

FERPA Guidance for Human Subject's Research

The Family Educational Rights and Privacy Act of 1974 (20 U.S.C § 1232g; "FERPA") is a federal law designed to protect the privacy of students. FERPA protects the privacy of students' education records by setting forth strict limitations governing the release of information about students. Mines FERPA policy is located [here](#).

A FERPA release from students is required if data is being requested for use in research from the Registrar's office, an instructor, or any other Mines office. For research reviewed and approved by the Mines human subjects committee, the [FERPA release](#) can be incorporated into the consent process. Information conveyed to the potential research subjects must include specific information about:

1. How data is securely stored
2. Who will have access to the data
3. How is data securely transferred
4. How long will the data be kept
5. How will it be destroyed when it's no longer needed
6. Records being released to the researcher

Physical signatures with appropriate identification is required for face-to-face contact when obtaining consent forms prior to starting research. For online research activities, an electronic process may be used, as long as procedures are in place to verify the identity (e.g., multi-pass authentication). An oral release or passive release is not adequate.

It's important to remember that some third-party vendors or websites might collect personal data about students or use FERPA-protected data, even if the data is not passed on to the researcher. When using third-party services, you as the researcher are responsible for ensuring the third-party site being used is operating in compliance with applicable privacy regulations. This can be done by vetting the privacy and security policies of the site you are using. Mines' resources are available to assist in the process, as needed. Please submit a Help Center ticket requesting assistance.

Use of Students Enrolled in an Instructor's course as Research Subjects

When seeking to do research with your students as your subjects, you are functioning in two roles: (1) as the instructor to evaluate work and assign grades (the work the student submits is their intellectual property and along with their grades, is FERPA protected) (2) as the researcher for use outside the institution. Therefore, you are asking for permission to release the information for a different use and the nature of the use is specified in the FERPA consent form. Holding both positions creates the potential for conflicts.

Consent must be freely given. Individuals in a position of authority cannot obtain consent, nor can consent be coerced. This means that faculty members cannot obtain consent from their own students.



The use of student's course evaluations for research purposes requires the Mines human research committee's review and approval. Course evaluations are to be used for course improvement only.