

OF COUNSEL –SPRING 2007

the newsletter of the

Office of the University Counsel

115 Churchill Hall

In this Issue: FERPA policy, sales and solicitations, and email issues.

A) FERPA POLICY AND FREQUENTLY ASKED QUESTIONS

The Family Education Rights and Privacy Act, commonly known as FERPA, is a federal law that protects the privacy of student educational records. Educational records are broadly defined in the law as "those records, files, documents, and other information directly related to a student and which are maintained by an educational...institution or by a person acting for such...institution". It is important to be familiar with this law as it applies to anyone who has access to student information and records.

FERPA generally guarantees students four basic rights:

- The right to access educational records kept by the school;
- The right to expect that educational records be disclosed only with student's consent;
- The right to seek changes to educational records;
- The right to file complaints against the school for disclosing educational records in violation of FERPA.

Northeastern University has developed its own implementation policy (below). Its intent is to provide to students access to their records and maintain their privacy. (This policy is found in the [Student Handbook](#) and the Registrar's website. A link to this policy can also be found on the University Counsel website.)

B) SALES AND SOLICITATIONS

The Counsel's office would like to take this opportunity to remind the Northeastern community about the University's sales and solicitations policy. University's policy on commercial sales and solicitations is printed in the Undergraduate and Graduate Student Handbook, located at page 93 of 2006-2007 edition. While the policy is printed in the Student Handbook (because most sales campaigns will be targeted at students), it applies to the entire University community. The policy is as follows:

“Northeastern University is not a marketplace. Sales of material or solicitations, such as newspapers and other printed matter, insurance, foodstuffs, and all other articles are prohibited without the express written permission of designated officials of the University. Solicitations of any kind are also prohibited without the express written permission of designated officials. Exceptions to this policy are made for recognized

student organizations and residence hall residents. Residence hall residents should request permission to sell within their housing unit from the director of residential life; recognized student organizations should request permission for sales from the director of Campus Activities; all others should apply to the business manager of the University. Such permission, when granted, is for designated areas within the University and is subject to the restrictions imposed by the approving officials. General solicitation, especially in such areas as classrooms, lounges, and cafeterias, is not permitted.”

C) EMAIL USE

The University has an Appropriate Use of Computer and Network Resources Policy which can be found on the University’s web site, as well as at page 71 of the 2006-2007 Student Handbook. This policy sets forth the rules that apply to anyone who use Northeastern University’s information systems, including e-mail. Violation of the policy may result in disciplinary action, among other things.

Apart from University Policy, here are a few reminders regarding University email use.

- 1) Be careful of what information you send through email. Emails can be retrieved and may be required to be shared in legal proceedings as evidence.
- 2) The confidentiality of any message or material should not be assumed. Even when a message or material is deleted, it may still be possible to retrieve and read that message or material. However, aside from the right of the University to retrieve and read any electronic communications or content, such messages or materials should be treated as confidential by other students or employees and accessed only by the intended recipient. Without prior authorization, students and employees are not permitted to retrieve or read electronic mail messages not sent to them.
- 3) Make sure you know to whom you are sending your emails. In particular, students, faculty, and staff should especially take care in using the “reply all” option when using email. This sends your message to everyone listed in an original email. If you only wish to send a message to one person and not to everyone on that list, only use the “reply” option.

If you have any questions you’d like to see responded to in this space, please submit them to the Office of University Counsel at 115 Churchill Hall. Depending upon the nature of your question, we’ll either answer you personally or address your issue in a future edition of this newsletter.

Of Counsel has been prepared as a general summary of important developments. It is not intended as individual legal advice. Should you have any questions or need information

concerning a specific situation or any of the content of this advisory, please contact the Office of University Counsel, 115 Churchill Hall, x2157.

This edition of Of Counsel was prepared with the assistance of Northeastern University law student Chris Eicher.

