

CONFIDENTIALITY OF STUDENT RECORDS (FERPA)

The University complies with the Family Education Rights and Privacy Act of 1974, as amended, which governs the maintenance of student records. Under the Act, students may inspect and review their records and generally prohibit disclosure of personally identifiable information; however, the Act permits disclosure without consent in certain instances including disclosure to faculty or administrators who have a legitimate educational reason for accessing the file and to parents of dependents as that term is defined by the Internal Revenue Service.

“Directory Information” shall be available without limitation to any interested party unless the student specifically requests that any or all directory information be withheld. A student may limit the release of directory information for any given year by filing a request with the Registrar’s Office. The University has defined “directory” information to include:

- Student’s name
- Participation in officially recognized activities and sports
- Degree and awards received
- Major fields of study
- Dates of attendance
- Most recent educational institution attended
- Other similar information as defined by the institution

The Act affords students the following rights with respect to their education records:

1. The right to inspect and review the student’s education records within 45 days of the day the University receives a request for access. Students should submit to the Registrar, official written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student’s education records that the student believes are inaccurate or misleading. Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write to the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of their 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.
3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or

company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility. Another exception which permits disclosure without consent is to parents of a student termed “dependent” for income tax purposes.

As an undergraduate University, Bay Path assumes that all students who are not continuing education students are dependent unless the University Registrar is otherwise duly notified. In order to be considered independent, students must notify the Registrar and provide proof of status.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Bay Path University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

**Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington, DC 20202-4605**

5. “Educational records” include any records in the possession of the University which are shared with or accessible to another individual. The following student records are not included among educational records and therefore, are not subject to the Act, provided, however, these records may be protected from disclosure by other provisions of federal or state law.
 - Private notes or records held by educational personnel (these documents become subject to student review only if they are made available to others within the University or to outside parties).
 - Student medical or psychiatric records created and maintained solely for treatment purposes (these documents are regulated by Massachusetts law relating to patients’ rights. Under this law, students have the right to confidentiality of their medical records as well as the right to inspect and obtain a copy of these records).
 - Records of the students which relate exclusively to the students in their capacity as regular employees and which the institution makes or maintains in the normal course of business.
 - Records containing information obtained after the student is no longer enrolled, such as post-transfer or alumni records. In addition, certain educational records are not subject to review by the student. This includes financial records and statements of parents and certain confidential letters and statements of recommendation which were placed in the educational records of a student.