contested portion is maintained. If the University discloses the contested portion of the record, it must also disclose the statement.

Disclosure of Personally Identifiable Information

Students have the right to consent to disclosure of personally identifiable information contained in their education records, except that information which FERPA authorizes disclosure without consent (a representative list of exceptions appears below).

The University may disclose education records without written consent of students:

- To school officials with legitimate educational interest, defined as those employees with general or specific responsibility for promoting the educational objectives of the University. This includes individuals within the institution involved in teaching, research, and related activities such as academic advising, counseling, academic support, supervision of co-curricular activities, official University committees or clubs, financial assistance, medical services, and job placement.

A school official is a person employed by Kean University in administrative, supervisory, academic, research, or support staff positions. This includes members of the Board of Trustees, and persons employed by or under contract with the University to perform special tasks, such as an attorney or auditor, and an agency or institution that provides institutional services or functions. It may also include other students serving on official committees, such as disciplinary or grievance committees, or assisting another school official in performing his or her tasks.

University officials have legitimate educational interest if they are performing:

- a task that is specified in their job description;
- a task related to a student's education, including registration and grading, and the charging of tuition and fees and billing-related functions;
- a task related to the discipline of a student; or
- a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid, or other assistance.

Clerical personnel employed to assist university officials in their job performance also may be granted access to student records. Access by all personnel is restricted to that part of the student record necessary for the discharge of assigned duties. The University may grant access as follows:

- To officials at schools, colleges, or universities participating in cross-enrollment programs for the purposes stated in the bullet above. Kean University currently exchanges academic information with students cross-enrolled at Rutgers University; if other institutions are added, this arrangement will be automatically extended to include them.
- To secondary institutions whose students are enrolling in Kean classes (whether such classes be on the high school campus, the University's campus, or elsewhere).
- To officials of other colleges or universities in which the student has applied to or seeks to enroll. When Kean University deems it appropriate, Kean may also send corrected or additional records if education records have previously been sent to another institution.
- To accrediting organizations approved by the University carrying out their accrediting functions.
- To certain officials of the U.S. Department of Education, the Comptroller General, and federal, state, and local educational authorities in connection with certain state or federally supported education programs.
- To any agency in connection with a student's request for or receipt of financial aid, as necessary to determine eligibility, amount or conditions of the aid, or to enforce the terms and conditions of the aid and to organizations conducting studies approved by the University having educational value or concerning financial aid.
- If required by a state law requiring disclosure that was adopted before November 19, 1974.
- To parents of an eligible student who claim the student as a dependent for income tax purposes.

- To educational agencies conducting research or for the development of predictive tests. Information may also be released to organizations conducting certain studies on behalf of the University. In these cases, the information may not be used in any way that permits identification of an individual student.
- To persons in compliance with a judicial order or a lawfully issued subpoena, with a notice of the disclosure being sent to the last known address of the student.
- To persons in an emergency if, in the judgment of an official in charge of the records, knowledge of the information is necessary to protect the health or safety of the student or another person.
- To the victim of a crime of violence or a non-forcible sex offense, but only the final outcomes of the disciplinary proceeding conducted by Kean University.
- To a parent regarding the student's violation of policies governing the use or possession of alcohol or controlled substances. (See *Parental Notification* in the [Student Code of Conduct](#) and also [Drug and Alcohol Policy](#).)
- To any person, agency, or public as required by local, state, or federal laws. Examples of such laws include the *Violent Crime Control and Law Enforcement Act*, SEVIS/INS compliance (Department of Homeland Security), Megan's Law, the Solomon Amendment, and NCES/IPEDS Student Right-to-Know.
- To persons requesting directory information as designated by Kean University and discussed below.

Students' names and Kean email addresses will be available to faculty, staff, and other students on the University's computer network, including the email server and the learning management system.

Kean will maintain a record of all requests for and/or disclosure of information to outside agencies from a student's education record. The record will indicate the name of the party making the request, any additional party to whom it may be disclosed, and the legitimate interest the party has in requesting or obtaining the information. This record may be reviewed by the student.

Directory Information

Student directory information may be released without the student's prior consent. Kean defines the following as directory information:

- student's name.

- student's identification number (but not password).
- photographs, videos, or electronic images.
- programs of study, including colleges of enrollment, majors, minors, collaterals, concentrations, etc., associated with each.
- level (undergraduate/graduate) and class year (freshman, sophomore, junior, senior, graduate, etc.).
- student's enrollment load (full-time/part-time/withdrawn) and dates of attendance.
- matriculation status and date.
- honors and awards, including dean's list and graduation honors.
- titles of theses and dissertations.
- degrees received (including date of award).
- previous institutions attended.
- participation in clubs, sports, or student activities, including position(s) held.
- height and weight of members of athletic teams.

Contact information, such as local, permanent and/or electronic Kean e-mail addresses, will be shared only with: (i) honor societies or other academic-related memberships or awards, (ii) designated vendors providing the following external services to graduating students: information about purchasing class rings, yearbooks, commencement photos, cap and gown regalia, and processional cards, and (iii) such others as deemed necessary by the University in connection with its operations, including but not limited to liability, insurance and/or legal matters. The names of students on a dean's list may be published in the student's local newspaper.

It is the practice of the University to not release a student's age or date of birth except as required by law or as a validation of positive identification of a student when furnished by a person making an inquiry.

To withhold directory information, students must make a formal request by submitting a signed, dated letter to the Office of the Registrar by the end of the second week of the semester. Students are advised that withholding information may carry certain consequences. For example, as long as a nondisclosure order is in effect, the student's name will not appear in commencement programs and the student's degree will not be verified to potential employers. Kean University assumes no liability for honoring the student's instructions to withhold information.

Right to File a Complaint

Students have the right to file with the U.S. Department of Education a complaint concerning alleged failure by the University to comply with FERPA to:

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-5920

Additional Resources

For additional information, contact the University Registrar.