



Berea College

Registrar's Office FERPA Training

adopted from Clemson University

What is FERPA?

FERPA is an acronym for the Family Educational Rights and Privacy Act. Congress enacted FERPA, also referred to as the "Buckley Amendment," in 1974.

FERPA mandates that schools, including colleges and universities, maintain students' records in a certain way. Students must be allowed to inspect and review their education records and request the amendment of records that are inaccurate or misleading. Schools are also restricted from disclosing student records except in limited circumstances, which will be described later in this tutorial.

Who does FERPA protect?

- The rights under FERPA apply to eligible students. An eligible student is an individual who is, or has been, in attendance at Berea College. FERPA rights begin on the first day of class in the academic term for which the student is accepted.
- Applicants who are denied admission or who never attend are not covered under FERPA.

Education Records

- What are Education Records?
Education records are records directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution.
- Note: The storage medium in which you find the record does not matter. Printed documents, handwritten notes, e-mails, electronic documents, and web pages can all contain education records covered by FERPA.

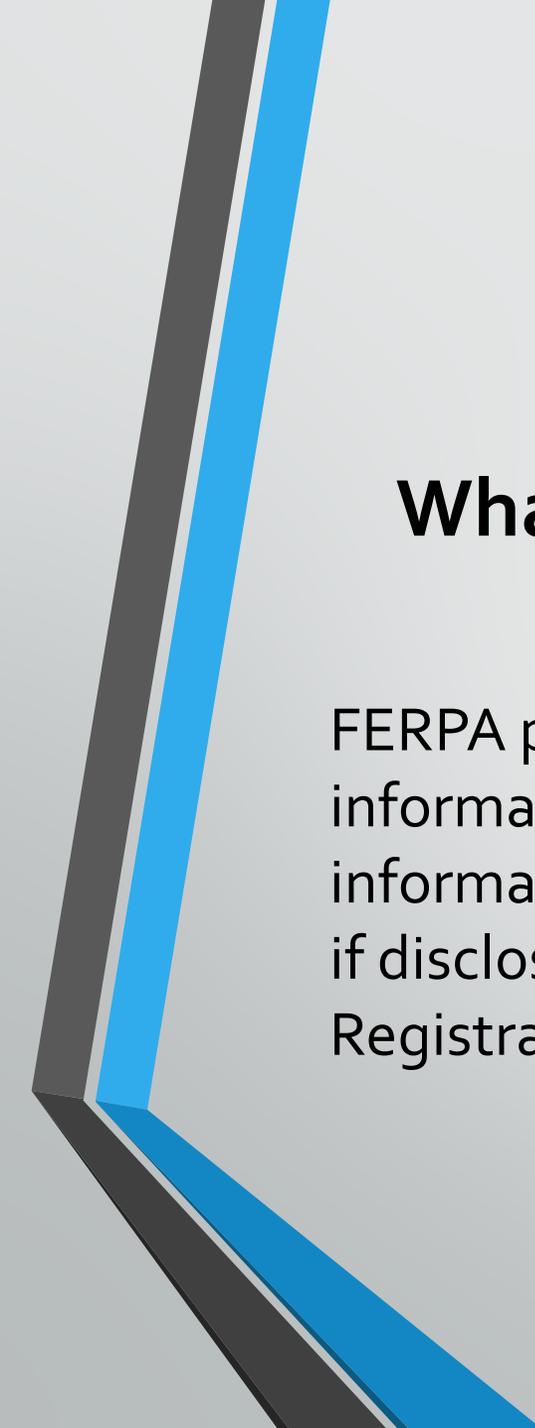
Education records may include, but are not limited to:

- Student folders in Admissions/Registrar/Financial Aid/Advisors/Placement offices (including any notes made in the folder).
- Student classroom activity or homework that is maintained by the institution as part of the student's permanent school record.
- Reports and records — computer generated or other.
- Class rosters, papers, and tests.
- Application forms for student organizations/activities.
- Memos between school employees.
- Photographs.
- Most student disciplinary records.
- Former student records.

What is not an educational record?

FERPA has a number of key exceptions to the definition of education records. Those include:

- Records of the College's Office of Public Safety.
- Medical and mental health records used only for the treatment of the student. However, other statutes may prohibit the disclosure of these records.
- Alumni records that do not relate to the person as a student.
- Records made by instructional, administrative, and educational personnel not shared with others.



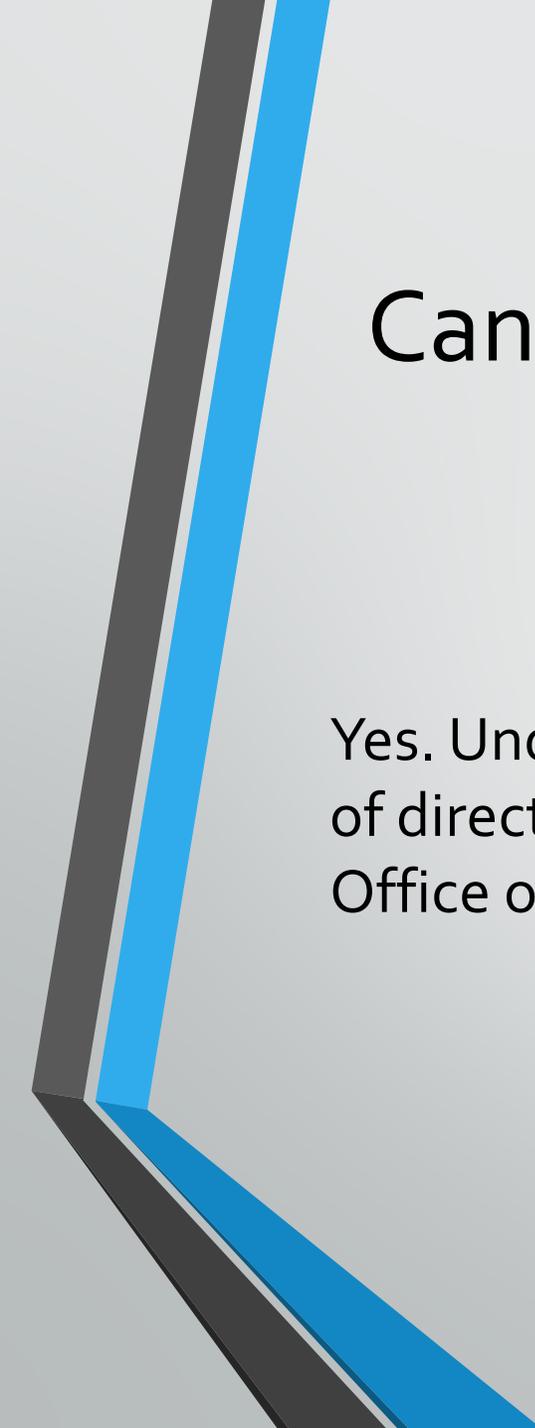
Directory Information

What is considered Directory Information by FERPA?

FERPA permits institutions to specifically define some education record information as "directory information" not confidential under FERPA. This is information that is generally not considered harmful or an invasion of privacy if disclosed. Berea College defines "directory information" on the Office of the Registrar webpage.

Directory Information as defined by Berea includes:

- A student's full name
- A student's B #
- Address and email address
- Enrollment status (full-time, part-time)
- Classification (Freshman, Sophomore, Junior, Senior)
- Dates of attendance
- Majors and minors
- Hometown
- Degrees and awards received
- Participation in officially recognized activities and athletic events
- Height and weight of athletic team members
- Photographic, video, or electronic images of students taken and maintained by the College



Can students suppress directory information?

Yes. Under FERPA the College must allow for students to opt out of the release of directory information. Students must complete a form to request that the Office of the Registrar keep all directory information restricted from release.

Student Rights Under FERPA

Under FERPA, students can:

- Inspect and review their education records.
- Request the amendment of inaccurate or misleading records.
- Consent to disclosure of personally identifiable information contained in their education record.
- File a complaint with the U.S. Department of Education concerning alleged failures by Berea College to comply with this law.

Student Access to Education Records

- Students and former students have the right to inspect and review their education records within a maximum of 45 days after a written request is received.
- Berea College is not required to provide a copy of an education record unless failure to do so would deny access. Records cannot be destroyed if a request is pending. Fees may be charged unless cost prohibits access.

Consent to Disclosure

- The student can provide a written release to the institution giving specific consent in regard to the disclosure of the student's education records. The release needs to be dated and signed and should describe the records, the purpose for the release, and list to whom the records can be given.
- A faculty member should have a student sign a release before providing a job reference or a reference for the student for certain academic purposes, such as scholarships or awards.

Records with no Access

FERPA does not grant the student rights to access:

- Educational records (such as print-outs of class request logs and class rosters) that contain information concerning more than one student. (The student may review only the specific information concerning themselves.)
- Financial records of the student's parents.
- Confidential letters of recommendation, for which the student has signed a waiver, and which are related to admission to the Institution.

Parents/Spouses and FERPA

- When a student reaches the age of 18 or begins attending a postsecondary institution, regardless of age, FERPA rights transfer from the parent to the student.
- Parents/spouses may obtain directory information at the discretion of the institution.
- Parents may obtain non-directory information (grades, GPA, etc.) if:
 - The student is a dependent for federal income tax purposes.
 - The disclosure is in connection with a health/safety emergency and knowledge of the information is necessary to protect the health or safety of the student or other individuals.
 - The student has violated any federal, state, or local law, or rule or policy of the institution, governing the use or possession of alcohol or a controlled substance, if the institution determines that the student has committed a disciplinary violation regarding use or possession of said substance and the student is under 21 at the time of disclosure.
- The spouse of a student has no rights under FERPA to access the student's education record without the student's written consent .

School Officials may access student records without student consent

Who is a School Official?

A school official is a person employed by the College in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); contractors, consultants, volunteers, and other outside parties to whom the institution has outsourced institutional services or functions instead of using College employees or officials (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 their tasks.

School Officials must have a Legitimate Educational Interest

What is a Legitimate Educational Interest?

- Legitimate educational interest does not include simply having a curiosity about the academic record or disciplinary proceedings with regard to a student without some legitimate academic reason. Thus, all records of all students are not open to all faculty or staff at the College.
- A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibilities for the College. Upon request, the College also discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

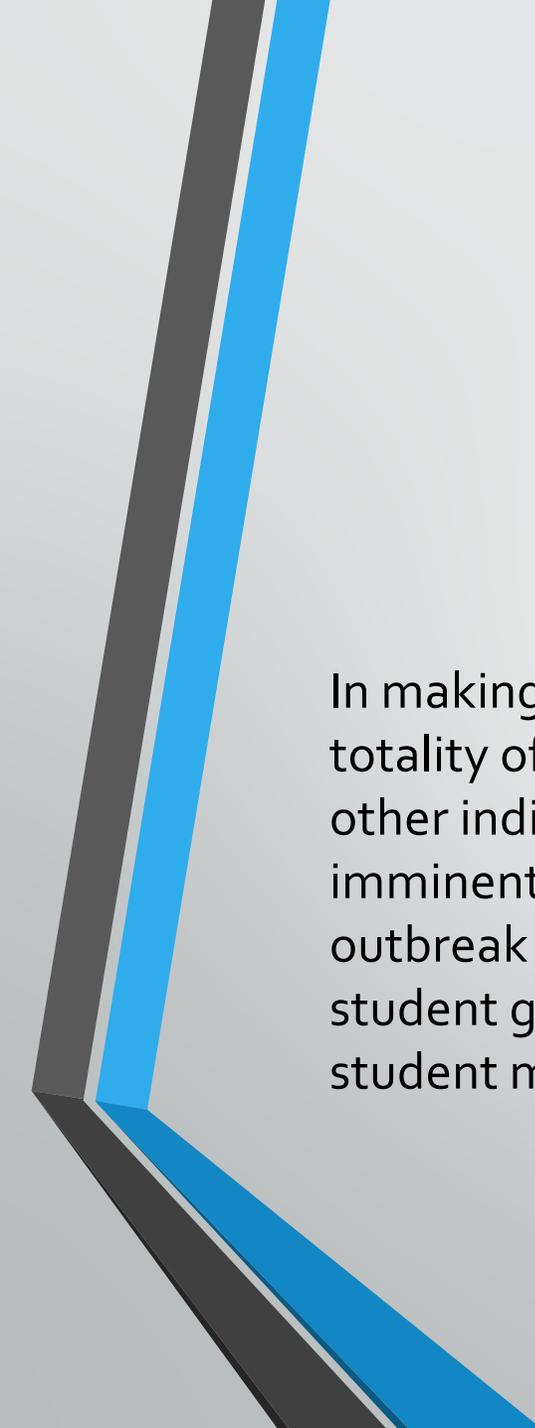
Guidelines to Ensure FERPA Compliance

- Obtain signed, written permission from the student before sharing educational record information, including grades and grade point averages, with parents or others outside the institution. In the case of a parent who provides a copy of their most recent federal income tax return verifying that the student in question has been claimed as a dependent, an exception may be granted and the parent may be given access to student record information.
- Only disclose education records to school officials who have a legitimate educational interest.
- Never post students' papers, scores, or grades in a public place on which names, B #, social security numbers, or other personal identifiers are also displayed. If posted, use a code known only to both you and the student.
- Never release information about a student disciplinary matter without conferring with the institutional General Counsel or Vice President for Student Life.
- The Office of the Registrar is the first stop for any questions about FERPA.

Health/Safety Emergencies

Disclosure of Education Records In the Case of Health/Safety Emergencies

- If the College determines that there is an articulable and significant threat to the health or safety of a student or other individuals, FERPA allows disclosure of information from education records to appropriate parties whose knowledge of the information is necessary to protect the health and safety of the student or other individuals.
- "Articulable and significant threat" means that if a school official can explain why, based upon all the information then available, they reasonably believe that a student poses a significant threat, such as a threat of substantial bodily harm, to any person, including the student themselves, the College may disclose education records to any person whose knowledge of information from those records will assist in protecting a person from that threat.
- "Appropriate parties" include parents of the student; parents may be notified when there is a health or safety emergency involving their child.



Healthy/Safety Emergencies

In making a determination to disclose information, the College may take into account the totality of the circumstances pertaining to a threat to the safety or health of the student or other individuals. An emergency can be related to the threat of an actual, impending, or imminent emergency, such as a terrorist attack, natural disaster, campus shooting, or the outbreak of an epidemic such as e-coli. An emergency can also be a situation in which a student gives sufficient, cumulative warning signs that lead the school official to believe the student may harm themselves at any moment.

Healthy/Safety Emergencies

The FERPA record keeping requirements require the College to record:

- 1) The articulable and significant threat that formed the basis for the disclosure, and;
- 2) The parties to whom the information was disclosed.

This record will demonstrate what circumstances led to the determination that a health or safety emergency existed and how the disclosure was justified. The record must be made within a reasonable period of time after the disclosure was made. The record must be maintained with the education records of the student for as long as the student's education records are maintained. After disclosing information under the FERPA health and safety exception, please document the following information and forward the records to the Registrar:

Healthy/Safety Emergencies

- Student's full name.
- To whom did the student pose a significant threat to health or safety?
- Articulate the significant threat to health or safety.
- Describe the circumstances and the information available (including relevant dates).
- Identify the information that was disclosed.
- Name(s) of person(s) to whom the information was disclosed (person whose knowledge of the information would assist in protecting a person from the threat; or parents).
- Date(s) disclosure was made.
- Name(s) of Berea employee(s) making determination of health and safety emergency.
- Name of Berea employee(s) making the disclosure(s).
- Date the record of disclosure was made.



FERPA Violations

FERPA provides for a complaint procedure to the United States Department of Education with an ultimate sanction of withholding of federal funding to the institution in question. While there is generally no private cause of action directly under FERPA, students may seek to hold the College or individuals liable under other statutes or common law tort theories. Faculty, staff, administration, or students who violate the College's FERPA policy may be subject to corrective or disciplinary action, depending on individual circumstances.

FERPA Summation

1. Berea may give parents access to a student's records only if the student is a dependent and is claimed on the parent's most recent tax return per Internal Revenue Code 152.
2. Every faculty and staff member does not have a legitimate educational interest in all student records of all students enrolled at Berea. This issue must be evaluated on a case-by-case basis.
3. The definition of education records is very broad. You can assume that any document related to a student is part of their education record.
4. Directory Information as defined by Berea may be disclosed to third parties. Please contact the Office of the Registrar (859-985-3185) for assistance before disclosing any information.
5. Students only have the right to review their own education records. If a document contains information regarding more than one student, the part of the document unrelated to the student requesting the information cannot be disclosed.