

Babson College FERPA Policy

Last Revised: September 6, 2022

The 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. With certain exceptions described in this Policy and subject to applicable law and regulations, “**Education Records**” are records, information, files, documents and other materials, recorded in any medium which (i) directly relate to a student; and (ii) are maintained by or on behalf of the College.

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

These rights may be summarized as follows:

1. Right to **inspect and review** their own education records
2. Right to **seek amendment** to education records in certain cases
3. Right to **consent to disclosure** of education records; and
4. Right to **file a complaint** with the U.S. Department of Education’s Student Privacy Policy Office (SPPO)

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, misleading or otherwise in violation of the student’s privacy rights under FERPA. A student who wishes to ask the College to amend the Education Record should submit such a request to the Registrar’s Office in writing, clearly identifying the record(s) the student wants changed, and specifying the reason(s) the student believes the records are inaccurate, misleading or a violation of the student’s privacy rights under FERPA. If the College decides not to amend the record as requested, the College will notify the student of the decision and the student’s 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 FERPA unless the grade assigned or the disciplinary decision rendered was inaccurately recorded.

3. The right to provide consent before the College discloses personally identifiable information from the student's Education Records, except to the extent FERPA authorizes disclosure without consent.

As noted, FERPA authorizes the College to disclose Education Records without a student’s prior consent in certain circumstances. One such exception permits disclosure to College officials with a legitimate educational interest. A “College Official” is a person employed by the College in an administrative, supervisory, academic, research, or support staff position (including, for

example, Public Safety and Health Services); a contractor, consultant, volunteer or other party to or with whom the College has outsourced or contracted College services or functions to provide a service or function instead of using College employees or officials; a person serving on the Board of Trustees or other College governance body; or a 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 College Official needs to review or obtain information from an Education Record to fulfill his or her professional responsibilities for the College.

Another exception permits the disclosure of "Directory Information" (unless specifically prohibited by the student in accordance with College procedures). The College considers the following information to be Directory Information:

- the student's name;
- digitized photographs and images;
- Babson College email address;
- 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.

If a student does not wish to authorize the release of Directory Information and does not want such Directory Information to appear in the Student Directory, the student must indicate so using the task, "[Manage my Privacy Settings](#)" in [Workday](#). 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 Directory Information, the student may re-authorize the College to again release Directory Information. A student can revoke the restriction at any time by initiating the task, "[Manage my Privacy Settings](#)" in [Workday](#).

Students should consider 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. The College, in all good faith, will not release Directory Information requested to be withheld and any such requests from such other persons and organizations for Directory Information of that student will be refused in such cases.

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.

Upon request, the College may also disclose Education Records to officials of another school in which a student seeks or intends to enroll, or is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer, including but not limited to verifying information provided by or on behalf of the student.

FERPA also permits the College to make disclosures of Education Records without obtaining the student's prior consent in a number of other circumstances, including but not limited to 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 consent when necessary to protect the health and well-being of the student 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 College has an obligation to keep a record of requests and disclosures of Education Records except for disclosures (i) to the student; (ii) to College Officials with legitimate educational interests, (iii) to a party with written consent from the student; (iv) to a party seeking Directory Information, or (v) in response to certain judicial orders or lawfully issued subpoenas. Students have the right to review the record of disclosures of their Education Records.

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:

Student Privacy Policy 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 Education Records or these procedures may be brought to the attention of the Registrar's Office, Hollister Hall, Room 334.

Key Definitions

Education Records: with certain exceptions described in this Policy and subject to applicable law and regulations, Education Records are records, information, files, documents and other materials, recorded in any medium which (i) directly relate to a student; and (ii) are maintained by or on behalf of the College. Note that the following categories of information are exempt and not Education Records:

a. Records made by College personnel which are in the sole possession of the maker and are not accessible or revealed to any other person.

b. Records created and maintained by the Public Safety Department for law enforcement purposes. However, records that are generated by others at the College and sent to the Public Safety Department, such as disciplinary records from the Community Standards Office, are not law enforcement records and remain subject to FERPA—even when in the possession of the Public Safety Department.

c. Health, medical and counseling records created, maintained or used solely for treatment to the student. These health records may be personally reviewed by a physician or other health-care professional of the student's choice, but may not otherwise be disclosed. 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 does not cover student medical treatment records and other records subject to FERPA.

d. Records only related to a former student (i.e., alumni records created after a student is no longer in attendance). However, records of that individual created while a student and/or that relate to that individual’s attendance at the College continue to be Education Records.

e. Employment records, when College employment does not result from and does not depend upon the fact that the 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.

Conversely, all records relating to a student who is also an employee of the College (e.g., work study, resident advisor, teaching assistant, etc.,) are Education Records, if the student’s employment is contingent upon the fact that he or she is a student.

Student: An individual who is or has been in attendance at the College and about whom the College maintains Education Records. The records of individuals who are not in attendance at the College are not Education Records unless and until such individuals are in attendance (become students) at the College. At such time their records become Education Records, which are then accorded the same privacy rights as any other Education Records governed by this Policy.

Additional Resources

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

U.S. Dept of Education, Student Privacy Policy Office– [Guidance re FERPA from the Dept of Education](#)

FERPA 20 USC 1232(g) [FERPA Law/Statute](#)

34 CFR Part 99 – [FERPA Regulation](#)