

# FERPA

## Family Educational Rights and Privacy Act of 1974

### Confidential Student Data Agreement for All Mines Employees

**FERPA**, also known as the Buckley Amendment, helps protect the privacy of student records. The Act provides for:

- the right to inspect and review education records
- the right to seek to amend those records
- the right to consent the disclosure of information from the records
- the right to obtain a copy of the school's Student Records policy

The act applies to all institutions that receive federal funding. Students who are currently enrolled in higher education institutions or formerly enrolled, regardless of age or status with regard to parental dependency, are protected. Deceased students are protected under FERPA as long as they were formerly enrolled. Students who have applied but did not attend an institution **are not protected**.

The following is a list of those who are entitled to student information:

1. The student and any outside party who has the student's written consent.
2. School officials who have "legitimate educational interest" as defined in FERPA.
3. Parents of a dependent student as defined by the Internal Revenue Code. Mines assumes all students are independent, and thus requires the front page of the parents' current Federal tax return to prove that the student is dependent before giving out academic information. **This can only be handled at the Registrar's Office** and is only suggested as a last resort when a student is in a serious situation.
4. State or federal agencies for the purpose of obtaining Financial Aid.
5. Accreditation agencies during their on-campus review.
6. A judicial order or subpoena which allows the institution to release records without the student's consent, however, a "reasonable effort" must be made to notify the student before complying with the order.

#### Directory Information

The Colorado School of Mines will release the following Directory Information on any student (but not in aggregate lists), unless the student signs a request to limit its release. This "stop of release" will remain in effect until the Registrar's Office is notified by the student. Notification to remove the stop of release must be made in person or writing by the student, and notarized. The following data items are classified as Mines Directory Information.

Name  
Current and permanent addresses and phone numbers  
University Email Address  
Student Photo  
Date of birth  
Major field of study  
Dates of attendance  
Full or part time status  
Degrees awarded and dates  
Last school attended  
Participation in officially recognized activities and sports  
Class (FR, SO, JR, SR, GR)  
Academic honors

#### Parental Access to a Student's Educational Record

When a student reaches the age of 18 or begins attending a post-secondary institution, regardless of age, FERPA rights transfer from the parent to the student. Parents must obtain a signed consent from their child to receive non-directory information. Schedules, attendance, class performance, and grades are among the non-directory protected information and may not be released to parents without student release or proof of IRS requirements.

The Registrar's Office keeps the consent form on file when it is completed in person in the Registrar's Office. Should a parent contact a Mines faculty/staff member regarding their child, records must first be checked for this release authorization prior to the release of any non-directory information.

In the case that the parent wants access to non-directory information, the student is not available to sign the release, and the student is a dependent of the parent according to the IRS code, the parent needs to provide a copy of the first

page of the 1040 IRS tax forms filed for the most current year with the dependency information included. Income amounts may be blacked out for privacy. This copy must be notarized and provided to the Registrar's Office. This form must be provided for each year during the student's enrollment in order for the parent to continue receiving full non-directory information concerning their student.

### Posting of Grades and Release of Information by Faculty

- **GRADES** - The public posting of grades using the student's name, social security number, student ID number, or any portion thereof, without the student's written permission is a violation of FERPA. This includes the posting of grades electronically for students taking distance education or Blackboard courses that can be viewed by anyone other than the student and professor of the class.
- Faculty members who post grades should use a system that ensures that FERPA requirements are met. This can be accomplished either by obtaining the student's written permission or by using code words or randomly assigned numbers that only the professor and individual student should know.
- Papers with student names and grades on them may not be left in public areas for students to pick up, whether in a classroom setting or in a hallway outside of faculty offices.
- If it is necessary for a faculty member to use a student record as an example in a public University meeting, all identifying information (including name, address, student ID, etc.) **must be removed** from the documentation before dissemination.
- Notification of grades via postcard violates a student's privacy rights.
- Notification of grades via e-mail or fax is **not** recommended. There is minimal guarantee of confidentiality.
- Normal course grades (papers & tests) can be posted and viewed by students in the Blackboard system. Midterm and final grades may be viewed on the student web system.
- **RECOMMENDATIONS** - If a student requests a recommendation for a prospective employer, scholarship or other reason, you must get a signed release from that student listing exactly what you may share (gpa, attendance, course performance, grades, etc.). The release must also include the name of the company or individual to receive the information. This is permission to release the data only once to the stated third party.

### Media Relations

If you are contacted by a member of the print or visual media, refer the requestor to Public Relations. Do not answer any questions about any student, **especially if the student has chosen to not release his/her directory information**. The appropriate statement for a student who has chosen to not release directory information is:

**"I don't have any information about that *person*."**

Even the word 'student' in this context could imply that the person is a Mines student, please use the word person.

### **WHEN IN DOUBT, DON'T GIVE IT OUT!**

For specific questions regarding FERPA requirements contact the Registrar's Office or University Legal Counsel.

AS A MINES EMPLOYEE, I UNDERSTAND THAT I MAY NOT PROVIDE STUDENT ACADEMIC (NON-DIRECTORY) INFORMATION TO ANY THIRD PARTY WITHOUT THE PROPER AUTHORIZATION. I ALSO UNDERSTAND THAT IF THE STUDENT HAS MADE HIS/HER RECORD CONFIDENTIAL, I MAY NOT ACKNOWLEDGE THAT THE PERSON IS A STUDENT AT MINES AND I MAY NOT GIVE OUT DIRECTORY INFORMATION. I MUST RESPOND BY SAYING "I HAVE NO INFORMATION ABOUT THAT PERSON." IF INFORMATION IS RELEASED WITHOUT AUTHORIZATION, ACTION MAY BE TAKEN THROUGH MY SUPERVISOR AND HUMAN RESOURCES.

I HAVE READ AND UNDERSTAND THE INFORMATION CONTAINED HEREIN:

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

CWID: \_\_\_\_\_

Department: \_\_\_\_\_

Date: \_\_\_\_\_