

FERPA NOTICE

Notice of Student Rights Under the Family Educational Rights and Privacy Act of 1974

(All Capitalized Terms are defined in Mines' FERPA Policy)

Background and Purpose

The Family Educational Rights and Privacy Act of 1974 (20 U.S.C § 1232g; "FERPA") is a federal law that affords Students certain rights with respect to their Education Records.

FERPA affords Students the following rights:

- The right to inspect and review their Education Records
- The right to request amendment those Records
- The right to provide written consent prior to Mines' Disclosure of Personally Identifiable Information from their Education Records (except to the extent FERPA authorizes Disclosure without consent); and
- The right to file a complaint with the U.S. Department of Education.

Applicability

FERPA rights apply to Students who are attending or have attended Mines, regardless of age.

Right to Inspect and Review Education Records

Mines' Students have the right to inspect and review their own Education Records within 45 days after Mines receives a request for access. A Student who wishes to request access should submit a written request to the Registrar or other appropriate official that identifies the Records the Student wishes to inspect. The Registrar or another school official will make arrangements for access and notify the Student of the time and place where the Records may be inspected.

Right to Seek to Amend Education Records

Mines' Students have the right to request amendment of Education Records that the Student believes are inaccurate, misleading, or otherwise in violation of the Student's privacy rights under FERPA. A Student who wishes to ask Mines to amend an Education Record should submit a written request to the Registrar, clearly identifying the part of the Record the Student wants changed and explaining why it should be changed. If Mines determines not to amend the Record as requested, Mines will notify the Student in writing of the decision and of the Student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the Student when notified of the right to a hearing.

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Right to Provide Consent Prior to Disclosure

Mines' Students have the right to consent to Disclosure of Personally Identifiable Information contained in the Student's Education Records, except to the extent that FERPA authorizes Disclosure without consent. [[Release Form](#)]

Right to File a Complaint

Mines' Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by Mines to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office

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

Disclosure of Education Records Without Consent

FERPA permits Disclosure of Education Records without the Student's consent to:

- School officials who Mines has determined have legitimate educational interests in the Education Record. A school official typically has a legitimate educational interest if the official needs to review an Education Record in order to fulfill his or her professional responsibilities.
 - A school official typically includes a person employed by Mines in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health center staff); a person serving on the board of trustees; or a Student serving on an official committee, such as a disciplinary or grievance committee. A school official may also include a volunteer or contractor outside of Mines who performs an institutional service or function for which Mines would otherwise use its own employees and who is under the direct control of Mines with respect to the use and maintenance of Personally Identifiable Information from Education Records, such as an attorney, auditor, or collection agent or a Student volunteering to assist another school official in performing his or her tasks.
- Persons or organizations providing financial aid for which the Student has applied or received, if the information is necessary to determine eligibility for the aid, the amount of aid, the conditions of the aid, or enforce the terms and conditions of the aid.
- Parents of a Student who have established that Student's status as a dependent according to Internal Revenue Code of 1954, Section 152 by submission of evidence to the Registrar Office demonstrating that the parents declare the Student as a dependent on their most recent Federal Income tax forms.

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- Parents of a Student regarding the Student's violation of Mines' policies or rules governing the use or possession of alcohol or a controlled substance if the Student is under the age of 21 at the time of the Disclosure.
- Appropriate parties in connection with a health or safety emergency, if the knowledge of information, is necessary to protect the health or safety of Students or other persons.
- A victim of any crime of violence or a non-forcible sex offense, the final results of any institutional disciplinary proceeding in connection with that alleged crime or offense.
- The general public, the final results of a disciplinary proceeding where the Student is found to have violated Mines' policies or rules through conduct that would also constitute a crime of violence or non-forcible sex offense under 34 C.F.R. § 99.31(a)(14).
- Officials of other educational institutions where a Student seeks or intends to enroll, or where the Student is already enrolled so long as the Disclosure is for purposes related to the Student's enrollment or transfer.
****Mines intends to respond to requests from other educational institutions where the Student seeks to enroll or transfer.**
- Organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, and administer predictive tests, to administer Student aid programs or to improve instruction, provided that the studies are conducted in a manner that prevents personal identification of Students.
- Accrediting organizations carrying out their accrediting functions.
- Authorized representatives for audit of Federal or State supported programs.
- Veteran's administration officials.
- Comply with a judicial order or a lawfully issued subpoena, provided that the institution makes a reasonable attempt to notify the Student in advance of compliance. **NOTE:** The institution is not required to notify the Student if a federal grand jury subpoena, or any other subpoena issued for a law enforcement purpose, orders the institution not to disclose the existence or contents of the subpoena.
- Representatives of the Department of Homeland Security or Immigration and Customs Enforcement, for purposes of the coordinated interagency partnership regulating the Student and Exchange Visitor Information System (SEVIS).

Another exception, which permits Disclosure without the Student's consent, is information about the Student that is designated as "directory information." The following items are designated as directory information and may be released at

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the discretion of Mines unless a Student files a [request to prevent their Disclosure](#):

- Student Name
- Student address (including local mailing, permanent addresses)
- Telephone Number (including local and permanent)
- University email address
- Photographs and videos taken or maintained by the institution, including Student ID picture
- Date of birth
- Major, minors and field of study
- Dates of Attendance
- Enrollment status (e.g., full time or part-time Student status)
- Degree status (e.g., expected graduation date and/or conferral dates/terms)
- Previous educational institutions attended
- Participation in officially recognized activities and sports
- Classification level (Freshman, Sophomore, Junior, Senior, Graduate, etc.)
- Mines recognized academic honors and awards

Although these items are designated by Mines as directory information, Mines retains the discretion to refuse to disclose directory information to third-parties when the request is unrelated to Mines' operations, or when such Disclosure would be an infringement of a Student's privacy rights.

FORMS AND RESOURCES

- FERPA policy can be accessed here: <https://www.mines.edu/policy-library/ferpa-policy/>
- **Student Release Form** and **Prevent Disclosure Form** - <https://www.mines.edu/compliance/ferpa-students/>
- [Family Policy Compliance Office](#) website