

Babson College FERPA Policy **Revised June 21, 2011**

The Federal Family Educational Rights and Privacy Act (FERPA or Act) of 1974 (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. “Education Records” are “those records, files, documents and other materials which (i) contain information directly related to a student; and (ii) are maintained by an educational institution.”

FERPA affords students certain rights with respect to their education records.

These rights are:

1. The right to inspect and review the student's Education Records within 45 days of the day the College receives a request for access. Students should submit to the Registrar written requests that identify the record(s) they wish to inspect. The Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's Education Records that the student believes are inaccurate or misleading. Students may ask the College to amend a record that they believe is inaccurate or misleading. They should write to the Registrar, 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.

NOTE: The right to challenge grades and notations about disciplinary decisions does not apply under the Act unless the grade assigned or the disciplinary decision rendered was inaccurately recorded.

3. The right to consent to disclosures of personally identifiable information contained in the student's Education Records, except to the extent that the law authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to College officials with legitimate educational interests. A “College Official” is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including Public Safety and Health Services); a person or company with whom the College has contracted as its agent to provide a service instead of using College employees or officials (such as an attorney, auditor or collection agent); a person serving on the Board of trustees; or another student serving on an official committee, such as a disciplinary or grievance committee, or assisting another College official in performing his or her tasks.

A College Official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the College.

Another exception is the release of "Directory Information," which may be released without a student's consent unless specifically prohibited by the student. The following is considered Directory Information:

- the student's name;
- permanent and local addresses;
- telephone listings;
- electronic mail addresses;
- digitized photographs and images;
- date and place of birth;
- major field of study;
- grade level;
- enrollment status;
- dates of attendance;
- past and present participation in officially recognized activities, organizations and sports;
- weight and height of members of athletic teams;
- degrees, honors and awards received; and
- the most recent previous educational agency or institution attended by the student.

A student's grades are considered Directory Information only to the extent that Dean's List, graduation honors and/or awards may be published. Individual grades and GPA information are not Directory Information and will not be released without the consent of the student.

Upon request, the College also discloses Education Records to officials of another school in which a student seeks or intends to enroll, so long as the disclosure is for purposes related to the student's enrollment or transfer.

Disclosure without consent may also be made concerning the following: Final results of a disciplinary proceeding in which a student was found to have violated College rules concerning a crime of violence or a nonforcible sex offense. The outcome may be disclosed to the victim regardless of whether a violation was found. Alcohol or drug violations may be disclosed to parents if the student is under age 21. The College reserves the right to disclose information about students to their parents, regardless of the student's age, without the student's written consent in cases involving the student's health and well-being or in the case of a change of student status (including, but not limited to, loss of housing, pending disciplinary proceeding, suspension, expulsion or to comply with a court order or subpoena). For the purposes of this Policy, "parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

The term “Education Records” does not include the following records, and therefore such records are not governed by this Policy:

- a. Records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons, which:
 - i. Are kept in the sole possession of the maker of the record; and
 - ii. Are not accessible or revealed to any other individual, except to an individual who performs on a temporary basis the duties of the individual who made the record.
- b. College Public Safety Department records which are created and maintained by campus police solely for law enforcement purposes.
- c. Employment records, when College employment did not result from and does not depend upon the fact that an individual is a student at the College, provided that the employment records:
 - i. Relate exclusively to the individual in that individual’s capacity as a College employee;
 - ii. Are made and maintained in the normal course of business; and
 - iii. Are not available for use for any other purpose.

All records relating to a student who is also an employee of the College are included in the definition of Education Records, if the student’s employment is contingent upon the fact that he or she is a student. For example, work-study program records are Education Records.

- d. Health records which:
 - i. Are created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity;
 - ii. Are created, maintained or used only in connection with the provision of treatment to the student; and
 - iii. Are not disclosed to anyone except to other than individuals providing the treatment, except that the records may be personally reviewed by a physician or other appropriate professional of the student’s choice.

For the purpose of this definition, “treatment” does not include academic and career advising, tutoring, disability management counseling or any activities which are part of the program of instruction offered by the College. The Health Insurance Portability and Accountability Act of 1996 (HIPPA) Privacy Rule excludes student medical treatment records and other records protected by FERPA.

- e. Applicant records of individuals who do not enroll in or register with an academic program of the College. If and when applicants become students, their applicant

records become Education Records, which are then accorded the same privacy rights as any other Education Records governed by this Policy.

- f. Records (i.e., alumni records) about a person containing only information obtained from that person after that person is no longer a student, or relating to that person and obtained from others after that person is no longer a student.

Restricting the Release of Directory Information

If you do not wish to authorize the release of Directory Information and do not want your Directory Information to appear in the Student Directory, you must indicate so through the “My Info” section of the Portal. [URL:]The restriction will be promptly initiated in any electronic media. For any printed media, the restriction will be initiated as of the next printing. At any time after restricting the release of your Directory Information, you may change your mind and choose to authorize the College to release Directory Information. You can grant such authorization at any time by editing the “My Info” section of the Portal.

Students should be aware of the possible consequences of withholding Directory Information, such as missed announcements, mailings and messages, non-verification of enrollment or degree status and omission from the Commencement program.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of federal law as they pertain to access and disclosure of students’ Education Records.

The name and address of the Office that administers this law is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-5920
Phone: 1-800-USA-LEARN (1-800-872-5327)

Questions or concerns about the privacy of students’ education records or these procedures may be brought to the attention of the Registrar’s Office, Hollister Hall, Room 334.

Additional Resources

For more information on FERPA and the regulations promulgated thereunder, please see the following links:

FPCO – <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

FERPA 20 USC 1232(g) – http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+20USC1232g

34 CFR Part 99 – http://www.access.gpo.gov/nara/cfr/waisidx_07/34cfr99_07.html