

FERPA FAQs

(adopted from Vanderbilt University)

[What is FERPA \(Family Education Rights and Privacy Act\)?](#)

[Why should I care about FERPA?](#)

[What are education records?](#)

[Are my admission application materials considered education records?](#)

[What is personally identifiable information?](#)

[Are there exceptions to the disclosure requirements of FERPA?](#)

[What constitutes “legitimate educational interest”?](#)

[What is directory or public information?](#)

[How can release of directory information be restricted?](#)

[Is Berea required to release a student’s directory information?](#)

[What is the annual notification to students?](#)

[When do students’ FERPA rights begin?](#)

[Is it okay to send FERPA-protected information via email?](#)

[Is it okay to use Box to store and transmit FERPA-protected information?](#)

What is FERPA (Family Education Rights and Privacy Act)?

The Family Educational Rights and Privacy Act is a federal law regarding the privacy of student records and the obligations of the institution, primarily in the areas of release of the records and the access provided to these records. Any educational institution that receives funds under any program administered by the U.S. Secretary of Education is bound by FERPA requirements. Institutions that fail to comply with FERPA may have funds administered by the Secretary of Education withheld.

Why should I care about FERPA?

If you are an employee of Berea College with access to student education records, you are obligated to comply with FERPA and to protect those records according to the law.

What are education records?

Education records are directly related to a student and maintained by an institution or its agent or by a party acting for the institution or agency. Education records can exist in any medium including email, computer files, computer screen display, paper documents, printouts, tapes, disks, film, and microfilm/microfiche, among others.

Education records include such things as graded papers, exams, transcripts, notes from a conversation with or about a student that are placed in a student's file for others in the department to reference.

Education records **DO NOT INCLUDE** such things as:

- sole possession records, i.e., records/notes in sole possession of the maker, used only as a personal memory aid and not revealed or accessible to any other person
- peer-graded papers before the instructor has collected them
- medical treatment records that include—but are not limited to—records maintained by physicians, psychiatrists, and psychologists
- law enforcement unit records
- alumni records

Are my admission application materials considered education records?

FERPA affords admitted students who matriculate at the college the right to access their education records. Persons who apply to the college and are not admitted are not covered by FERPA. Persons who are admitted to the college but do not matriculate are not covered by FERPA.

Undergraduate students who are admitted and matriculate at the college will have the following information from the admission application process as part of their education records:

- Application for admission (does not include letters of recommendation)
- Official transcript(s)
- Standardized test scores

What is personally identifiable information?

According to FERPA, personally identifiable information in an education record may not be released without prior written consent from the student. Some examples of information that **MAY NOT BE RELEASED** without prior written consent of the student include:

- Social Security number
- grades/exam scores and test scores (e.g., SAT, GRE, etc.)
- Grade Point Average (GPA)
- current class schedule
- parent name

- race/ethnicity
- gender
- nationality
- birthdate
- pins/passwords
- financial information
- financial information

The college will not release personally identifiable information from a student's education record without the student's prior written consent. Even parents are not permitted access to their son or daughter's education records unless the student has provided written authorization.

Are there exceptions to the disclosure requirements of FERPA?

Yes. These exceptions include, but are not limited to, the following examples:

- Disclosure to school officials with legitimate educational interests. A "school official" is a person employed by the college in an administrative, supervisory, academic, research, or support staff position (including college law enforcement personnel and health staff); contractors, consultants, and other outside service providers with whom the college has contracted; a member of the Board of Trust; or a student serving on an official college committee, such as the Honor Council, Student Conduct Council, or a grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- To parents if the student is a dependent for tax purposes.
- To appropriate individuals (e.g., parents/guardians, spouses, housing staff, health care personnel, police, etc.) where disclosure is in connection with a health or safety emergency and knowledge of such information is necessary to protect the health or safety of the student or other individuals.
- Information to a parent or legal guardian of a student regarding the student's violation of any federal, state, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance if the college has determined that the student has committed a disciplinary violation with respect to the use or possession and the student is under the age of twenty-one at the time of the disclosure to the parent/guardian.

What constitutes "legitimate educational interest"?

FERPA permits college employees to have access to student education records in which they have a "legitimate educational interest." Such access does not require prior written consent of the student. Legitimate educational interest is considered necessary for employees to carry out their job responsibilities in support of Berea's educational mission.

Important points pertaining to "legitimate educational interest":

- Curiosity is not legitimate educational interest. Having access to student education records does not equate to license to access them out of curiosity.
- Employment by Berea College does not constitute legitimate educational interest. Accessing student education records must be related to your job responsibilities in support of the college's educational mission.
- Legitimate educational interest is limited to the specific record(s) you need to access to carry out your job duties. Access to education records does not authorize unrestricted use.

What is directory or public information?

FERPA provides the college the ability to designate certain student information as “directory information.” Directory information may be made available to any person without the student’s consent unless the student gives notice as provided for below. Berea has designated the following as directory information: the student’s name, addresses, email address, enrollment status, major field of study, classification, participation in officially recognized activities and sports, weights and heights of members of athletic teams, dates of attendance, degrees and awards received, photographic, video or electronic images of students taken and maintained by the college, student B number, hometown and other information that would not generally be considered harmful or an invasion of privacy if disclosed.

How can release of directory information be restricted?

Any newly entering or currently enrolled student who does not wish disclosure of directory information should notify the Registrar in writing. No element of directory information as defined above is released for students who request nondisclosure except in situations allowed by law. The request to withhold directory information will remain in effect until the student files a written request with the Registrar to discontinue the withholding.

Is Berea required to release a student’s directory information?

No. The only required disclosure of education records is to the student. All other disclosures, including those with student consent and disclosures of directory information, are at the discretion of the institution.

What is the annual notification to students?

Berea College provides the [Annual Notification of Student Rights under FERPA](#) to all enrolled students to inform them of their rights to:

- inspect and review their education records (within 45 days of a request);
- request an amendment to their education records;
- request a hearing if the request for an amendment is unsatisfactory;
- request that the institution not disclose their directory information;
- file a complaint with the U.S. Department of Education.

When do students’ FERPA rights begin?

At Berea, a student is defined as someone currently or previously enrolled in an academic offering of the college. This does not include prospective students or applicants to any academic program of the college. For those students who are newly admitted to Berea, FERPA becomes effective on the first day of classes for students who have enrolled in at least one course.

Is it okay to send FERPA-protected data via email?

Do not send FERPA-protected data to a non-Berea email account (unless a student release form is on file).

Never send student social security numbers via an unencrypted email.

Use e-mail as a last resort. While emailing grades is permissible under FERPA, the Department of Education has ruled that an institution will be held responsible for a violation if any unauthorized individual sees the grade via your electronic transmission.

Send FERPA-protected student education records and personally identifiable information via email only if all the following conditions are met:

- The FERPA-protected data is being emailed from one Berea email account to another one and
- the FERPA-protected data is being sent only to coworkers with a legitimate need to know.

In addition:

- If SSNs or if a large amount of data must be sent via email, encrypt the email by following [Berea's email encrypting instructions](#) or set up a BOX spreadsheet with the appropriate people.

Is it okay to use Box to store and transmit FERPA-protected information?

Yes, FERPA-protected information may be stored in Box.