FERPA Guidelines for Faculty & Staff

What Is FERPA?

- 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.
   - Institution has 45 days to comply.
   Exceptions – students cannot inspect and review:
   - information about other students,
   - financial records of parents, and
   - 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.

Types of Student Information

Education records – any records maintained by the institution related to a student, including:
- personal information (e.g., name, ID, etc.)
- enrollment records
- grades
- class schedules and rosters
- student exams or papers
- student financial records
- student employment info (e.g., work study, assistantships, etc.)
- advising notes

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

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.

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
- 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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Directory vs. Nondirectory Information

CU directory information
Releasable items not generally considered sensitive or confidential:*
- student name (if provided, preferred name is used when there isn’t a documented business or legal reason to use primary name; students may set a diploma name for graduation and commencement materials)
- 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

*Effective Fall 2017, address and phone number are no longer deemed directory information.
**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
- Office of the Registrar: www.colorado.edu/registrar/faculty-staff/ferpa
- FPCO: www2.ed.gov/policy/gen/guid/fpco
- AACRAO: aacrao.org
- Wardenburg Health Services (medical, health, counseling and psychological records): www.colorado.edu/health
- University legal counsel: www.cu.edu/universitycounsel

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 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, “I have no information about this person.”

NOTE: 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, web sites, 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
Phone: 303-492-6970 registrar@colorado.edu
Fax: 303-492-8748 www.colorado.edu/registrar