

## **Student Records (Family Educational Rights and Privacy Act)**

Berea College is subject to the provisions of federal law known as the Family Educational Rights and Privacy Act (also referred to as FERPA). This act affords matriculated students certain rights with respect to their educational records. These rights include:

1. The right to inspect and review their education records within 45 days of the day the college receives a request for access. Students should submit to the College Registrar written requests that identify the record(s) they wish to inspect. The College Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected. If the College Registrar does not maintain the records, the student will be directed to the college official to whom the request should be addressed.
2. The right to request the amendment of any part of their education records that a student believes is inaccurate or misleading. Students who wish to request an amendment to their educational record should write the college 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 college decides not to amend the record as requested by the student, the student will be notified of the decision and advised of his or her right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records to third parties, except in situations that FERPA and its regulations allow disclosure without the student's consent. These exceptions include:
  - School officials with legitimate educational interest;
  - Other schools to which a student is transferring;
  - Specified officials for audit or evaluation purposes;
  - Appropriate parties in connection with financial aid to a student;
  - Organizations conducting certain studies for or on behalf of the school;
  - Accrediting organizations;
  - Parents of a dependent student, as defined by Section 152 of the Internal Revenue Code of 1954
  - To comply with a judicial order or lawfully issued subpoena;
  - Appropriate officials in cases of health and safety emergencies; and
  - State and local authorities, within a juvenile justice system, pursuant to specific State law.

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, student's B number, addresses, email address, major field of study, enrollment status, 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, hometown and other information that would not generally be considered harmful or an invasion of privacy if disclosed. Any 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 as required by statute. The request to withhold directory information will remain in effect as long as the student continues to be enrolled, or until the student files a written request with the Registrar to discontinue the withholding. To continue nondisclosure of directory information after a student ceases to be enrolled, a written request for continuance must be filed with the Registrar during the student's last term of attendance.

The request for nondisclosure does not apply to class rosters in online class management applications, or to residential rosters—or rosters of groups a student may join voluntarily—in online, co-curricular engagement applications, or rosters of other information on the websites of student organizations that a student may join. Neither class rosters in online class management applications, nor residential rosters in online co-curricular engagement applications, are available to the public.

As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which students' education records and personally identifiable information (PII) contained in such records—including Social Security numbers, grades, or other private information—may be accessed without consent. First, the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state and local education authorities ("Federal and State Authorities") may allow access to student records and PII without consent to *any* third party designated by a Federal or State Authority to evaluate a federal- or state-supported education program. The evaluation may relate to any program that is "principally engaged in the provision of education," such as early childhood education and job training, as well as any program that is administered by an education agency or institution.

Second, Federal and State Authorities may allow access to education records and PII without consent, to researchers performing certain types of studies, in certain cases *even when the College objects to or does not request such research*. Federal and State Authorities must obtain certain use-restriction and data security promises from the third parties that they authorize to receive PII, but the Authorities need not maintain direct control over the third parties.

In addition, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without student consent, PII from education records, and may track student participation in education and other programs by linking such PII to other personal information that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student records systems.

If a student believes the college has failed to comply with FERPA, they may file a complaint using the Student Complaint and Grievance Procedure as outlined in the

*Student Handbook.* If dissatisfied with the outcome of this procedure, a student may file a written complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202-5920.

Questions about the application of the provisions of the Family Educational Rights and Privacy Act should be directed to the Registrar's Office or to the Office of the General Counsel.

### **BEREA DIRECTORY LISTINGS**

Students who have placed a directory hold with the Registrar will not be listed in the online directory. Directory information should be kept current.