

Family Education Rights and Privacy Act

In accordance with the provisions of the Family Education Rights and Privacy Act (Section 438 of the General Education Provisions Act, 20 USC 1232g), commonly referred to as the "Buckley Amendment", New England College has adopted the regulations given below to protect the privacy rights of its students. Revisions and clarifications will be published as experience with the law and the Institution's policy warrant.

Copies of this statement are available upon request (accompanied by a self-addressed stamped envelope) to the Registrar's Office, New England College, 7 Main Street, Henniker, New Hampshire 03242.

A. Type and Location of Educational Records; Officers Responsible

1. The principal educational record of each student is kept at the Registrar's Office. The Registrar or his representative is responsible for these records. Educational records include any records in the possession of an employee, which are shared with or accessible to another individual. The records may be handwritten or in the form of print, tape, film, or some other medium. Buckley Amendment coverage extends far beyond grades: records, files, documents, and data directly related to students must be made accessible, including all material incorporated into each student's cumulative records. Transcripts or other records obtained from a school in which the student was previously enrolled would be included.
2. Certain other offices maintain information or unofficial records as listed below. Inquiries concerning those records should be made in writing to the area concerned with a copy to the Registrar's Office.
 - a. Office of Academic Advising, Academic Affairs
 - b. Departments (for their majors and for students who have taken placement or exemption examinations with them.)
 - c. Advisors
 - d. Continuing Education Centers
3. The following offices maintain administrative (rather than academic) records relevant to their work. Inquiries concerning those records should be made in writing to the person listed with a copy to the Registrar's Office:
 - a. Admission – Director of Admission
 - b. Athletics – Director of Athletics
 - c. Counseling – Director of Counseling
 - d. Financial Aid – Director of Financial Aid
 - e. Library – Director of the Danforth Library
 - f. Residence Halls – Director of Residence Life
 - g. Security – Director of Security
 - h. Pathways Center – Director of Academic Advising
 - i. Student Accounts – Director of Student Financial Services
 - j. Student Development – Dean of Students

B. Inspection and Review of Records

1. Any student may inspect and review his/her educational records upon written request to the person in charge of the records, as listed above. That person will comply as soon as possible; under the law this must be done within 45 days after the request has been made.
2. The student has the right to review and inspect all the documents in all of his/her folders at the College except:
 - a. Confidential evaluations and letters of recommendation filed before January 1, 1975
 - b. Evaluations and recommendations after that date if the student has waived his/her right to see them
 - c. Financial records and statement of his/her parents
 - d. Those documents classified by law as non-educational

Certain student records are not include among “educational records” under the Buckley Amendment and regulations:

- I. Private notes or records held by educational personnel and not accessible to or revealed to any other person – so-called “desk drawer notes” kept in the sole possession of a teacher or administrator – are not accessible to students.
 - II. Campus law enforcement records are not open to student review, provided that the institution’s security personnel maintain their records separately from the other records, disclose their records only to law enforcement officials in the same jurisdiction, and do not have access to the student’s other educational records.
 - III. Student medical or psychiatric records created and maintained solely for treatment purposes are not available to anyone except a physician of the student’s choice, who may or may not show these records to the student.
 - IV. 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 are not open to student inspection. The record-keeper should be familiar with state laws, which sometimes guarantee employees access to their personnel files.
 - V. Records containing information obtained after the student is no longer enrolled, such as post-transfer or alumni records need not be shown to the former student.
3. If, after inspecting and reviewing his/her records, the student has any question about them, he/she may request an oral or written explanation and interpretation of them.
 4. The student may also secure a copy of every document in his/her folder open to him/her. These will be made by the College under the same terms, conditions, and charges as for a student copy of a transcript, i.e., 25 cents per page for each document under regular service. Copies, however, will not be supplied if the student has an overdue debt to the College or has failed to return all books to its libraries. If an original or source document exists elsewhere (e.g. records of their schools), copies will not be sent to a third party.

C. Correction of Record

1. If, after inspecting and reviewing his/her records, the student believes that any information contained in them is inaccurate or misleading or violates his/her privacy or other rights he/she may request in writing that the office, which contains those records, amend them.
2. That office must reach a decision and inform the student of this decision in writing within a reasonable period of time after receipt of this request.
3. If the office refuses to amend the record in accordance with the student's request, the student has the right to a hearing.
4. This hearing will be conducted by a committee appointed by the President, consisting of persons who do not have a direct interest in the outcome of the hearing.
5. The hearing will be held within a reasonable period of time after the student has made the request, and the student will be given notice of the date, place, and time, reasonably in advance of the hearing.
6. The student will be afforded a full and fair opportunity to present evidence relevant to the issue raised, and may be assisted by members of the College community.
7. The committee will make its decision in writing within a reasonable time period after the conclusion of the hearing.
8. The decision of the committee will be based solely upon the evidence presented at the hearing and will consist of a written statement given to all parties concerned, summarizing the evidence and stating the reasons for the decision.
9. If, as a result of the hearing, the committee supports the complaint of the student, the educational records of the student will be amended accordingly and the student will be so informed.
10. If the committee decides against the student, he/she has the right to place in his/her records a statement commenting on the information in the record and/or stating his/her reasons for disagreeing with the decision. This explanation will be maintained by the College as part of the education record of the student as long as those records are maintained, and whenever a copy of those records is sent to any party, the explanation will accompany them.

D. Disclosure of Information From Records

1. No office maintaining an educational record of a student will disclose any personally identifiable information from that record to anyone other than the student himself/herself without the written consent of the student, except as provided below.

2. The records of the student will be disclosed without his/her written consent to academic and administrative officers within the College who have a legitimate educational interest in the information. "Legitimate educational interest," means the demonstrated need to know by those persons who act in the student's educational interest. This includes the following persons and their professional and clerical staffs acting under third instructions: the dean or director of the student's school; the Registrar; the Controller; the President and Vice-Presidents; the appropriate guidance staff and/or academic standards committee; any faculty member or administrator to whom, or to whose office, the student has addressed an educational request, application, or inquiry, for which the records are needed to prepare a reply.
3. The records of a student will be disclosed without his/her written consent to those federal and state government agencies and officials provided by law.
4. The records of a student will be disclosed without his/her written consent to any agency to which the student has applied for or from which he/she has received financial aid, or which has made decisions concerning eligibility, amount, conditions, or enforcement of terms of such aid.
5. The records of a student will be disclosed without his/her written consent to certain educational agencies and institutions, as permitted by law.
6. The College reserves the right to furnish to parents or guardians of financially dependent students any information relating to such students' academic and social status. The College will assume that an undergraduate student is financially independent unless the student informs the Registrar's Office within ten days of registration each term that he or she is financially dependent.
7. The records of a student may be disclosed without his/her written consent to comply with a judicial order or subpoena.
8. The records of a student will be disclosed without his/her written consent in a health or safety emergency, as provided by law.
9. The following information related to a student is considered "directory information" and the College reserves the right to disclose it to anyone inquiring without the student's consent unless the student, within ten days of registration each semester, informs the Registrar's Office in writing on forms, available in the Registrar's Office, that any or all such information about him/her is not to be made public without his/her written permission: the student's name, home and local addresses and telephone numbers, date and place of birth, major field of study, participation in officially recognized activities and sports including weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational institution attended by the student, and other similar information (e.g., the title of his/her master's project or doctoral dissertation; current schedule of courses; and distinguished academic performance).

A new form for non-disclosure must be completed each fall semester or upon student entrance to the College.

E. Right of Complaint

Students who believe that the College is not complying with the requirements of the Family Educational Rights and Privacy Act or the regulations issued by the Department of Education implementing that Act, may file complaints in writing with:

The FERPA Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

The full text of the Family Education Rights and Privacy Act as amended, and the full text of the final regulations of the U.S. Department of Education for the implementation of the Act, is available for inspection at the Registrar's Office.