

Family Education Rights and Privacy Act (FERPA)

The Family Education Rights and Privacy Act (FERPA), also referred to as the “Buckley Amendment” was designed to protect the privacy of students’ educational records. In accordance with the provisions of FERPA (Section 438 of the General Education Provisions Act, 20 USC 1232g), New England College has adopted the regulations given below to protect the privacy rights of its students, including online/distance learners. Revisions and clarifications will be published as experience with the law and the Institution’s policy warrant.

The Registrar’s Office will notify students of their FERPA rights upon entry to New England College and once a calendar year thereafter. Notifications will be sent to the student’s official College email address. In addition, the policy will be available on the College website. Printed copies of this statement are available upon request (accompanied by a self-addressed stamped envelope) to the Registrar’s Office, New England College, 98 Bridge Street, Henniker, New Hampshire 03242. Additional FERPA information can be found at <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

With few exceptions, New England College has a policy of not disclosing any directory information without student consent to anyone outside the College. While disclosure is permitted by FERPA, the College is under no obligation to provide information and will do so only on a selective basis. Our intention is to act in the best interest of students regarding their education, well-being, and safety.

Students’ fundamental rights under FERPA include:

- The right to inspect and review their education records
- The right to have some control over the disclosure of information from their education records
- The right to request to amend inaccurate education records
- The right to be notified on an annual basis of College policies regarding FERPA
- The right to file complaints with the Department of Education regarding alleged failure of the College to comply with the act.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when they reach the age of 18 or attend an institution of higher learning. Records may be released to parents without a signed consent from the student or under certain exceptions. These exceptions may include:

- Health or safety emergency
- Where the student has been found in violation of the institution’s code of conduct relating to the use of alcohol or a controlled substance if the student is under the age of 21
- By submission of evidence that the parents declare the student as a dependent on their most recent Federal Income Tax form

The release to parents of education records under any of these exceptions is a permissible but not a required release. Thus, under FERPA, an institution is not required to disclose information from the student's education records to any parent of a dependent student. It may, however, exercise its discretion to do so.

Type and Location of Educational Records; Officers Responsible

The principal educational record of each student is kept at the Registrar's Office. The Registrar or their representative is responsible for these records. Educational records include any records in the possession of a College employee, which are shared with or accessible to another individual. The records may be electronic, handwritten or in the form of print, film or some other medium.

Certain other offices, including but not limited to those listed below, maintain records related to students. Inquiries concerning those records should be made in writing to the area concerned with a copy to the Registrar's Office.

- Academic Advising
- Academic Affairs
- Admission
- Athletics
- Campus Safety
- Disability Services
- Financial Aid
- Library
- Student Success Services (Academic Advising, Mentoring, Tutoring)
- Registrar
- Residential Life and Housing
- Student Affairs
- Student Financial Services
- Wellness Center

Inspection and Review of Records

Any student may inspect and review their educational records upon written request to the appropriate department (as listed above). The department will comply as soon as possible; under the law, this must be done within 45 days after the request has been made.

The student has the right to review and inspect all the documents in all of their files at the College except:

- Confidential evaluations and letters of recommendation filed before January 1, 1975
- Evaluations and recommendations after that date if the student has waived their right to see them
- Financial records and statement of their parents
- Those documents classified by law as non-educational

If, after inspecting and reviewing their records, the student has any questions about them, they may request an oral or written explanation and interpretation of them.

Certain student records are not included among “educational records” under FERPA regulations:

- 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.
- Campus law enforcement records are not open to student review, provided that the institution’s safety 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.
- Student medical or psychiatric records created and maintained solely for treatment purposes.
- 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.
- Records containing information obtained after the student is no longer enrolled, such as post-transfer or alumni records.
- Peer-graded assignments that have not been collected and recorded by a teacher are not considered “maintained by” an educational agency or institution, such that they are not “education records” covered by FERPA.

Correction of Record

If, after inspecting and reviewing their records, the student believes that any information contained in them is inaccurate or misleading, or violates their privacy or other rights, they may request in writing that the records be amended.

- That office must reach a decision and inform the student of this decision in writing within 90 days of time after receipt of the request.
- If the office refuses to amend the record in accordance with the student’s request, the student has the right to a hearing or may place a statement in their record. 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.
- 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.
- 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.
- The committee will make its decision in writing within a reasonable time period after the conclusion of the hearing.
- 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.

- 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.
- If the committee decides against amending the record, the student has the right to place in their records a statement commenting on the information in the record and/or stating their 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.

Disclosure of Information from Records

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

- The records of the student will be disclosed without their 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 advising 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.
- School officials can include contractors, consultants, volunteers, and other outside parties to whom an educational agency has outsourced institutional services that it would otherwise use employees to perform. The outside party must be under the direct control of the agency and must follow the same rules and laws as the agency.
- The records of a student will be disclosed without their written consent to those federal and state government agencies and officials provided by law.
- The records of a student will be disclosed without their written consent to any agency to which the student has applied for or from which they have received financial aid, or which has made decisions concerning eligibility, amount, conditions, or enforcement of terms of such aid.
- Education records or information from an education record that has been "DE identified" through the removal of all personally identifiable information. Personally identifiable information includes direct identifiers such as a social security number as well as indirect identifiers such as the name of the student's parent or family member that would allow a reasonable person in the community to identify the student with reasonable certainty.
- The records of a student will be disclosed without their written consent to certain educational agencies and institutions, as permitted by law.

- 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 otherwise.
- The records of a student may be disclosed without their written consent to comply with a judicial order or subpoena. In these instances, the College will make a reasonable effort to notify the student of this disclosure.
- The records of a student may be disclosed without their written consent in a health or safety emergency, as provided by law.
- Personally identifiable information within education records may be released to various auditors (federal, state and private) without prior consent.
- Education records may be disclosed to the Attorney General in response to an ex parte court order as part of an investigation or prosecution related to potential terrorism in order to comply with the USA Patriot Act.

The following information related to a student is considered "directory information" and the College reserves the right to disclose it without the student's consent unless the student informs the Registrar's Office on forms available electronically or in the Office of the Registrar that any or all such information about them self is not to be made public without their written permission:

- Full name
- Addresses (including home, local and email)
- 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
- Most recent previous educational institution attended by the student
- Enrollment status (full- or part-time)
- Class (e.g. first-year, sophomore, junior, senior)
- The title of their master's project or doctoral dissertation
- Distinguished academic performance (e.g., Dean's List)

An education record, without consent, can be returned to the party identified as the party that created the record. The regulations would also permit a state or local educational entity to redisclose education records without consent to the school district that provided the information.

To conform with the requirements of the Campus Sex Crimes Prevention Act, the regulations permit campus officials to release information they received from a state community notification program about a student registered as a sex offender in the State.

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:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520

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.

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