

# ENDICOTT COLLEGE, BEVERLY, MASSACHUSETTS

## FERPA Family Educational Rights and Privacy Act of 1974

Last Updated July 2011.

### STUDENT RECORDS AND PRIVACY

Endicott College maintains educational records of all active students as well as all graduates for seven years after the student has left the institution. Endicott transcripts, which include all courses, grades and degrees, are maintained in perpetuity. Endicott has a policy of protecting the privacy of students in accordance with applicable law. Therefore, in compliance with the Federal Family Educational Rights and Privacy Act of 1974 (FERPA) the College will not release any information to any third party, other than parents or guardians of dependent students who claim the student for federal tax purposes, except in accordance with the provisions of the Act or other applicable law. The law permits postsecondary institutions to disclose information from a student's educational records to his/her parents if the parents (or one of the parents) claim the student as a dependent for federal tax purposes. The College assumes that all students meet the FERPA criteria for dependent status. Unless a student signs a form to the contrary (available on the Registrar's home page), educational records may be shared with parents who claim the student as a dependent for federal tax purposes without violating FERPA. The provisions of FERPA apply only to educational records. Its provisions extend protection to students enrolled or formerly enrolled in higher education institutions.

#### Educational Records

"Educational records" include any records that are directly related to the student and maintained by the College or by a party acting for the College. The following student records are not included among "educational records" and therefore are not subject to FERPA.

1. Private notes or records held by educational personnel;
2. Campus law enforcement records;
3. Student medical or psychiatric records created and maintained solely for treatment purposes;
4. Records of students which relate exclusively to the students in their capacity as employees and which the institution makes or maintains in the normal course of business; and
5. Records containing information obtained after the student is no longer enrolled, such as post transfer or alumni records.

FERPA also limits the right of students to access certain types of records in the educational record. For example, the following records are not subject to student review: financial records, including any information those records contain of the student's parents; and confidential letters and confidential statements of recommendation if the student has waived his or her right to inspect and review those letters and statements as they relate to the student's admission to the educational institution, application for employment, or receipt of an honor or honorary recognition.

#### Directory Information

In accordance with FERPA regulations, Endicott designates certain information contained in a student's educational record as "directory information," which Endicott may disclose without student consent. Directory information includes, but is not limited to, the student's name, address, telephone numbers, electronic mail address, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received and other similar information. A student may choose to limit the release of directory information for any given year by filing, annually, such a request with the Registrar by September 15 of that year.

#### Rights to Review Educational Records

FERPA affords students certain rights with respect to their educational records. These rights include:

1. The right to inspect and review the student's education records within 45 days from the date that Endicott receives a request for access. A student should submit to the Registrar or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed. Typically, requests are made to the Registrar's Office, College Hall, Monday through Friday from 9 a.m. to 5 p.m. The student will present full and complete personal identification to the staff member responsible.

2. The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask Endicott to amend a record should write the Endicott official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed. Such requests shall be made to the Registrar's Office, College Hall, Monday through Friday from 9 a.m. to 5 p.m.
3. If Endicott decides not to amend the record as requested, Endicott will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. The student may request a hearing with the Vice President and Dean of the Undergraduate College regarding the request to amend the record. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
4. The right to provide written consent before Endicott discloses identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Endicott to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington DC 20202-5901

### **Release to Third Parties**

The College may disclose personally identifiable information in the student's educational record to a third party only after receiving written consent by the student (or on his/her behalf by an authorized individual), except to the extent that FERPA or other applicable law authorizes disclosure without consent.

Under FERPA, prior consent of the student is not required to disclose information in the student's educational record in a number of circumstances, including but not limited to the following:

1. School Officials with legitimate educational interests. Information in the student's educational record may be disclosed to other school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic, research, or support staff position, including teachers, law enforcement personnel, and health staff; a person or company with whom the College has contracted, including attorneys and auditors; a person serving on the Board of Trustees; or a student serving on an official committee, or assisting another school official if the official needs to review the educational record to fulfill his/her professional responsibilities.
2. Parents or Legal Guardians. The College assumes all students are claimed by their parents or legal guardians as dependents for federal income tax purposes. The College may release information in a student's educational record to parents or legal guardians of dependent students unless instructed in writing by the student that he/she is not claimed by his/her parents or legal guardian as a dependent for federal income tax purposes. The form to notify the College that a student is not claimed as a dependent by his/her parents or legal guardian is available in the Registrar's Office and on the Endicott home page under Registrar's Office.
3. In connection with financial aid, which a student has received or for which he/she has applied, if the information is necessary for the purpose of : (a) determining eligibility for the aid; (b) determining the amount of the aid; (c) determining the conditions for the aid; or (d) enforcing the terms and conditions of the aid.
4. To any authorized organizations conducting studies on behalf of educational agencies or institutions for the purpose of (a) developing, validating, or administering predictive tests; (b) administering student aid programs; or (c) improving instruction.
5. To comply with a judicial order or lawfully issued subpoena, after making reasonable effort to notify the student of the order or subpoena in advance of compliance, unless the terms or nature of the order or subpoena require that no notice be given.
6. To appropriate parties in connection with a health or safety emergency if the information is necessary to protect the health or safety of the student or other individuals.
7. To another educational institution where the student seeks or intends to enroll.