

# FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

## Bentley University FERPA Policy

### Overview

The Family Educational Rights and Privacy Act (FERPA) is a federal law (20 U.S.C. § 1232g, 34 C.F.R. Part 99) that protects the privacy of students' education records. Bentley University follows FERPA and Massachusetts guidelines to ensure the confidentiality and proper handling of student records.

### To Whom It Applies

FERPA affords eligible students with the following rights related to their educational records.

- Inspect and review their educational records
- Request amendments to their records
- Consent to disclosures of their records
- File complaints if their records are disclosed without consent

Eligible students are those enrolled in a credit-bearing course at Bentley regardless of their age.

### What Are Educational Records

Educational records are documents that directly pertain to a student and are maintained by the university or its authorized partners. These records can be in various forms such as written documents, computer records (including media, video, and audio recordings), spreadsheets, or paper files. These records may be maintained by the registrar, committees, boards, departments, faculty, or staff of the university. They can include:

- Grades
- GPA
- Test Scores
- Financial records
- Disciplinary records
- Class schedules
- Personal information (like race/ethnicity, gender identity)
- Enrollment records

Education records do not include:

- Records maintained solely by the creator, utilized exclusively as personal memory aids, and not disclosed to any individual except as a temporary substitute for the creator (such as an instructor's handwritten notes).
- Students' medical and psychological treatment records in specific circumstances.
- Employment records, unless the employment requires the person to be a student (e.g., resident assistant).

### Law Enforcement Records

The Bentley University Police Department ("University Police") is Bentley University's designated law enforcement unit under 34 CFR § 99.8. Any records (1) created by University Police, (2) for a law enforcement purpose, and (3) maintained by University Police, are not protected by FERPA.

### Student and Parent Access to Educational Records

Students and eligible parents have the right to access the student's educational records upon written request to the Office of the Registrar. Students may also locate their own Student Conduct records anytime by visiting their Student Self-Service Portal. Students can authorize the University to disclose their FERPA-protected information to others by submitting an Information Release Form to the Office of the Registrar.

### Directory Information

FERPA allows Bentley to disclose the following directory information without student consent for any student who has not opted out of directory information:

- Name
- Address
- Email address
- Photograph
- Telephone number
- Date and place of birth
- Class standing
- Enrollment status
- Major field of study
- Participation in activities and sports
- Weight and height of athletes
- Dates of attendance
- Academic honors, degrees, and awards received
- Most recent previous educational institution attended

Although the University may disclose directory information at its discretion for any purpose, faculty and staff are generally advised to refrain from doing so. If it becomes necessary to release directory information, one must first verify whether there are any restrictions preventing such disclosure. Students can request that this information is kept private by submitting a written request to the Office of the Registrar to opt out of directory information.

All other personally identifiable information regarding a student is considered nondirectory and may not be disclosed to a third party without the consent of the student (exceptions noted below).

### Disclosure Without Consent

FERPA allows Bentley to disclose educational records without seeking consent in certain situations, including but not limited to:

- Disclosure to the parents of a dependent student
- Compliance with subpoenas or court orders
- Requests from accrediting organizations
- Applications for financial aid
- Certain requests from federal, state, or local authorities
- Disclosure to other institutions where a student seeks to enroll

### Health & Safety Exception

FERPA allows the University to disclose educational records and personally identifiable information to appropriate third parties without a student's consent in situations where that information is necessary to protect the health and safety of the student or others. Appropriate parties may include law enforcement, public health officials, medical personnel, and a student's family members.

## **School Officials with Legitimate Educational Interest**

Education records may be disclosed to school officials who possess a legitimate educational interest. School officials include faculty, staff, and administrators employed by Bentley University, and some third parties contracted by the University. Legitimate educational interest is characterized by the necessity to access protected student records to perform their job duties. Disclosure of education records is strictly limited in scope and duration to the relevant task.

## **Annual Notice of FERPA Rights**

The Office of the Registrar will email all students their rights under FERPA which include the right to review and inspect records, seek amendment to their records, consent to disclosure of records, and the right to file a complaint with the U.S. Department of Education. This notice outlines the university's FERPA policy, including what the University has designated as directory information and the process by which a student may opt out of disclosure of directory information. It also includes the procedure for inspecting and reviewing education records and the procedure for requesting an amendment to their education record.

## **Enforcement**

Violations of this policy may result in disciplinary action, up to and including termination.

## **Contact Information**

For questions or concerns, contact the Office of the Registrar.

## **Complaint Procedure**

Students who believe their FERPA rights have been violated can file a complaint with the Student Privacy Policy Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202.