

Section:	V.3.27	
Title:	Family Educational Rights and Privacy Act (FERPA)	
Effective Date:	September 1, 2020	
Approved By:	Director of Records and Registration	
Responsible Unit:	Enrollment Management (609) 771-2141; recreg@tcnj.edu	
Related Documents:	<ul style="list-style-type: none"> ● 20 U.S.C. § 1232g; 34 CFR Part 99 ● Authorization to Withhold Directory Information Form ● Authorization to Disclose Education Information Form ● FERPA Tutorial ● Student Privacy Rights ● Remote Classroom Camera/Microphone Use and Recording Policy ● Authenticating an Auxiliary User 	
History:		
<u>Version</u>	<u>Date</u>	<u>Notes</u>
2.1	September 1, 2020	Directory Update
2.0	March 6, 2020	Directory Update
1.0	September 22, 2016	New policy; initial release

I. INTRODUCTION

This policy outlines the College’s compliance with the Family Educational Rights and Privacy Act (FERPA).

II. DEFINITIONS

N/A

III. POLICY

Student Privacy Rights for Students, Parents, and College Officials

The College of New Jersey recognizes that there is a delicate balance between the responsibility for maintaining student privacy rights and providing effective and efficient service to our students. To maintain this balance, it is essential that members of the campus community understand the issues related to student privacy and the handling of student information pursuant to the federal law known as the Family Educational Rights and Privacy Act (FERPA).

To prevent the release of Directory Information, the student must file this form with the Office of Records and Registration.

Authorization to Withhold Directory Information Form

In accordance with FERPA, the College will disclose to non-auxiliary parties information from the education records of a student provided the College has on file written consent from the student. **This form is used in incidents requiring singular limited authorization to release information only.**

Authorization to Disclose Educational Information Form

In accordance with FERPA, the college will disclose, to parent or authorized auxiliary party, the education records of a student provided the College has on file consent from the student. **You may provide that consent directly by creating an auxiliary access account in your parent or authorized auxiliary party's name.** By creating an auxiliary account, you have authorized the College to allow your parents to view your education directory and non-directory (grades, class schedule, etc.) records. This authorization and access can be done through your PAWS student center by clicking auxiliary access on the personal information section.

For further instructions on setting up an auxiliary access account, please refer [HERE](#).

What is FERPA?

FERPA stands for Family Educational Rights and Privacy Act (sometimes called the Buckley Amendment). Passed by Congress in 1974, the Act grants four specific rights to the **eligible student***:

- the right to see the educational records that the institution is keeping on the student
- the right to seek amendment to those records and in certain cases append a statement to the record
- the right to consent to disclosure of his/her records
- the right to file a complaint with the Family Policy Compliance Office.

***ELIGIBLE STUDENT:** When a student turns 18 years old, or attends a postsecondary institution at any age, the rights under FERPA transfer from the parents or guardians to the student. TCNJ defines students "in attendance" as being protected with FERPA rights beginning on the first day of the semester.

What are educational records?

Just about any information provided by a student or created by the institution for use in the educational process is considered a student educational record including:

- personal information
- enrollment records
- grades
- class schedules
- disciplinary records
- transcripts

The storage media in which you find this information does not matter. A student educational record may be:

- an official document on file in a college office
- computer printout from an office
- class list
- data stored in a college maintained information system

What is considered directory information?

TCNJ considers the following as directory information and may release the following information upon request without the student's consent:

- Name
- Hometown (city & state)
- Campus Address (the physical address of students who reside on campus in a College owned and managed property)
- Degrees and dates received
- Honors and awards received (including Dean's List)
- Major(s) and Minor(s) field of study
- Classification (Freshman, Sophomore, Junior, Senior, Graduate)
- Dates of attendance**
- Photograph
- Audiovisual Virtual Classroom Recording*
- Previous educational institution / agency attended
- Weight/Height of athlete
- Participation in officially recognized activities and sports
- Enrollment status

* Audiovisual Virtual Classroom Recording refers to an audiovisual recording

of an online class session made by an instructor (or instructor's designee) as set forth in the Remote Classroom Camera/Microphone Use and Recording Policy, which policy includes restrictions on the making and use of such recordings, including limits on who may be provided access and how long the recording may be maintained.

**Period of time during which a student attended TCNJ (e.g., Academic year, a spring semester). Does not include specific daily attendance records or class schedule.

Who is considered a school official?

A school official is defined as a person employed by the college in an administrative, supervisory, academic or support staff position (including campus police, campus health providers, and student employees); a person or company with whom the college has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; a student serving on an official school committee such as the all-college academic integrity board; or a person assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibility.

What should students know about FERPA?

- Student educational records may not be released without the written consent of the student or via one of the many exceptions to FERPA.
- Educational Records (including grades, financial information, and disciplinary records) cannot be released to parents, guardians or other interested parties without the specific written permission of the student.
- "Directory Information" can be released without the student's written permission.
- Students who do not wish their "Directory Information" released outside TCNJ or published in the campus directory may opt out by giving written notice to the Office of Records and Registration annually in the beginning of the Fall Semester using the

Authorization to Withhold Directory Information Form

What should parents know about FERPA?

- When a student turns 18 years old, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents or guardians to the student.

- Educational records cannot be released to third parties (including parents or guardians) without signed and dated written consent from the student.
- There is a detailed list of exceptions at part 99.3 of the FERPA regulations ("education records" defined) and at 99.31. Perhaps the most important exception allows, but does not require, disclosure [of information in student education records] to the parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1986 (part 99.31 (a) (8)).
- The best way to gain access to your child's college records is with their consent. Nonetheless, as indicated above, if you claim your child as a dependent for federal tax purposes and can provide documentation that your child is a dependent, the College may provide access to his/her education records, as specified in FERPA (see part 99.31 (a) (8)) and in the Student Access to Educational Records which states that prior consent to disclosure of information from student educational records will not be required when notice is made to "[a]ppropriate parties in connection with an emergency, where knowledge of the information is necessary to protect the health or safety of the student or other individuals." We routinely consider parents and guardians as "appropriate parties" to notify in such emergencies. For example, if a student living in the residence halls was transported to the hospital in a life-threatening situation, every reasonable effort would be made to notify parents or guardians as soon as possible.
- Student disciplinary records are also "educational records" as defined under FERPA. The best practice is for your son or daughter to inform you about any disciplinary charges or sanctions directly. Students can also authorize release of information from their disciplinary files.** Upon consent from the student, information from the file may then be discussed with a parent or legal guardian.

**The new Auxiliary Access module now allows your student to give you access to Education Records, refer [here](#) for instructions on how to set up an Auxiliary Access account.

What should college officials know about FERPA?

- As a faculty or staff member you have a responsibility to protect educational records in your possession.
- You have access to information only for legitimate use in completion of your responsibilities as a college employee. "Need to know" is the basic principle.
- Do NOT at any time use the Social Security Number, or TCNJ Student Identification Number, of a student in a public posting of grades.
- Never link the name of a student with that student's social security number or TCNJ Student Identification Number in any public manner.
- Never leave graded tests in a stack for students to pick up by sorting through the papers of all students.

- Never circulate a printed class list with student name and social security number, TCNJ Student Identification Number, or grades as an attendance roster.
- Never discuss the progress of any student with anyone other than the student (including parents or guardians) without the consent of the student, unless you can confirm the student has dependent status.**
- Never provide anyone with lists of students enrolled in your classes for any commercial purpose.
- Never provide anyone with student schedules or assist anyone other than college employees in finding a student on campus.
- If you are ever in doubt, do not release any information until you contact the Office of Records & Registration.

**[Students](#) can now give their parents, or authorized user, to view education records through their Auxiliary Access account. Faculty/Staff can authenticate this access through the instructions made available via the following link: [Authenticating an Auxiliary User](#)

TCNJ's Notification of Rights under FERPA

Pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA) TCNJ students will be notified of their rights annually via their TCNJ email account. Through the annual notification students are informed that FERPA permits the release of directory information without the prior written consent of the student. However, it provides only that directory information may be released. The College of New Jersey is not obligated by FERPA law to release directory information to any external party.

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

1. The right to inspect and review the student's education records within 45 days of the day that TCNJ receives a request for access. Students should submit to the Director of Records and Registration written requests that identify the record (s) they wish to inspect. The TCNJ official will make arrangements for access and notify the student of the time and place where records may be inspected. If the records are not maintained by the TCNJ official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's educational records that the student believes is inaccurate or misleading. Students may ask the college to amend a record that they believe is inaccurate or misleading. The student should

write the TCNJ official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the college decides not to amend the record as requested by the student, the college 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, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is defined as a person employed by the college in an administrative, supervisory, academic or support staff position (including campus police, campus health providers, and student employees); a person or company with whom the college has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; a student serving on an official school committee such as the all-college academic integrity board; or a person assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibility.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by TCNJ 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, S.W.
Washington, DC 20202-4605