

Family Educational Rights and Privacy Act (FERPA) Information

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U.S. Dept. Of Education FAQ about FERPA (.pdf file)

Purpose of FERPA

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FERPA deals specifically with the education records of students, affording them certain rights with respect to those records. For purposes of definition, education records are those records which are:

- Directly related to a student and
- Maintained by an institution or a party acting for the

institution.

FERPA gives students who reach the age of 18 or who attend a post-secondary institution the right to inspect and review their own education records. Furthermore, students have other rights, including the right to request amendment of records and to have some control over the disclosure of personally identifiable information from these records.

FERPA applies to the education records of persons who are or have been in attendance in post-secondary institutions, including students in cooperative and correspondence study programs. FERPA does not apply to records of applicants for admission who are denied acceptance or, if accepted, do not attend an institution. Furthermore, rights are not given by FERPA to students enrolled in one component of an institution who seek to be admitted in another component of an institution.

Definition of Educational Records

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Those records directly related to a student and maintained by the institution or by a party acting for the institution are considered educational records. The term "educational records" does not include the following:

- Records of instructional, supervisory, administrative, and certain educational personnel which are in the **sole possession** of the maker thereof, and are **not accessible or revealed to any other individual** except a substitute who performs on a temporary basis (as defined in the institutional personnel policy) the duties of the individual who made the records.
- Records maintained by a **law enforcement** unit of the

educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement.

- Records relating to individuals who are **employed** by the institution, which are made and maintained in the normal course of business, relate exclusively to individuals in their capacity as employees and are not available for use for any other purpose.
 - Records relating to a 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 solely in connection with the provision of treatment to the student.
 3. Not disclosed to anyone other than individuals providing such treatment.
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Definition of Legitimate Educational Interest

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It means the demonstrated need to know by those officials of an institution who act in the student's educational interest, including faculty, administration, student employees, clerical and professional employees, and other persons who manage student records information.

Any school official who needs information about a student in the course of performing instructional, supervisory, advisory or administrative duties for Colorado School of Mines has a legitimate educational interest.

Written Consent

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Students may release their academic records to their parents, a prospective employer, insurance companies, etc., by providing written consent. The notice of written consent must include the following information:

- It must specify the records to be released (transcripts, etc.).
- State the purpose of the disclosure.
- Identify the party or class of parties to whom disclosure may be made.
- Be signed and dated by the student.

Parental Rights

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At the post-secondary level, parents have no inherent rights to inspect a student's education records. The right to inspect is limited solely to the student. Records may be released to the parents only under the following circumstances:

- Through the written consent of the student.
- In compliance with a subpoena
- By submission of evidence that the parents declare the student as a dependent on their most recent Federal Income Tax form (IRS Code of 1954, Section 152). This information should be provided directly to the Registrar's Office by the parent.

Posting of Grades By Faculty

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The public posting of grades either by the student's name, institutional student identification number, or complete or partial social security number is a violation of FERPA, whether done via paper source or via electronic means (including the World Wide Web).

Instructors and others who post grades should use a system that ensures FERPA requirements are met. This can be done by using code words or randomly assigned numbers that only the instructor and individual students know.

In addition, academic papers may not be left in common areas where students may look at other students' papers.

References for Students by Faculty

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FERPA's prohibition on disclosure of personally identifiable information from an education record of a student applies to any kind of non-directory information (e.g., performance in class, grades, attitude, motivation, abilities, background) conveyed in writing, in person, or over the telephone to third parties.

Although such information is usually conveyed by faculty members at the informal request of the student and is usually positive, the better practice is to request a written consent form, meeting the FERPA requirements, before providing the information. (see the Student Release Form)

Agency

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The following organizations receive student information from the Colorado School of Mines database when necessary and appropriate:

- Colorado School of Mines Alumni Association.
- Colorado School of Mines Barnes and Noble Bookstore.
- Colorado School of Mines Board of Trustees.
- Colorado School of Mines electronic transcript provider.
- Colorado School of Mines Emergency Alert System Provider.
- Colorado School of Mines Foundation.
- Colorado School of Mines Public Safety.
- Colorado School of Mines Student Insurance Provider.
- Colorado School of Mines vendors offering appropriate products to Colorado School of Mines students.
- Military recruiters only when requested and as required by the Solomon Amendment.
- National Student Clearinghouse.
- Student and Exchange Visitor Information System (SEVIS).

Directory Information

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FERPA directory information is information contained in the student's education record that generally would not be considered harmful or an invasion of privacy if disclosed. Under current Mines policy, the following information is designated as directory information:

- Student Name
- Student address (including local mailing, permanent addresses)
- Telephone Number (including local and permanent)
- University email address
- Student photo including ID picture
- Date of birth
- Major field of study
- Dates of attendance
- Enrollment status (e.g., full time or part-time student status)
- Degrees Awarded
- Last school attended
- Participation in officially recognized activities and sports
- Class (Freshman, Sophomore, etc.)
- Academic honors

Although these items are designated by Colorado School of Mines as directory information, only a limited amount of this information is disclosed by Mines officials. The School retains the discretion to refuse to disclose directory information if it believes such disclosure would be an infringement of the student's privacy rights. Lists of students including any directory information above are not normally allowed to be released for non-Mines purposes.

FERPA directory information as used in this policy should not be confused with the directory information listed in on-line or printed student directories. Please see Academic Computing and Network Services for information concerning online student directories and information.

Exceptions to Student Consent for Release of Educational Records

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FERPA allows the institution the right to disclose student records or identifiable information without the student's consent under the following circumstances:

- To authorized representatives for audit of Federal or State supported programs.
- To university employees who are in the process of carrying out their specifically assigned educational or administrative responsibilities acting in the student's educational interest.
- Veteran's Administration officials.
- Officials of other institutions in which a student seeks or intends to enroll on the condition that the issuing institution makes a reasonable attempt to inform the student of the disclosure unless the student initiates the transfer.
- Persons or organizations providing financial aid to students.
- 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 individual identity of students is not made.
- Accrediting organizations carrying out their accrediting functions.
- Parents of a student who have established that student's status as a dependent according to Internal Revenue Code of 1954, Section 152.
- Persons in compliance 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.

- Persons in an emergency, if the knowledge of information, in fact, is necessary to protect the health or safety of students or other persons.
- An alleged victim of any crime of violence or the results of any institutional disciplinary proceeding against the alleged perpetrator. The information may only be given in respect to the crime committed.
- Schools may disclose personally identifiable information from education records to an outside contractor without prior written student consent if the outside contractor is a “party acting for” the institution and is performing a service which the institution would otherwise have to perform for itself (as in the case of the National Student Loan Clearinghouse for loan verification).
- 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).
- FERPA has been amended to permit educational agencies and institutions to disclose personally identifiable information from the student’s records to the Attorney General of the United States or to his designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes.

Disposal of Student Educational

Records

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Any document containing personally identifiable information must be disposed of properly through some means of confidential disposal. The academic file in the Registrar's Office is destroyed seven years after graduation or the last date of attendance. If you need assistance destroying student academic records, please contact the Registrar's Office at 303-273-3200.

Forms

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Student Release Form this form must be completed in person in the Registrar's Office by students only, with a valid photo ID, and under no coercion of any third party person or entity.

Student Worker Agreement (*for departments that have students who work with academic information.*)

Confidential Student Data Information and Agreement (*for staff and faculty.*)

Prevent Disclosure Form (*for students, turned in at the Registrar's Office before Census Day.*)

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Contact

Registrar's Office

Student Center E280

1200 16th Street

Golden, CO 80401

registrar@mines.edu

303-273-3200

FAX: 303-384-2253

Hours:

Mon-Fri, 8 am-5 pm



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