

FERPA Guidelines for Faculty & Staff



What Is FERPA?

Family Educational Rights and Privacy Act (1974)

- A federal law that protects the privacy of student education records
- Applies to all institutions that receive certain funds under a program of the U.S. Department of Education
- Provides guidelines for appropriately using and releasing student education records
- Defines students as the “owners” of their education records, and the institution as the “custodian” of the records

Student Rights

Students have the right to:

- 1) Inspect and review their education records.
 - Records cannot be destroyed when a request has been made.
 - The institution has 45 days to comply.

Exceptions – students cannot inspect and review:

- Information about other students
- Financial records of parents
- Letters of recommendation, if right of access was waived

- 2) Seek amendment to records they believe are incorrect.
- 3) Exercise some control over disclosure of their education records.
- 4) File a complaint with the Family Policy Compliance Office (FPCO).

Institutions are required to notify students at least annually of their rights under FERPA.

Who May Access Student Records?

- The student
- School officials with a legitimate educational interest or need to know
- An institution where the student seeks to enroll or is enrolled
- The parents of dependent students (most recent tax return required)
- Those employed or contracted by the institution to perform designated job functions (e.g., National Student Clearinghouse)
- Those representing the university’s legal interests, if student record is relevant

Types of Student Information

Education records – any records maintained by the institution related to a student, including:

- Personal information (e.g., name, student ID, etc.)
- Enrollment records
- Grades
- Class schedules and rosters
- Student exams or papers
- Student financial records
- Student employment info (e.g., work-study, assistantships)
- Advising notes

Records may be in any storage medium or format (e.g., electronic, print).

Not education records:

- Records in the sole possession of the maker – not shared with anyone
- Law enforcement records created for legal purposes
- Employment records not based on student status
- Post-enrollment activities, alumni records

When Do FERPA Rights Begin & End?

- FERPA rights begin when a student reaches age 18 or enrolls in a higher education institution, whichever comes first.
- CU considers “enrollment” to begin on the first day of classes of the semester in which a student initially enrolls.
- FERPA rights end at death, but records may be released at the university’s discretion.

- A third party the student has authorized using CU guest access or FERPA consent to release
- A person in response to a court-ordered subpoena
- Accrediting agencies (e.g., HLC, ABET)
- Personnel/law enforcement with health/safety emergency
- The Education Department, a state/local official, legislative requestors
- Those who plan, conduct or review research related to university educational programs (e.g., OIRA)

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Office of the Registrar
UNIVERSITY OF COLORADO BOULDER

Directory vs. Nondirectory Information

CU directory information

Releasable items not generally considered sensitive or confidential:

- Student name*
- Campus email address**
- Dates of attendance
- Previous educational institutions attended
- School/college or division of enrollment
- Majors, minors and field of study
- Classification level (e.g., freshman, graduate student)
- University-recognized honors and awards
- Degree status (e.g., expected graduation date, conferral dates/terms)
- Enrollment status
- Employment related to student status (e.g., teaching assistant, resident assistant or work-study) and dates for positions held
- Participation in officially recognized activities/sports and athletes' height and weight
- Photos and videos taken or maintained by the university

**If provided, the student's preferred name is used in direct communications and campus systems, rosters, etc., unless there's a documented business or legal reason to use primary name. When communicating with third parties, including parents, the university uses the student's primary name.*

***Disclosed only to requestors who agree not to use them for solicitation.*

Nondirectory information

Confidential data that may not be released without a student's written consent:

- Race, ethnicity, citizenship
- Sex or gender identity
- Sexual orientation
- Religion
- Social Security number
- Student ID number
- Grades, GPA, academic work
- Financial or financial aid records

Key FERPA Resources

- CU Boulder Office of the Registrar training: www.colorado.edu/registrar/faculty-staff/ferpa#training
- CU Boulder Health & Wellness Services (medical, health, counseling & psychological records): www.colorado.edu/health
- CU legal counsel: www.cu.edu/universitycounsel
- FPCO: www2.ed.gov/policy/gen/guid/fpco
- AACRAO: www.aacrao.org

Student Rights to Restrict & Release Access

Right to consent to disclosure of nondirectory information

- Students have the right to control to whom education records are released.
- Students may provide consent to a third party by authorizing CU guest access or FERPA consent to release for them (see www.colorado.edu/registrar/privacy).
- Delegated access authorizes third parties to access data directly.

Privacy: restricted directory information

- Students may restrict release of their directory information by submitting a FERPA Nondisclosure of Directory Information Request to the Office of the Registrar.
- Privacy requests are coded in MyCUInfo with a red "PRIVATE" message.
- Everyone at the institution must respect a student privacy request.
- If asked for information about a student who has full privacy on their record, school officials must tell the requestor, "Due to data privacy policies, we are unable to respond to your request."

FERPA supercedes the Colorado Open Records Act (CORA) regarding release of student records.

Guidelines for All Employees

- Understand and follow student privacy laws and guidelines.
- Be vigilant and report violations to the registrar.
- Keep student data private and secure (print/electronic/verbal).
- Verify identity, authority and purpose of those requesting access.
- Never expose nondirectory info in distributing work, posting grades, publications, LMS systems, websites, etc.
- Always check student privacy and permission status before releasing information.
- Follow record-retention schedules and securely dispose of sensitive information.
- Never discuss or share student data except with the student or with others who have authorized access and a legitimate need to know.
- *Never* access student records for reasons beyond the scope of your job.
- Hold sensitive conversations in private locations.
- Do not send protected student information using email.
- When in doubt, don't give it out! Contact the Office of the Registrar.

Contact Us

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www.colorado.edu/registrar