

**Office of The Registrar**

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FERPA NOTICE

Faculty, Staff and Student Employees: Take Responsibility for Student Record Confidentiality

The Family Educational Rights and Privacy Act of 1974 - commonly known as FERPA, the Privacy Act, or the Buckley Amendment - is a federal law designed to protect the privacy of educational records, to establish the right of students to inspect and review their educational records, and to provide guidelines for the correction of inaccurate and misleading data through informal and formal hearings.

You play a critical role in the confidentiality of our students' educational records.

Please take the following steps to ensure the confidentiality and access of student education records:

- Student education records are considered confidential and cannot be released without the written consent of a student.
- Access student records only if you have a legitimate educational interest.
- Maintain the privacy of all student academic work (paper and electronic) at all times—at work, at home, and in transit.
- Never allow students to pick up their academic work by sorting through stacks of materials that include classmates' work.
- Do not use or circulate printed class lists/rosters that include student names, ID numbers, etc., for attendance purposes.
- Do not use personal information, including student name and ID number, for the public posting of grades or for any other use.
- When writing letters of recommendation, you may include non-directory information only after receiving written-permission from the student.
- Always place student e-mail addresses in the "blind carbon copy" (Bcc:) when sending an e-mail to a group of students.
- Avoid using personally identifiable information about students in the e-mail subject line (e.g., student's full name, ID number, etc.).
- Be careful about sharing private information via wireless technology (cell phones, wireless internet, etc.), as well as internet, email or fax..
- Some information is considered public (directory information) and may be released without the student's written permission at the discretion of the College. However, the student has the right to restrict this information as well. Do not release directory information without checking for a FERPA hold with the Office of the Registrar first to make sure information is not restricted.
- When in doubt, do not release student information; instead contact the Office of the Registrar at registrar@massbay.edu or (781) 239-2550.

Educational Record

An educational record is any record (in any medium), with certain exceptions, maintained by MassBay Community College that is directly related to the student. This record can contain a student's name, several students' names, or information that can personally (individually) identify the student. Some exceptions to educational records include:

- Personal notes of faculty and staff
- Employment records
- Medical and counseling records used solely for treatment
- College Public Safety records
- Financial records of a parent, spouse or a sponsor
- Records that only contain information about the student after they are no longer a student (e.g., alumni records)

If ever in doubt whether information may be released, DO NOT RELEASE IT. Instead, please contact the Office of the Registrar first, at (781) 239-2550 or at registrar@massbay.edu. We will help you determine if the information is an educational record and/or whether it may be disclosed without written consent. To be safe, always obtain written consent.

Directory Information (Public Records)

FERPA allows for the release of specified items of information not generally considered harmful or an invasion of privacy if disclosed. MassBay, in accordance with FERPA, has designated the following categories of information about individual students as public, or directory information. This information may be released to a third party without a written consent from the student, at the discretion of the College, unless the student specifically requests that all or any of the items on the following list be withheld.

- Name
- Mailing and Permanent Address
- Electronic Mail Address
- Telephone Numbers
- Date and Place of Birth
- Awards, including Dean's List

- Full/Part-time status
- Major/Program of Study
- Semesters of Attendance
- Whether or Not Currently Enrolled
- Date of Actual or Expected Graduation
- Degree/Certificate Attained
- Participation in officially recognized activities and sports sponsored by the College
- Weight and height of athletic team members
- Photograph

Non-directory information (private records) are items which are considered private, or protected, and cannot be identified as directory information. Such information includes a student's social security number, race, religion, national origin, gender, grades, and GPA.

Legitimate Educational Interest

FERPA allows you, as a MassBay official, to share educational record information (public and private information) without written consent with other MassBay officials who have a legitimate educational interest. Legitimate educational interest means you have the need to know specific information in an educational record in order to fulfill your professional responsibilities. As a MassBay official you do not have authorization to transmit, share, or disclose any or all of that information to a third party who does not have a legitimate educational interest.

A "legitimate educational interest" includes:

- Performing a task that is specified in your position description or contract;
- Performing a task related to a student's education or to a student discipline;
- Providing a service or benefit related to the student.

It DOES NOT include:

- Accessing information for any other purpose;
- Viewing previous records/grades to see how a student performed;
- Viewing a relative's (son/daughter/spouse etc....) academic record to find out how they did in class.

Curiosity is not a legitimate educational interest. Simply the fact that you are a MassBay employee does not constitute legitimate educational interest. Your need to know must be related to your job responsibilities. In other words, records should be used only in the context of official business in conjunction with the educational success of the student.

Posting of Grades

The public posting of grades by the student's name, student ID number, social security number, or any portion of these numbers, without the student's written permission, is a violation of FERPA. Even with names obscured, numeric student identifiers (Student ID numbers) are considered personally identifiable information and therefore violate FERPA. You can assign students unique numbers or codes that can be used to post grades. However, the order of the posting must not be alphabetic. There is no guarantee of confidentiality when you send grades via email, fax or the internet. The institution would be held responsible if an unauthorized third party gained access, in any manner, to a student's education record through any electronic transmission method. A third party in this definition could be parents or guardians, spouses, boyfriend or girlfriend, roommate, sponsors etc. Only secure web sites are approved by FERPA for accessing grade information.

Letters of Recommendation

If personally identifiable information obtained from a student's educational record is included in a letter of recommendation (e.g., grades, GPA, or other non-directory information), you are required to obtain a written and signed release from the student. The student can give permission by obtaining and completing a "Consent to Release Education Records" form available at the Office of the Registrar. However, if your information is based on your personal observation or knowledge, you do not need to require a written release from the student. Your letter of recommendation would become a part of the student's educational record, and the student has the right to read it unless he/she has waived that right.

FERPA Hold on Directory Information

Students have the right to have their directory information withheld from the public if they so desire. To do so, students must complete and file the "Directory Information Opt-Out" form available at the Office of the Registrar. If a student has a FERPA hold on their record, you must not identify that the student has any educational record on file or is attending MassBay or that student has a FERPA hold. You need to indicate that the student's name does not exist in the records. For assistance please contact the Office of the Registrar at registrar@massbay.edu, or at (781) 239-2550.

Penalties for Violating FERPA

If you witness or commit what you believe to be a possible FERPA violation, please notify the Office of the Registrar immediately at registrar@massbay.edu, or at (781) 239-2550. The Office of the Registrar will investigate the matter and determine what action, if any, should be taken. If you have any questions about FERPA compliance or the release of student information, please contact the Office of the Registrar at registrar@massbay.edu, or at (781) 239-2550 for assistance.