

MONTCLAIR

STATE UNIVERSITY

Family Education Rights and Privacy Act (FERPA) for Faculty and Staff	
Responsible Office:	Office of the Registrar
Policy Summary:	This Policy outlines the obligations of Montclair State University with respect to FERPA.
Effective Date:	
Last Revision Date:	

I. Purpose

The purpose of this Policy is to make clear the rights of students and the obligations of Montclair State University under FERPA.

The Family Educational Rights and Privacy Act (FERPA) also known as the Buckley amendment, passed by Congress in 1974, grants four specific ***rights to students***:

- The right to inspect and review their educational records.
- The right to request the amendment of inaccurate or otherwise inappropriate records.
- The right to consent to disclosure of his or her public records.
- The right to file a complaint concerning alleged failure by Montclair State University to comply with the requirements of FERPA with the Family Compliance Office in the United States' Department of Education.

II. Applicability

FERPA applies to students attending any educational program at Montclair State University. Students are granted rights under FERPA if they are currently attending or have been in attendance, regardless whether in a credit, no-credit, degree or non-degree credit program. FERPA does not apply to applicants of a school or college at Montclair State University who have been admitted but who have not actually been in attendance.

III. Definitions (as applicable)

An education record is any information recorded in any form that is directly related to a student and maintained by a college or university and by agents acting directly for the college or university. Records are treated the same no matter what medium is used to store the information. Education records include:

- Personal information
- Employment records (where student status is not a prerequisite of employment)
- Grades
- Class schedules
- Printed class lists
- Graded test papers with personally identifiable information related to the individual student.

IV. Policy

Education Records

Individuals responsible for maintaining records are required to keep a record of all requests for release and disclosure of personally identifiable information from the educational record of the student. Exception to this regulation includes the request for and disclosure of directory information.

The record of requests will state the names of the parties who have requested or obtained personally identifiable information and the legitimate interest of the party in requesting or obtaining that information. This record of requests and disclosures will be maintained by the office that maintains the record and may be inspected by the student under the same procedures by which the record itself may be inspected.

Internal Administration of Requests

Collegiate/departmental staff may comply with informal requests to review and inspect education records provided the individual is authorized and has an 'academic need to know'.

The Administrator's Role

University employees or "Officials" are to act in accordance with FERPA regulations whenever representing the university. A school official is a person employed by the University in an administrative, supervisory, academic or research or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary committee or assisting another school official in performing his or her tasks. Employees may only access and

use education records as necessary to conduct official university business. A University official exercises "legitimate educational interest" (interests essential to the general process of higher education, including teaching, research, public service and directly supportive activities such as academic advising, general counseling, therapeutic counseling, discipline, vocational counseling and job placement, financial assistance and advisement, medical services, academic assistance activities and co-curricular activities including varsity and intramural sports, social fraternities, specific interest clubs and student government), if the official needs to review an education record in order to perform his or her professional responsibilities.

University employees are responsible for protecting the student information in their possession. These are guidelines to follow when acting as a University Official:

- Individual directory information may be released without written consent, except when the student has made a request to withhold student information through the Office of the Registrar, Red Hawk Central. It provides only that the information may be released. Montclair State University is not obligated by this law to release directory information to any party other than the student. Directory information includes:
 - Name
 - Hometown, state and country
 - Major field(s) of study
 - School or College(s) enrolled in
 - Dates of attendance, (including current classification or year)
 - Full-time/part-time status
 - Class year
 - Photographs
 - Degrees and awards received (type of degree and date granted)
 - Participation in officially recognized activities and sports
 - Height and weight of members of athletic teams
 - Primary address and/or email address will be shared with designated vendors providing the following external services to graduating students: Information about purchasing class rings, yearbooks, commencement photos.

Students are entitled to restrict the release of directory information. To avoid release of this information a request must be submitted in writing, hard copy letter with signature and date, no later than the end of the second week of the fall semester to the Office of the Registrar, Red Hawk Central. **Note: If you make this request, your name will not appear on sports rosters, Dean's list, the Commencement program or any other external University list.**

- University Officials (e.g., Dean of Students, Registrar and Provost) may release non-directory information to a third party in the case of an emergency when knowledge of information is necessary to protect the health or safety of students or other persons.

- Information cannot be released to third parties outside of the University, including parents of students, without the student's written consent. See the section titled "Parental Rights" for more information.
- University Officials may release information without a student's prior written consent to the following groups:
 - Montclair State University faculty and staff with legitimate educational interest.
 - Representatives of agencies or organizations from which the student has received financial aid, including banks and other lending agencies.
 - Officials from other educational institutions in which a student intends to enroll.
 - Individuals or groups specifically exempted from the prior consent requirement.
 - Federal and state official organizations conducting studies on behalf of Montclair State University and accrediting organizations.
- **Adopt the rule "When in Doubt Don't Give It Out!" If you are unsure who is entitled to access certain student information or other records, please contact the Office of Red Hawk Central 973-655-7600 or the Office of Student Development and Campus Life 973-655-4470.**

Parental Rights

The rights under FERPA transfer from the parents to the student, once the student turns 18 years old or enters a postsecondary institution at any age. The right to inspect is limited solely to the student. While the University errs on the side of the strict nondisclosure, the institution may disclose information to parents/legal guardians of a student under the following conditions:

- There is an emergency situation and knowledge of information is necessary to protect the health or safety of students or other persons. (Refer these requests to the Dean of Students Office.)
- The student is claimed as a dependent as verified by IRS data.

All requests for student record information for a deceased student must go through the Office of the Registrar.

Faculty Reminders

To avoid violations of FERPA rules, **DO NOT**:

- At any time use any part of the social security number or student ID in a public posting of grades.
- Ever link the name of a student with that student's social security number or student ID in any public manner.

- Leave graded tests in a stack for students to pick up by sorting through the papers of all students.
- Circulate a printed class list with the student name, social security number, student ID, or grades as an attendance roster.
- Discuss the progress of any student with anyone other than the student (including parents) without the consent of the student.
- Provide anyone with lists of students enrolled in your classes for any commercial purpose.
- Provide anyone with student schedules or assist anyone other than university employees in finding a student on campus.

“Statements made by a recommender which are made from the recommender’s personal observation or knowledge do not require a written release from the student who is the subject of the recommendation. However, if personally identifiable information from the student’s educational record is included in a letter of recommendation (grades, GPA, etc.), the writer is required to obtain a signed release from the students which (1) specifies the records that may be disclosed, (2) states the purpose of the disclosure and (3) identifies the party or class of parties to whom the disclosure can be made.”

(Guidelines for Postsecondary Institutions for Implementation of the Family Educational Rights and Privacy Act of 1974 as Amended, Revised Edition 1998, Richard A. Rainsberger, American Association of Collegiate Registrars and Admissions Officers.)

V. Procedure (as applicable)

Technology Use and FERPA

In our current educational environment where the use of technologies is widespread, it is important that we continue to work in accordance with FERPA regulations to the fullest extent. With new technologies, however, additional issues arise about secure transmission of confidential information.

- Faxed requests for transcripts, including the student’s signature (where available) or a scanned document attached to an e-mail message authorizing release of a transcript, are not acceptable methods of providing the written permission required to release such information.
- Faculty or staff utilizing e-mail correspondence with more than one student are responsible for restricting access to a student’s e-mail address if the student has requested non-disclosure of directory information. An example of when this might be of concern to administrators is when mass mailings are sent to students by e-mail and students have access to other recipient’s addresses. Requests for non-disclosure will appear on that student’s Degreeworks record for your information.
- Passwords allowing access to non-directory student information are not to be shared and must be protected from unauthorized disclosure.

- Electronic student records must be protected from unauthorized access.
- Disposal of electronic or paper records should be done in a secure manner.
- Faculty and staff are to refrain from releasing any non-directory information via telephone if they cannot be absolutely certain that they are speaking to the student or other authorized individual.

Recording Classes and FERPA

If a recording includes only the instructor, it is not a student record and FERPA does not limit its use. If the recording includes students asking questions, making presentations or leading a class and it is possible to identify the student, then the portions containing recordings of the student do constitute protected educational records. Educational records can only be used as permitted by FERPA or in a manner allowed by a written consent from the student.

The recording may be shown to the members of the class itself without a FERPA release. This allows instructors to create access for students in the class to watch or re-watch past class sessions.

For students in other classes or later semesters, the recording must be treated as if it were being shown to a third-party audience which requires FERPA compliance through use of consents or de-identification of any students depicted.

If any student declines to sign the FERPA consent form, you may de-identify the student from the data/record/recording, but if the student cannot be de-identified, you may not release the data/record/recording.

The easiest way to plan the recording and comply with FERPA is plan the recordings so that they do not show students who are asking questions, don't refer to the students by name, don't include the students' voices, avoid repeating the students' questions in the recording (de-identifying the students removes the need for a specific consent from each student depicted). If a student happens to appear on camera, their identity can be edited out or a written consent can be obtained.

Because student presentations make it more difficult to de-identify the student, the instructor should obtain a FERPA consent from the student making a presentation. For any video projects, such as student-made films, the instructor should obtain a written consent.

For assistance and for any questions, you should call the University Registrar, Aylin Solu-Brandon (solubrandona@montclair.edu) or contact the University General Counsel's Office.

Faculty and instructors should not use class recordings for other non -Montclair State University or non-educational purposes without first consulting with either of these two offices.

Telephone Release

FERPA does not preclude an institution from disclosing non-directory information from a student's record to the student over the phone. Montclair State University is, however, responsible for

implementing the necessary procedures to verify the individual's identity before any information is released. Below is a list of sample questions that can be asked in any combination by university officials to verify a student's identity, prior to releasing any information to a student over the phone:

- Student/campus identification number
- Full name, including middle name
- Date of birth
- Place of birth
- Parent name and address
- High school
- Major program
- Class level
- Recent courses taken
- Current enrollment
- Adviser's name
- Year of first attendance

You do not need to ask all of these questions to verify the student's identity. A random selection of questions from a pool of questions makes it more difficult for an imposter.

Non-directory information may not be released. If information is needed to help resolve an emergency situation, please refer these cases to the Office of the Registrar.

VI. References

More Information

If you have questions regarding the provisions of the Family Educational Rights and Privacy Act you may contact the **US Department of Education**

It is the policy of Montclair State University to comply fully and fairly with the provisions of FERPA and the regulations adopted at the University.

(Information provided by the Family Policy Compliance office, presentation modeled on that of the University of Iowa)