



This information constitutes your official notification of rights granted to you under the Family Educational Rights and Privacy Act (FERPA). FERPA is a Federal law that is administered by the Family Policy Compliance Office in the U.S. Department of Education. 20 U.S.C. § 1232g; 34 CFR Part 99. FERPA applies to all educational agencies and institutions (e.g. schools) that receive funding under any program administered by the Department of Education. Paper copies are available in the Registrar's Office and online via *PolicyStat*. In compliance with FERPA, the Hackensack Meridian School of Medicine (HMSOM) does not disclose Personally Identifiable Information (PII) contained in student education records, except as authorized by law. Information about students' rights under FERPA and HMSOM's implementation of FERPA is set forth below.

### Student Rights Under FERPA

In general, a student has the right under FERPA to inspect his or her education records; to require that HMSOM obtain his or her prior written consent before releasing PII from education records; and to request that corrections be made to education records if the student believes the records are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

### Definitions

For purposes of this notification, the HMSOM uses the following definitions of terms.

A **student** is any person who attends or has attended the HMSOM. Persons accepted but never enrolled in courses are not considered students.

**Education Records**, with certain exceptions, are any information maintained by the HMSOM directly relating to a student. These records include files, documents, and materials in whatever medium (handwriting, print, tapes, disks, film, etc.) which contain information directly related to students and from which students can be personally (individually) identified.

**Personally Identifiable Information (PII)** means data or information which includes a personal identifier (such as a social security number) and/or a list of personal characteristics or other information which would make the student's identity known with "reasonable certainty."

**Directory information** may include the following:

- Name
- HMSOM student ID number
- Address, Telephone, and Email
- Date and place of birth
- Field of study and degree(s) sought
- Participation in officially recognized activities
- Dates of attendance and full- or part-time status
- Degrees, certificates, honors, and awards received
- Photos and videos
- Most recent previous educational institution attended
- Gender identity, marital status, and preferred pronouns, if voluntarily disclosed by the student by updating the Student Portal.

### Privacy Preferences

Unless restricted, HMSOM may disclose any of the items of directory information without a student's consent, however the HMSOM does not routinely release information unless presented with a valid reason to do so. Students may restrict the disclosure of directory information by indicating to the registrar this restriction in writing. The right to restrict disclosure of directory information does not include the right to remain

anonymous in class nor will it prevent mail, email, and phone calls from the HMSOM.

### Inspection of Educational Records

If possible, students will have immediate access to their record. In no case will a student have to wait more than 45 days. If a student is required to wait, the office will inform him or her when the record will be available.

### Information That A Student Does Not Have the Right to Inspect

A student does not have a right under FERPA to inspect information that is not an education record, such as:

- Medical treatment records.
- Law enforcement records.
- Employment records (if employment is unrelated to student status.)
- Records containing information about the individual that were created or received after he or she is no longer a student and that are not directly related to the student's attendance at the HMSOM.
- Records of instructional, supervisory, and administrative personnel and educational personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- Peer-graded papers before they are collected and recorded by an instructor.

Note that a student may have rights to inspect such records under other laws. In addition, a student does not have the right to access certain education records, such as:

- Confidential letters of recommendation if the student has waived his or her right of access in writing.
- Admissions records for a student who does not officially attend the program of admission.

### Records of A Student That Contain Information on Other Students.

The student may inspect, review, or be informed of only the specific information about that student.

### Authorizing Another Person to Inspect/Receive Copies of Records

A current or former student who wishes to permit another person to inspect or receive copies of the student's education records must designate a *Ferpa Contact* in the PeopleSoft Campus Solutions system. If a student's enrollment at HMSOM lapses, either due to withdrawal, graduation, dismissal or any other reason, the information provided on the consent form is no longer valid. Contact the Registrar for information on designating a *Ferpa Contact*.

### When Disclosure Is Permitted Without Prior Consent

In general, the HMSOM will not disclose PII from a student's education records without the student's prior consent. However, the HMSOM, in compliance with the law, may PII without the student's prior consent under these conditions:

A. To *HMSOM officials, staff, and others engaged in activities on behalf of the School with a legitimate educational interest*. The HMSOM discloses information to School of Medicine officials, staff, and others whom the School has determined to have a legitimate educational interest. An individual has a legitimate educational interest if the individual needs to review an education record in order to fulfill his or her professional responsibilities to the HMSOM. Such individuals include officers of the HMSOM, faculty, administrative staff, law

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enforcement and medical and legal personnel, and may include contractors, consultants and professionals engaged by the HMSOM where disclosure of the information is necessary for such individuals to fulfill their duties and responsibilities to the HMSOM. In addition, these individuals may include HMSOM students, persons from outside the HMSOM, and volunteers, who are requested to serve on an authorized committee or board of the HMSOM (such as a disciplinary committee or the Board of Trustees), or to otherwise perform authorized tasks for the HMSOM.

B. *The information has been designated as directory information.*

C. *In health or safety emergency situations.* In the case of an emergency, the HMSOM discloses information from education records to the appropriate parties, including parents, if the HMSOM deems that knowledge of the information is necessary to protect the health, safety, or well-being of the student or other individuals. Such disclosure may include any disciplinary action previously taken against the student for conduct that posed a significant risk to the safety and well-being of that student, other students, or members of the HMSOM community.

D. *In compliance with a subpoena.* The HMSOM will make a reasonable effort to notify the student of the subpoena before complying. However, in the case of a subpoena issued for law enforcement purposes or an ex parte order under the USA Patriot Act, the HMSOM is not required to notify the student of the existence or the contents of the subpoena, or of the information furnished in response to the subpoena, if the court or other issuing agency has ordered that such information not be disclosed.

E. *To officials of other institutions or organizations* to which the student seeks or intends to transfer or in which the student is already enrolled, provided the disclosure is for purposes related to the student's enrollment or transfer. Or in connection with the student's placement or participation in internships, practica, affiliations or other programs related to the student's courses or programs at the HMSOM. Or to which a student has applied for or from which he/she has received financial aid to support the student's education, in cases where the information is related to (1) determining the eligibility for, amount of, or conditions of the aid, or (2) enforcing the terms and conditions of the aid. In cases where the HMSOM has previously transmitted such information to another institution or organization in which the student has enrolled, has been placed, or has sought financial aid, the HMSOM may send corrected records if there are changes to the information previously sent.

F. *To parties who provided or created a record.* The HMSOM may send education records back to the creator or sender of such records for confirmation of the authenticity of the record (e.g. of a transcript or letter).

G. *To authorized representatives of certain government offices.* The HMSOM will release information to authorized representatives of the U.S. Comptroller General's Office, the U.S. Attorney General, the U.S. Department of Education, and state and local educational authorities in connection with an audit or an evaluation of federal or state supported programs and to assure the enforcement of or compliance with federal or state legal requirements related to these programs.

H. *In compliance with the Solomon Amendment.* The HMSOM will release student information for the purposes of military recruiting to the Department of Defense. The information released is limited to student name, address, telephone listing, date and place of birth, levels of education and degrees received, prior military experience, and the most recent educational institution attended unless restricted.

I. *In response to complaints and legal actions* involving the student and the HMSOM. If a student or parent initiates legal action or brings complaints against the HMSOM, the HMSOM, may disclose education records relevant to the response to the complaint without a court order or subpoena. In addition, if the HMSOM initiates legal action against a parent or student, the HMSOM may disclose education records relevant to the action without a court order or subpoena.

J. *To accredited organizations.* The HMSOM may release information to organizations that accredit colleges and universities for the purpose of assisting their accrediting functions.

K. *To organizations conducting studies for or on behalf of the HMSOM.* The HMSOM may disclose information to organizations seeking to improve education for or on behalf of the HMSOM (e.g. developing predictive tests or administering student aid programs).

### Limitations of Re-Disclosures

Under FERPA, information disclosed by the HMSOM may be subject to restrictions against re-disclosure.

### Amending Educational Records

Students have the right to request that inaccurate or misleading information in his or her education records be amended. While the HMSOM is not required to amend education records in accordance with a student's request, the HMSOM is required to consider the request. If the HMSOM decides not to amend a record in accordance with a student's request, the student will be informed of his or her right to a hearing on the matter. If, as a result of the hearing, the HMSOM still decides not to amend the record, the student has the right to insert a statement in the record setting forth his or her views. That statement must remain with the contested part of the student's record for as long as the record is maintained. However, while the FERPA amendment procedure may be used to challenge facts that are inaccurately recorded, it may not be used to challenge a grade, an opinion, or a substantive decision made by the HMSOM about a student. FERPA was intended to require only that schools conform to fair recordkeeping practices and not to override the accepted standards and procedures for making academic assessments, disciplinary rulings, or placement determinations.

### Complaint Procedure

A student has the right to file a complaint with the Family Policy Compliance Office at the U.S. Department of Education concerning alleged failures by the HMSOM to comply with the requirements of FERPA. A complaint must be submitted to the Office within 180 days of the date of the alleged violation or of the date that the student knew or reasonably should have known of the alleged violation. The complaint must contain specific factual allegations giving reasonable cause to believe that a violation of the Act has occurred, and it should be forwarded to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-8520.



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