

## **10.2.6/20.10/50.5 Policy on Student Privacy Rights (FERPA Policy)**

**Approval Authority:** Cabinet  
**Responsible Executive(s):** Provost and Vice President for Academic Affairs  
**Responsible Office(s):** Office of the Registrar  
**Effective Date:** October 10, 2018 (Cross-listed January 16, 2019)

### **I. Purpose of this Policy**

Stevens collects data and information about Students<sup>1</sup> and retains such data and information for designated periods. The Family Educational Rights and Privacy Act of 1974 (“FERPA”) protects the privacy of a Student’s Education Records and affords Students certain rights to control access to their Education Records. This Policy describes these rights and the University’s practices and procedures that protect these rights.

### **II. Definitions**

**Directory Information:** Consistent with FERPA, Directory Information may be made available to the general public unless a student notifies the Office of the Registrar in writing that the information should be kept confidential. Stevens has designated the following information as Directory Information:

1. Student’s name(s)
2. Addresses (permanent and local)
3. Email address(es)
4. Telephone number(s)
5. Photograph, video or electronic images
6. Major fields of study
7. Dates of attendance
8. Degrees and awards received (including dean’s list)
9. Anticipated graduation date
10. Most recent previous educational agency or institution attended
11. Grade level or year (such as freshman or junior)
12. Participation in officially recognized activities and sports
13. Weight and height of members of athletic teams
14. Enrollment status (graduate/undergraduate; full time/part time)

**Education Record:** Records, files, documents and other materials that contain information directly related to a student and are maintained by Stevens or a third party acting on Stevens’ behalf. Education Records do not include the following:

- a. Records of instructional, supervisory, administrative and certain educational personnel that are in the sole possession of the maker, are used only as a personal memory aid and are not accessible or revealed to any other individual except a substitute who performs on a temporary basis the duties of the individual who made the records;

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<sup>1</sup> All defined terms used in this Policy are defined in Section II.

- b. Records created by Campus Police for a law enforcement purpose and maintained by Campus Police;
- c. Records maintained and used exclusively in connection with an individual's employment relationship with the University (however, those records that pertain to individuals who are employed as a result of their status as Students – for example, work-study records – are Education Records);
- d. Records of health services provided to Students, including records kept by the Office of Counseling and Psychological Services, which are maintained in connection with treatment and disclosed only to individuals providing treatment; or
- e. Records that contain only information relating to an individual after that individual is no longer in attendance at Stevens and that are not directly related to the individual's time as a Student at Stevens.

**Enroll:** A Student enrolls at Stevens when the Student registers for their first class.

**Student:** An individual who is currently attending or has attended Stevens.

**University Official:** A University Official may be (i) a person employed by Stevens in an administrative, supervisory, academic, research or support staff position (including law enforcement unit personnel and health center staff); (ii) a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); (iii) a person serving on the Board of Trustees; or (iv) a Student serving on an official committee (such as a disciplinary or grievance committee) or otherwise assisting another University Official in performing their tasks.

### **III. Policy**

Consistent with FERPA, Stevens provides an opportunity for Students to inspect and review their Education Records, to request that their Education Records be amended to correct factual inaccuracies, and to exercise certain control over the disclosure to third parties of information contained in their Education Records, in each case as described in this section.

#### **A. Students' Rights**

For purposes of this Policy, a Student's FERPA rights begin when they Enroll at Stevens. Students may assert their FERPA rights by employing the procedures described below.

1. To inspect and review their Education Records, a Student must submit to the Registrar a written request that identifies the record(s) they wish to inspect. The Registrar will, using all reasonable efforts, make arrangements for such inspection as soon as practicable and within 45 days of receipt of the request. The Registrar will notify the Student of the time and place where the records may be inspected.

2. To request an amendment of an inaccuracy in an Education Record, a Student must submit a formal request to the Office of the Registrar clearly identifying the part of the record requested to be changed and specifying why it is inaccurate. The Registrar will review the request, ask for additional information if necessary, and notify the Student of its decision. If the Registrar decides not to amend the record as requested by the Student, the Registrar will advise the Student of their right to an appeal. This amendment procedure may be used to challenge facts that are inaccurately recorded but it may not be used to challenge a grade, an opinion or a substantive decision made by Stevens about a Student.
3. To consent to disclosure of personally identifiable information contained in an Education Record (e.g., to send such information to a prospective employer or another educational institution), a Student must submit to the Registrar a signed FERPA Release Form, (available on the [Office of the Registrar's website](#)) specifying which information should be released and to whom.
4. To restrict disclosure of some or all Directory Information (as listed in Section II above), a Student must make a written request to the Registrar specifying which Directory Information should be restricted.

If, in any of the above situations, the Education Records at issue are not maintained by the Registrar, the Registrar shall advise the Student of the correct official to whom the request should be addressed.

### **B. The University's Obligations**

Stevens is committed to protecting the privacy of all Education Records and relies on its University Officials to preserve the confidentiality of such records. University Officials may only access, use, discuss, release, and disclose Education Records when they have a legitimate educational need to the information as required by their job duties and in a manner consistent with this Policy.

Prior to disclosing a Student's Education Records, the University will obtain the Student's signed and dated written consent to such disclosure, unless consent is not required by law. Consistent with FERPA, and in addition to other instances discussed in this Policy, Stevens may disclose Education Records without the Student's consent under the circumstances described below:

1. The University will disclose information to officials of another institution of postsecondary education where the Student seeks or intends to enroll, or where the Student is already enrolled, so long as the disclosure is for purposes related to the Student's enrollment or transfer.
2. The University will disclose information to government agencies entitled to it by law.

3. The University will disclose information in response to a judicial order or lawfully issued subpoena, and will provide notice to the relevant Student in advance of complying with the subpoena unless the subpoena specifically states that the University may not notify the Student.
4. The University will disclose information to an accrediting organization to carry out its accrediting functions.
5. The University may disclose information when necessary to determine the Student's eligibility for financial aid or to enforce the terms or conditions of financial aid which a student has received.
6. The University may disclose information to an organization conducting a study if the organization certifies that the study will not be conducted in a way which will permit the personal identification of the Students and that personally identifying information will be destroyed when the study is completed.
7. Upon written request, the University will disclose to the alleged victim of a crime of violence or a non-forcible sex offense the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.
8. The University will disclose information when the Student has given written permission for disclosure of information to a third party and subsequent events materially affect the accuracy of the University's original reporting; permission for the reporting of such additional information is understood in order to make the original reporting accurate.
9. The University will disclose information in connection with a health or safety emergency where knowledge of the information is necessary to protect the health or safety of the Student or other individuals.
10. The University will disclose information to parents of a Student regarding the Student's violation of any Federal, State or local law, or any rule or policy of Stevens, governing the use or possession of alcohol or a controlled substance if Stevens has determined that the Student committed a disciplinary violation and the Student is under the age of 21.
11. The University may disclose information without the Student's consent consistent with other exceptions under FERPA, 34 CFR 99.31.

### **C. Complaints**

Students who wish to file a complaint under FERPA should do so in writing, addressed to the Family Policy Compliance Office:

**Family Policy Compliance Office**  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5920

### **D. Additional Information**

For additional information about FERPA and this Policy, please contact the Registrar's Office:

**Office of the Registrar**  
Stevens Institute of Technology  
Howe Center, 10th Floor  
Hoboken, NJ 07030  
Phone: 201.216.3765  
Email: registrar@stevens.edu