

Confidentiality of Student Records (FERPA Policy)

Introduction

Kean University collects data and information about students in order to facilitate their educational development. The Family Educational Rights and Privacy Act (FERPA) of 1974 and the Higher Education Amendments of 1998 delineate the rights of students to be informed of the existence of this information, to have access to it, and the conditions under which information about students may be disclosed to others. A copy of the Family Educational Rights and Privacy Act is available in the Office of the Registrar. The material below specifies the University policy and procedures for complying with FERPA. All employees of the University who handle student records are bound by the Kean policy and procedures.

General Policy Statement

Information from student educational records may be shared within the University by those officials with a “legitimate educational interest” (as defined in this document) in such information. Information from records, files and data directly related to student shall not be disclosed by any means to individuals or agencies outside the University without the written consent of the student, except in response to directory information or to a subpoena or court order, or in those cases of specifically designated educational and governmental officials as required by FERPA and explained below.

Students

A student is defined as an individual currently or previously enrolled in any academic offering of the University.

Annual Notification

Students will be notified of their FERPA rights each semester through an insert in the registration bulletin that refers them to the policy in the undergraduate student handbook or the undergraduate and graduate catalogs. A copy of the will be available in the Office of the Registrar.

Student Records

Educational records are those, which contain information directly, related to the student. Records originating at another institution are also subject to this policy. Educational records include the following:

Record	Location
Admissions Records	Admissions Office, Graduate Office, Office of the Registrar, Center for Academic Success
Career Placement Records	Center for Academic Success
Cumulative Academic Records	Graduate Office, Office of the Registrar
Disciplinary Records	Vice President for Student Affairs, Residence Life
Health Records	Health Services
Financial Records	Financial Aid, Student Accounting
Progress Records	Dean, Department Chairpersons, Center for Academic Success

Excluded from the definition of student educational records are records or notes of instructional and administrative personnel, which are in the sole possession of the individual. Records exempt include the notes of a professor or staff member concerning a student and intended for that individual's own use; information maintained by a physician, psychiatrist, psychologist, or paraprofessional used in connection with the provision of treatment; and alumni records.

University Officials Responsible for Student Records

The Vice President for Academic Affairs, the Vice President for Administration and Finance, Vice President for University Relations, Assistant Vice President for Enrollment Services and the Vice President for Student Affairs are responsible for student records within respective areas.

Directory (Public) Information

Kean University designates the following items as Directory Information:

- Category I student name, permanent, local and e-mail address, phone number, dates of attendance, class, date of graduation.
- Category II degrees and awards conferred, major.
- Category III weight and height of members of athletic teams.
- Category IV photographic, video, or electronic images.

This information is regarded as public, and the University may disclose any of these items without prior written consent. The student is entitled to request that any or all categories of this information not be made publicly available. Such a request must be made in writing to the Registrar on an annual basis. Request must be filed within ten days after the start of the fall or spring semester and shall remain in effect until the next fall semester.

Student Rights to Inspect Education Records

A student has the right to inspect and review his or her educational records. To do so, the student must submit a request in writing to the director for the office in which the record is located. This official must respond within 45 days of the request by arranging an appointment for the student to view the records. 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. The student is also entitled to copies of his or her records generated at Kean University at a reasonable administrative cost.

Educational records will not be released to the student or to any third party if the student has financial obligation or if a serious academic and/or a disciplinary matter involving the student remains unresolved.

Letters of recommendation and other information obtained or prepared prior to January 1, 1975, which were written on the assumption of confidentiality, will not be made available to the student.

Disclosure to Others

Kean University will disclose information from a student's education records only with the written consent of the student, except if required by University officials with "legitimate educational interest", defined in part a. below, or in those cases delineated in part b. below;

- a. University officials with “legitimate educational interest” are those 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 University official is a person employed by the University in administrative, supervisory, academic, or research, or support staff positions. This includes members of the Board of Trustees and person employed by or under contract to the University to perform special tasks, such as the attorney or auditor.

University officials have “legitimate educational interest” if they are:

- Performing a task that is specified in their job description
- Performing a task related to a student’s education
- Performing a task related to the discipline of a student
- Performing a service or benefit relating to the student or student’s family, such as healthcare, counseling, job placement, or financial aid assistance.

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

- b. Information may also be disclosed without the written consent of the student if requested under the circumstances delineated below:
1. **By Federal and State Authorities.** Student record may be disclosed to certain officials of the U.S. Department of Education, the Comptroller General, and State and local educational authorities, in connection with certain State or federally support education programs.
 2. **By Other Educational Institutions.** Disclosure of appropriate academic records may be made to officials of other educational institutions to which the student has applied or intends to enroll.
 3. **In Response to a Judicial Order.** Information concerning a student shall be released if properly subpoenaed pursuant to a judicial, legislative, or administrative proceeding. In the case of a judicial order or a subpoena, the University will make a reasonable effort to notify the student of the order or subpoena in advance of compliance.
 4. **In Support of Financial Aid Requests.** Information from student records may be released in connection with a student’s request for financial aid as necessary to determine eligibility or to enforce the terms and conditions of the aid.
 5. **If Mandated by a State Law** requiring disclosure that was adopted prior to November 1994.

6. **By Educational Agencies Conducting Research.** Information, which will not permit the individual identification of students, may be released to educational agencies for 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.
7. **By Accrediting Agencies.** Information may be released to accrediting agencies to enable them to carry out their functions.
8. **In Case of Emergency.** On an emergency basis, information about a student may be released by the Registrar when that information is necessary to protect the health or safety of a student or other individuals.
9. **To Parents of Dependent Students.** Information concerning a student, who is dependent, within the meaning of section 152 of the Internal Revenue Code of 1954, may be released to that student's parents. For purposes of this policy, unless information is presented that the student is, in fact, a dependent; students will be assumed not to be dependent. Parents who wish to provide such information should be referred to the Office of the Assistant Vice President for Enrollment Services.
10. **Parental Notification of Drug and Alcohol Violations.** Section 952 of the 1998 amendments to the Family Educational Rights and Privacy Act authorizes the University to inform a parent or legal guardian of any student under the age of 21, who has been found in violation of any law or University policy governing the use or possession of alcohol or controlled substances.

For purposes of this policy the University will first notify the student of its intent to notify the student's family. The family will then be notified unless it is determined that such communication will put the student at risk. (See Drug and Alcohol Policy)

Record of Requests for Disclosure

Kean University will maintain a record of all requests for and/or disclosure of information to outside agencies from a student's educational 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.

Correction of Education Records

Students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of the privacy 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.

To challenge his or her record, a student must submit a request to amend the record to the University official in whose area of responsibility the material is kept. (See p. 2. above). The official may comply with the request and correct the material or the official may rule against changing the record. If the official decides not to comply, the student will be notified of the decision and advised of his or her right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of his or her rights.

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 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 in evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decisions.

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 records as long as the contested portion is maintained. If the University discloses the contested portion of the record, it must also disclose the statement.

Students have the right to file a complaint with the Department of Education concerning alleged failures of the University to comply with the requirements of FERPA.