SECTION: Student Affairs
SUBJECT: Family Educational Rights and Privacy Act (FERPA)

ISSUE DATE: August 1, 2012
REVISION DATE: November 11, 2015; June 22, 2020
INITIATED BY: Office of Student Affairs

APPROVED BY:

Annette C. Reboli, M.D., Dean

POLICY: The Family Educational Rights and Privacy Act (FERPA)

PURPOSE: FERPA protects the privacy of student education records.

SCOPE: FERPA applies to all educational agencies and institutions that receive funding under any program administered by the Department of Education. FERPA (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. In compliance with FERPA, CMSRU does not disclose personally identifiable information contained in student education records, except as authorized by law. This policy applies to the educational records of all students who current attend or have attended CMSRU.

DEFINITIONS:

Educational Records: any records (with limited exceptions), maintained by the institution that are directly related to a student or students. The records can contain a student’s name(s) or information from which an individual student can be personally (individually) identified. Education Records do not include: sole procession notes; law enforcement unit records; records maintained exclusively for individuals in their capacity as employees (individuals who are employed as a result of their status as students, medical & treatment records; and alumni records.)

School Officials: persons employed by the institution in an administrative, supervisory, academic research or support position including law enforcement, health staff personnel, a trustee, outside contractors and persons servicing as a student representative on an official committee (such as disciplinary or grievances committee), or assisting another school official in performing his or her tasks. School officials may obtain information from a student education records without prior written consist for legitimate educational interest. Legitimate educational interests must demonstrate: need to know by those officials of the institution who act in the student’s educational interest (faculty, administrators, clerical and professional
employees, and other persons who manage student information). A school official has a legitimate educational interest if the official need to review is in order to fulfill his or her professional responsibility.

**Directory Information:** CMSRU 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 CMSRU. CMSRU has designated the following items as Directory Information: student name, CMSRU-issued identification number, 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/education placements.

**POLICY:** Cooper Medical School of Rowan University will comply with the Family Educational Rights and Privacy Act of 1974 and all subsequent amendments (FERPA) providing students with the right to inspect and review their education record. CMSRU will respond to student requests to review records within 5 days of the day that CMSRU receives the request and provide guidelines for the correction of records, rather than the 45 day statement within the FERPA act of 1974.

**STUDENT RIGHTS AND PROCEDURES:**

A. In accordance with the Family Educational Rights and Privacy Act of 1974 and its subsequent amendments (FERPA) current and former CMSRU students have the right to review and inspect their education records within 45 days of the date that CMSRU receives the request for access. CMSRU will respond to requests within 5 business days of the date that CMSRU receives the request for access.

B. CMSRU is required by FERPA regulations to provide students with annual notification of their FERPA rights. CMSRU 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 educational records upon request to CMSRU. Students shall submit to CMSRU a written request to the registrar that identifies as precisely as possible the record or records s/he wishes to inspect.
   b. CMSRU will make the needed arrangements for timely access and notify the student of the time and place where the records may be inspected. Per Rowan University policy, access must be given within 45 days from the receipt of the request. CMSRU provides access within 5 business days following 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 CMSRU registrar or an administrative representative from the Office of Student Affairs or the Office of Medical Education.

2. Right of CMSRU to Refuse Access. CMSRU 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 a previous application to CMSRU if that application was
unsuccessful and the student subsequently applies and is admitted;
d. Those records that are excluded from the FERPA definition of education records.

3. Right to Obtain Copies of Education Records
   a. With the exceptions listed below, a student may obtain copies of their education records
      from the CMSRU registrar upon submission of a written request and payment of a
      standard fee to cover duplication, reasonable labor costs and postage, if applicable.
   b. CMSRU reserves the right to deny copies of transcripts or education records in the
      following situations:
      i. The student has an unpaid financial obligation to CMSRU; or
      ii. There is an unresolved disciplinary action against the student.

D. Disclosure of Education Records
CMSRU may disclose information from a student's educational records only with the original, written
and signed consent of the student, except:
1. To those CMSRU officials who have a legitimate educational interest in the records;
2. Upon request, to officials of non-CMSRU schools in which a student is enrolled or seeks or
   intends to enroll, or with which CMSRU 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; if required by a state law requiring disclosure that was
   adopted before November 19, 1974;
5. To organizations conducting certain studies for or on behalf of CMSRU;
6. To accrediting organizations to carry out their functions;
7. At the discretion of CMSRU officials, to parents of an eligible student who claim the student as a
   dependent for income tax purposes;
8. To comply with a judicial order or a lawfully issued subpoena, provided that CMSRU 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;
9. To appropriate parties in a health or safety emergency;
10. To an alleged victim of any crime of violence or 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 CMSRU, 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 CMSRU determined that a violation has occurred. CMSRU
    may not disclose the name of any other student, including a victim or witness, without the prior
    written consent of the other student;
11. To parents of students aged 18-21 who have been determined by CMSRU to have violated any
CMSRU 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;

12. 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 CMSRU to proceed with a legal action CMSRU initiated against a parent or student;

13. To a court when relevant for CMSRU to proceed with legal action which involves CMSRU and the student as parties.

E. Record of Requests for Disclosure of Education Records
1. The registrar at CMSRU 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 CMSRU.
2. The record of requests for educational 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.

F. 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 clearly identifies the part of the education record they want changed and specifies their reasons why it is inaccurate or misleading.
   b. If a satisfactory solution of an issue cannot be reached informally, CMSRU 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 assistant dean for student affairs or designee.
   c. A CMSRU 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 CMSRU 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 CMSRU 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 they have a right to place in their 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 CMSRU discloses the contested portion of the record, it must also disclose the student’s statement.

G. Questions about FERPA and this policy concerning the release of student information should be directed to the Office of the Registrar:
   Registrar
   Cooper Medical School of Rowan University
   401 S. Broadway
   Camden, NJ 08103

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H. Students have a right to file a complaint with the U.S. Department of Education concerning alleged failures by CMSRU to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
US Department of Education
600 Independence Avenue, SW
Washington, DC 20202-4605

I. Crisis situations/Emergencies
If non-directory information is needed to resolve a crisis or emergency situation, CMSRU may release that information if CMSRU determines the information is "necessary to protect the health or safety of the student or other individuals." Factors to be considered or questions to be asked in making a decision to release such information in these situations are the:

1. Severity of the threat to the health or safety of those involved;
2. Need for the information;
3. Time required to deal with the emergency;
4. Ability of the parties to whom the information is to be given to deal with the emergency.