

# ANNUAL NOTIFICATION OF RIGHTS (FERPA)

It is Wentworth Institute of Technology's policy to limit the dissemination of student information. The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records.

## Definitions

**Directory information** – As designated by Wentworth from the statutory list: name, local address, major field of study, dates of attendance, anticipated graduation date, degrees conferred, University-issued email address, enrollment status, honors, past and present participation in officially recognized sports and activities, and physical factors of members of athletic teams.

**Education records** – Any record (in handwriting, print, tapes, film, electronic, or other medium) maintained by Wentworth or an agent of Wentworth that is directly related to a student, except:

1. A personal record in the sole possession of the maker of the record and is not accessible or revealed to any other person except as temporary substitute for the maker of the record.
2. An employment record of a person not due to his/her student status, provided the record is used only in relation to the individual's employment.
3. Records that are created and maintained by Public Safety for law enforcement purposes.
4. Records made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity and that are used only in connection with the treatment of a student and that are disclosed only to individuals providing that treatment.
5. Alumni records that contain information about a student after he or she is no longer in attendance at Wentworth and that do not relate to the person as a student.

**Legitimate educational interest** – Indicates the need of a school official to review an education record in order to fulfill his or her professional responsibility.

**Parent** – A person who is the parent of the student, a guardian, or an individual acting as a parent in the absence of a parent or guardian. Parents who have claimed a student as a "dependent" on their federal or state tax return may be entitled to access to student records without the permission of the student. Court records and/or agreements between the parents of a student will be reviewed to verify parental status and access in some cases.

**Personally Identifiable Information** – Names, parents or other family members' names, address and address of student or family, personal identifiers information that alone or in combination, is linked to a specific student that would allow a reasonable person in the Wentworth community to identify the student with reasonable certainty, information requested by a person whom Wentworth believes knows the identity of the student.

**Non-Academic Student Affairs Title IX Coordinator** - Title IX related records community to identify the student with reasonable certainty,

information requested by a person whom Wentworth believes know the identity of the student

**School official** – A person employed by Wentworth in an administrative, supervisory, academic or research, law enforcement unit, health and counseling, support staff position, a person or company with whom Wentworth has contracted (such as an attorney, auditor, or collection agent), a person serving on the Board of Trustees, and a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

**Student** – Any person who attends or has attended Wentworth. Persons admitted but never matriculated are not considered students.

## A Student's Rights under FERPA

1. **The right to inspect and review the student's education records within 45 days of the day Wentworth receives a request for access.**

Students should submit to the registrar (registrar@wit.edu) written requests that identify the record(s) they would like to inspect. The registrar 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 registrar, the registrar shall advise the student to address the request to the appropriate Wentworth official.

A student may read any recommendation in his/her files unless the right to do so has been waived in writing.

The following is a list of the types of education records that Wentworth maintains; the location(s) of such records; and their custodians (or the custodian's designee):

### Education Records

Type	Location	Custodian
Academic Records	Office of the Registrar	Registrar
Admissions Files for students currently enrolled or have a history of enrollment	Office of the Registrar	Registrar
Admissions Files for students in pre-enrollment status	Part-time programs Admissions	Director of Marketing and Admissions
Enrollment Records	Office of the Registrar	Registrar
Career Services Records	Center for Cooperative Education and Career Development	Director of Center for Cooperative Education and Career Development
Counseling and Academic Placement Testing Records	Center for Wellness	Director of Counseling
Academic Records (grades, transcripts)	Office of the Registrar	Registrar
Academic Disciplinary Records	Office of the Provost; Office of the School Dean; and/or Associate Dean	Provost; Academic Discipline Board; School Dean and/or Associate Dean

Type	Location	Custodian
Non-Academic Disciplinary Records	Student Affairs	Dean of Students
Financial Aid Records	Student Service Center	Director of Financial Aid
Cross-registration records with Colleges of the Fenway	Office of the Registrar	Registrar
Terms Abroad (WIT)	Associate Dean and Office of the Provost	Associate Dean of the Program and Academic Affairs
Service learning records	Center for Community and Learning Partnerships	Director of the Center for Community and Learning Partnerships

**2. The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of his or her privacy rights.**

Students may request an amendment to a record that they believe is inaccurate or misleading. They should write the Wentworth official responsible for the record, clearly identify the part of the record they want changed and specify why it is inaccurate or misleading.

If Wentworth decides not to amend the record as requested by the student, Wentworth will notify the student of the decision and advise the student of his or her right to a hearing for appeal. The hearing will take place with the FERPA Appeals Committee. This committee's membership will include the associate vice president of Student Affairs, the associate vice president of Enrollment Management, the registrar, the associate vice president of Finance, and Vice President of Executive Affairs. In cases involving Title IX related matters, membership will include the Title IX Coordinator.

If as a result of the hearing, the FERPA Appeals Committee finds that the information in the education record is not inaccurate, misleading, or otherwise in violation of the student's privacy rights, the student shall have the right to place in the education records a statement commenting on the contested information in the record or the reason(s) the student disagrees with the decision of Wentworth.

A student may not challenge a grade given through this procedure, only the accurate recording of the grade.

**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.**

Personally-identifiable information from the education records of a student will be disclosed by Wentworth upon the prior written consent or request of the student. The written consent or request must (a) specify the records that may be disclosed; (b) state the purpose of the disclosure and (c) identify the party or class of parties to whom the disclosure may be made. However, Wentworth may disclose information without the prior written consent of the student in the following circumstances:

- To school officials with a legitimate educational interest in the records.

- To officials of another school, at the request of those officials, in which a student seeks or intends to enroll.
  - To certain officials of the U.S. Department of Education, the U.S. Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.
  - In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
  - To organizations conducting certain studies for or on behalf of Wentworth.
  - To accrediting organizations to carry out their functions.
  - To either of two parents when at least one parent has claimed the student as a dependent for income tax purposes. A certified copy of the parents' most recent Federal Income Tax Form may be required to verify dependency.
  - To comply with a valid court order or subpoena or to comply with federal law (e.g., the USA Patriot Act).
    - To appropriate parties in a health or safety emergency.
    - To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, the final results of a disciplinary proceeding conducted by Wentworth with respect to that alleged crime or offense. Wentworth may disclose the final results of the disciplinary proceeding, regardless of whether it concluded a violation was committed.
  - Directory information designated by Wentworth.
    - To parents of students under the age of 21 when laws or Wentworth policies regarding alcohol or drugs are violated.
  - To parents of students when disciplinary action may be taken.
  - To parents of students when a student is at risk of harming themselves or others or in the event of a medical emergency.
  - To a court or administrative agency in the event of legal action between Wentworth and a student.
  - In Title IX related matters, advisors for the students will receive documentation in accordance with the law.
- 4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Wentworth to comply with the requirements of FERPA.**

The name and address of the federal agency that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5920

**5. Directory Information (Limitation on Disclosure)**

Students may restrict the release of directory information, except to school officials with legitimate educational interests and to others as permitted by law. If a student decides to prevent disclosure, the student must complete a Request to Prevent Disclosure of Directory Information form in the Student Service Center or online. A student's Request to Prevent Disclosure of Directory Information is valid for the

life of the record or until a request to reverse non-disclosure is made in writing to the Registrar ([registrar@wit.edu](mailto:registrar@wit.edu)).

#### 6. **FERPA and Virtual Learning Related Resources March 2020**

As if educators and students move to virtual learning during this time of social distancing due to COVID-19, the Department of Education's Student Privacy Policy Office (SPPO) has received questions about available resources on virtual learning and the Family Educational Rights and Privacy Act (FERPA).

FERPA is the federal law that protects the privacy of personally identifiable information (PII) in students' education records. "Education records" are those records that are: (1) directly related to a student; and (2) maintained by an educational agency or institution or by a party acting for the agency or institution. **FERPA Consent for Virtual Learning, Classroom Recordings and Media Release.**

FERPA provides parents and eligible students the right to access a student's education records, the right to seek to have the records amended, and the right to protect the PII in students' education records. (An "eligible student" is a student who has turned 18 or is attending college at any age.) Under FERPA, an educational agency or institution may not disclose PII from students' education records, without consent, unless the disclosure meets an exception under FERPA. 20 U.S.C. 1232g; 34 C.F.R. Part 99.

Additionally, the recently-released FERPA and the Coronavirus Disease 2019 (COVID-19) FAQs (<https://studentprivacy.ed.gov/resources/ferpa-and-coronavirus-disease-2019-covid-19/>) document identifies questions for school officials regarding the health or safety emergency exception under FERPA in the context of COVID-19.

SPPO is available to assist you with your student privacy questions under FERPA. Additional information is on our website at <https://studentprivacy.ed.gov> (<https://studentprivacy.ed.gov/>)

#### **Two key resources on our website are:**

- *Protecting Student Privacy While Using Online Educational Services: Requirements and Best Practices* — this resource identifies applicable exceptions under FERPA, including the school official exception. This resource, while originally developed for online educational services, is also applicable for virtual learning tools and includes best practices for safeguarding student education records under FERPA.
- *Protecting Student Privacy While Using Online Educational Services: Model Terms of Service* —this checklist is a helpful tool to evaluate online educational apps.

These two resources are part of the Security Best Practices (<https://studentprivacy.ed.gov/search/node/?keys=security+best+practices>), which includes additional resources on safeguarding education records.

There are also additional resources on related topics under FERPA, including classroom observations, use of emails, videos, and other virtual learning tools. Under FERPA, the determination of who can observe a virtual classroom, similar to an in-person classroom, is a local school decision as teachers generally do not disclose personally identifiable information from a student's education record during classroom instruction. FERPA neither requires nor prohibits individuals from observing a classroom.

- Our Letter to Mamas (<https://studentprivacy.ed.gov/resources/letter-mamas/>) on classroom observation is also applicable to virtual classrooms.
- Our video, Email and Student Privacy (<https://studentprivacy.ed.gov/training/email-and-student-privacy/>), identifies best practices for emails.
- With regard to videos and virtual classrooms, to the extent videos are recorded and maintained as education records, the FAQs on Photos and Videos under FERPA (<https://studentprivacy.ed.gov/faq/faqs-photos-and-videos-under-ferpa/>) might be useful.