

	FERPA Policy	
	Responsible Administrative Unit: Registrar's Office	Policy Contact: Registrar's Office registrar@mines.edu

1.0 BACKGROUND AND PURPOSE

Colorado School of Mines (“Mines”) is committed to the protection of student data in compliance with the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (“FERPA”).

FERPA specifically applies to the Education Records of persons who are, or have been, in attendance in post-secondary institutions, as well as students participating by video conference, satellite, internet or other electronic platforms.

FERPA affords students certain rights with respect to their Education Records.

2.0 POLICY STATEMENTS

FERPA gives students who reach the age of 18 or who attend a post-secondary institution the right to inspect, review, and request amendment their own Education Records. At the post-secondary level, parents have no inherent rights to inspect, review, or request amendment to a student's Education Records.

Mines will provide an annual notice of rights under FERPA to students currently attending the University.

Mines may disclose information contained in a student's Education Record as set forth in the Mines Notice of Student Rights Under the Family Educational Rights and Privacy Act of 1974.

Mines will securely destroy Education Records that are no longer required to be maintained using a method that renders the content irretrievable and illegible.

3.0 RESPONSIBILITIES

All members of the Mines community who handle Education Records must comply with FERPA requirements.

Individuals who handle Education Records will be required to:

- Complete FERPA training within the first month of employment, and annually, thereafter. The level of training required will be determined based on employee type and involvement with Education Records.
- Sign an acknowledgement of review and compliance with applicable policies.

The Mines Registrar, is responsible for the development, administration, and maintenance of appropriate procedures and resources to implement this policy.

4.0 COMPLIANCE/ENFORCEMENT

Employees who violate this policy may be subject to disciplinary action for misconduct and/or performance based on the administrative process appropriate to their employment.

5.0 EXCLUSIONS/DISCLAIMER

This policy does not apply to Records of:

- applicants for admission who are denied acceptance;
- accepted applicants who do not attend Mines; or
- deceased students.

Records created or received after an individual no longer attends Mines and that are not directly related to an individual's attendance as a Student are not subject to this policy.

6.0 DEFINITIONS (these definitions apply to this Policy, the FERPA Disclosure Procedures and the FERPA Notification)

Dates of Attendance means the period of time during which a Student attends or attended Mines. Attendance begins on the first day of class.

Disclosure means permit access to or the release, transfer, or other communication of Education Records or information from Education Records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the Record.

Education Record means those Records directly related to a Student (i.e., contain Personally Identifiable Information about the Student) and maintained by the institution or by a party acting for the institution, recorded in any format. The term "educational records" does not include the following:

- Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the Record.

- Records created and maintained by a law enforcement unit of the educational institution that were created for a law enforcement purpose.
- Records relating to individuals who are employed by the institution, provided the Student is not employed as a result of his or her status as a Student. If being a Student is part of the job description and requirements for employment (e.g., a work-study, graduate teaching assistant/graduate research assistant position), then any employment Record concerning the Student who holds that position is included in the Education Record and is covered by FERPA.
- Records relating to a Mines Student which are:
 1. Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, acting in his/her professional capacity or assisting in a paraprofessional capacity or assisting in a paraprofessional capacity.
 2. Used, made or maintained solely in connection with the provision of treatment to the Student.
 3. Not disclosed to anyone other than individuals providing such treatment.

Personally Identifiable Information (PII) means any information that can identify a person, directly or indirectly, by an identifier. The term includes, but is not limited to:

- The Student's name
- The name of the Student's parent or other family members
- The address of the Student or Student's family
- A personal identifier, such as the Student's social security number, Student ID number, or biometric Record
- Other indirect identifiers, such as the Student's date of birth, place of birth, or mother's maiden name.
- Other information that, alone or in combination, is linked or linkable to a specific Student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the person with reasonable certainty.
- Information requested by a person who Mines reasonably believes knows the identity of the Student to whom the Education Record relates.

Record means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. Information that is not recorded in any format, and is comprised solely of personal observations of a Student is not considered to a "record."

Student means any individual who is or has been in attendance at Mines. The term Student does not include individuals who attend workshops, conferences, camps, symposia, corporate programs, short courses or

continuing education programs on Mines campus where formal admission to a Mines Undergraduate or Graduate programs is not required.

7.0 RESOURCES or ATTACHMENTS

- [Mines FERPA website](#), including the Mines annual notice, application examples, FAQ's and contact information.
- [Mines FERPA-Student website](#), including the FERPA Student Information Release Form and the Request to Prevent Disclosure of Directory Information Form.
- Student Data Access Policy (<https://www.mines.edu/policy-library/student-data-access-policy/>).

KEY WORDS

Academic Record, Compliance, Directory, Disclosure, Education Record, FERPA, Personally Identifiable Information, PII, Privacy, Registrar, Retention, Student

8.0 HISTORY AND REVIEW CYCLE

The policy will be reviewed at least every 2 years, or as needed by the Responsible Administrative Unit.

Last Issued: April 2018

Updated/Amended April 12, 2021

EXHIBIT I – FERPA *Disclosure* Procedures

All capitalized and italicized words are defined in the FERPA policy.

- I. **Requests for Information.** All general inquiries for Disclosure of information in Education Records should be directed to the Registrar's Office. Verification of a person's identity must occur prior to Disclosure of any information.

Requests from the media should be referred to Communications and Marketing.

- II. **Request to Prevent Disclosure of Directory Information.** No directory information should be released if a Student has elected to have their Records kept confidential through the Request to Prevent Disclosure of Directory Information form. Students who make this election will be required to conduct business with Mines in person and show proof of their identity with a state, federal, or Mines issued picture ID.

The Request to Prevent Disclosure of Directory Information form will remain in effect until the election is revoked by the Student. Students may revoke the election by providing notice to the Registrar's Office. The status of a Student's Records cannot be changed after a Student graduates.

- III. **FERPA Student Information Release Form.** A student may authorize the release of information to specific 3rd parties by completing a FERPA Student Information Release Form. The release only applies to in-person or telephone communications, and in limited circumstances, electronically with appropriate security measures taken. The FERPA Student Information Release Form will remain in effect until the election is revoked by the Student. Students may revoke the election by providing notice to the Registrar's Office (or the Mines department collecting the FERPA Student Information Release Form for a specified purpose) or noting an end date on the form.

- IV. **Documentation.** The Registrar's Office (or the Mines department collecting the FERPA Student Information Release Form for a specified purpose) must keep the FERPA Student Information Release Form and the Request to Prevent Disclosure of Directory Information Form on file. The Registrar's Office (or Mines department) must also maintain a Record of each request for access to or disclosure of Personally Identifiable Information from the Education Record of each Student.

- V. **Disclosure to Parents.** For Disclosure of Education Records to parents without the Student's consent, parents must submit evidence that they claimed the Student as a dependent on their most recent Federal Income tax

form. This evidence must be notarized and should be provided directly to the Registrar's Office by the parent. Evidence must be provided each year during the Student's enrollment in order for the parent to continue receiving full non-directory information concerning their Student.

Before providing any non-directory information to a parent, Mines employees must first check the Student's Records for a FERPA Student Information Release Form and/or a Request to Prevent Disclosure of Directory Information forms.

VI. Disclosure to Third Parties. Mines may provide Student information, including directory information, to third-parties as long as the criteria for Disclosure of Education Records without consent listed in the Notice of Student Rights Under the Family Educational Rights and Privacy Act of 1974 are met and the information will not be published.

Any contract that provides for Disclosure of Education Records to a third-party should require:

- The Education Records to remain under direct control of Mines.
- Non-disclosure of the Education Records to any other party without prior consent of the eligible Student.
- The information to only be used for the purposes for which the Disclosure is made.
- Limitation of access to the information to only those with a need to perform their responsibilities under the contract.

If the above terms cannot be negotiated with the third-party, the Privacy Compliance Director or the Registrar's Office must be consulted for approval prior to release of any data.

VII. Unauthorized Disclosures. If information is disclosed in violation of this policy, contact the Compliance and Policy Office for assistance. The Compliance and Policy Office will work with the Registrar's Office and the Office of General Counsel, as needed.