

 COLORADO SCHOOL OF MINES	<h1>FERPA Policy</h1>	
	Responsible Administrative Unit: Registrar's Office Revised: April 2018	Policy Contact: Registrar's Office registrar@mines.edu

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Purpose of FERPA [\[back to top\]](#)

The Family Educational Rights and Privacy Act of 1974 (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 that 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 within 45 days after the day Colorado School of Mines ("Mines") receives a request for access. A student who wishes to request access should submit a written request to the Registrar 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. Furthermore, students have other rights, including 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

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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.

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.

Definition of Education Records [\[back to top\]](#)

Those records directly related to a student and maintained by the institution or by a party acting for the institution are considered education records. The term "education 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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Written Consent [\[back to top\]](#)

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.

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Mines discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. 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. 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 for Mines.

Parental Rights [\[back to top\]](#)

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.
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Posting of Grades By Faculty [\[back to top\]](#)

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.

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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.

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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](#).)

Directory Information [\[back to top\]](#)

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 Education Records [\[back to top\]](#)

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, or to other school officials with legitimate educational interests.

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- 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 a non-forcible sex offense, of the final results of any institutional disciplinary proceeding in connection with that alleged crime or offense.
- 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.
- To the general public, the final results of a disciplinary proceeding where the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of Mines' rules or policies with respect to the allegation made against him or her.

- To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of Mines, governing the use or possession of alcohol or a controlled substance if Mines determines the student committed a disciplinary violation and the student is under the age of 21.

Disposal of Student Education Records [\[back to top\]](#)

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.

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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 3rd 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.)*
