

Discussion of the disciplinary process and FERPA requirements

The Judicial Advisory Committee discussed permissible disclosures of information contained in student disciplinary records under the Family Educational Rights and Privacy Act (FERPA) at its October 19, 2004 meeting. The purpose of the discussion was to confirm what Rutgers practices would be (i.e. to confirm when we would and would not disclose information from student disciplinary records without prior student consent). Summarized below is the outcome of our discussions. For ease of reference, attached are relevant sections of the FERPA regulations to this memorandum.

1. Subject to various conditions, FERPA does not require prior consent to disclosure of records when the disclosure is made to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll. (See §99.31(a) (2).) Rutgers does not routinely release this information without prior consent to other schools, school systems or institutions of higher education. However, in individual cases, the Dean conducting the Preliminary Review or the Hearing Board can recommend such notification as part of the sanction to be considered by the Vice President for Student Affairs.
2. As permitted by §99.31(a)(13), the University has and will continue to notify the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense about the final results of the disciplinary proceeding conducted with respect to that alleged crime or offense, regardless of whether the University concludes a violation was committed.
3. Although permitted by FERPA, Rutgers will NOT routinely disclose the results of a disciplinary proceeding to non-University officials, when the student is an alleged perpetrator of a crime of violence or a non-forcible sex offense and the student has been found to have committed a violation of the University's rules or policies. (See §99.31(a) (14).) The University reserves the right to reconsider this on a case-by-case basis. Requests made for this information under the New Jersey Open Public Records Act will be responded to by the University Records Custodian after consultation with the Vice President for Student Affairs.
4. The University does not notify parents regarding a student's violation of any federal, state or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance, subject to the Parental Notification Policy (see attached) and the health and safety emergency exception. (See §99.31(a) (15).)