

POLICIES OF THE COLORADO STATE UNIVERSITY SYSTEM
ALL INSTITUTIONS' POLICY

Policy Title: Family Educational Rights and Privacy Act (FERPA)	Effective Date: October 1, 2020
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PURPOSE OF THIS POLICY

Institutions within the Colorado State University System, CSU-Fort Collins, CSU-Global, and CSU-Pueblo (the “Institutions”) respect the rights of students and are committed to protecting the privacy of their Education Records. The Institutions comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g) and associated regulations (34 C.F.R. Part 99). This policy describes a student’s rights and responsibilities with respect to the privacy of their Education Records and the methods by which FERPA requirements are to be observed.

APPLICATION OF THIS POLICY

This policy applies to students who have Education Records, including students who are enrolled or were formerly enrolled at any of the Colorado State University System Institutions regardless of the student’s age or parental dependency. A student who is enrolled is covered under FERPA on the first day of classes of the student’s first term of enrollment.

EXEMPTIONS FROM THIS POLICY

FERPA requirements do not apply to certain categories of student records, including (but not limited to) certain personnel records, Law Enforcement Records, Sole Source Notes, and alumni records containing information obtained after the student is no longer in attendance at the Institution. FERPA rights and protection of student records expire upon the death of the student.

DEFINITIONS USED IN THIS POLICY

Directory Information: Information that FERPA allows to be disclosed without student consent (unless the student notifies the Institution to withhold disclosures of Directory Information), including student name, institutional email address, telephone number, major field of study, classification level (freshman, sophomore, etc.), dates of attendance, current or previous enrollment status (full-time, half-time, or less than half-time), anticipated date/term of graduation and expected degree(s), honors and degrees awarded, participation in officially recognized activities and sports, height and weight of athletic

team members, and video and photographic images of students (with the exception of the official identification photographs).

Education Records: Records, files, documents, and other materials that contain information directly related to a student and are maintained by the Institution (or by a person or entity acting for the Institution), except for records that are specifically exempted by the FERPA laws. Education Records include records of students in credit-bearing as well as non-credit-bearing courses, and records related to the student's application for admission. FERPA does not apply to records of applicants for admission who are denied acceptance or, if accepted, do not attend the Institution.

Law Enforcement Records: Records that are created and maintained by the Institutional police departments or their designees for law enforcement purposes.

Legitimate Educational Interest: A School Official has a Legitimate Educational Interest if the official has a need to access student education records for the purpose of performing an appropriate educational, research or administrative function.

Medical Treatment Records: Records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than the persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

Parent: Includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

School Official: Any person employed by the CSU System or a CSU Institution in an administrative, supervisory, academic, research, or support capacity, or who is under contract to a CSU Institution to do work or perform a special task for which access to Education Records is required.

Online Portals for Trusted Designees: Websites used to provide access for Trusted Designees to view information selected by the student, typically including grades, unofficial transcript, class schedule, and financial information.

Sole Source Notes: Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person (except a temporary substitute for the maker of the record). Sole Source Notes do not include student evaluations, grades or any records that are required to be kept in the ordinary course of the Institution's business.

Student Portals: Student Online portals are online resources used by applicants and students to access their records and information such as application status, registration, financial information, personal records, jobs, and more. Student Portals are where students

establish and manage permissions for a Trusted Designee to access their select student information.

Trusted Designee: A person specified by a student on a FERPA authorization form or through an online portal to have access to specific Education Records.

POLICY STATEMENT

A student's personally identifiable Education Records, other than Directory Information, shall be disclosed only when: (i) required by law; (ii) properly authorized by the student, or (iii) properly authorized by the Institution for a business, academic, research or reporting function and the Institution determines that the information should be disclosed.

POLICY PROVISIONS

Student Rights and Responsibilities Regarding their Education Records

A student's rights regarding their Education Records include:

- a. The right to inspect and review the student's Education Records within 45 days of the day the student's Institution receives a request for access.
- b. The right to request amendment of the student's Education Records that the student believes are inaccurate or misleading and to place within the Education Record a statement about the contents of the record. If the Institution decides not to amend the records as requested, the student shall be notified of this decision and advised of the right to a hearing. Additional information about the hearing procedures shall accompany the notification.
- c. The right to limit disclosure of information contained in the student's Education Records, except to the extent that FERPA authorizes disclosure without consent, and the right to consent to disclosures that are not otherwise authorized by law or by this policy.
- d. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Institution to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: [Family Policy Compliance Office](#), U.S. Department of Education, 400 Maryland Ave. SW, Washington, DC 20202-4605.

A student's responsibilities include:

- a. The responsibility to read the Student Record Privacy Statement and Annual Notification published by the Offices of the Institution Registrars.
- b. The responsibility to manage any restrictions on the disclosure of Directory Information, so that these restrictions do not interfere with the student's work or academic life by preventing disclosures intended for his or her benefit.
- c. The responsibility to manage any consent that the student has given for disclosures to be made to any other person, and to withdraw such consent, in writing or via a

Student Online Portal when the student no longer wishes to permit such disclosures. Written withdrawal of consent must be submitted to the office where the written consent form was filed.

Disclosure of Education Records

The following procedures apply to the disclosure of information from a student's Education Record. Additional procedures and forms may be established by the Office of the Registrar.

1. Directory Information

Directory Information may be disclosed without notice or consent; however, students have the right to request that their Directory Information be kept confidential, in which case, the Institution shall not disclose that information without consent, or as authorized by law.

However, students should be aware that restricting the release of Directory Information or placing a full confidential hold on their account may have unintended consequences. For example, such restriction may make it difficult for potential employers or other schools to verify enrollment, a student's name may be excluded from the commencement program, and student organizations, fellow students and others may have difficulty locating the student through the institutional directory.

Except as specifically required by law or by an approved Institutional contract, the Institution shall neither create nor distribute aggregate lists or compilations of Directory Information elements such as students' email addresses, or students' mailing addresses except as necessary for official business purposes, as approved by the Registrar or Dean of Students at the Institution.

2. Education Records

Education Records may be disclosed to a person or party internal or external to the Institution, without the student's consent, as authorized under the FERPA regulations, 34 C.F.R. §99.31, including (but not limited to):

- To School Officials who have a Legitimate Educational Interest.
- When required pursuant to a subpoena or other court order.
- When the disclosure is to the student's Parent, and the conditions for disclosures to Parents are met as set forth below.
- When the disclosure is required by law. In particular, federal law requires that the Institution disclose the "final results" of any disciplinary proceeding dealing with an alleged crime of violence or an alleged non-forcible sex offense to the alleged victim of the offense (or the alleged victim's next of kin, or to any person whom the Institution determines to have a legitimate interest in such information). As used herein, "final results" that may be disclosed after all hearings and determinations are final under the Institution's rules and policies, are: the student's name; the

violation committed under the Institution's Student Conduct Code; and any sanction imposed by the Institution against the student.

- When the Institution determines that there is a health or safety emergency that warrants such disclosure. A health or safety emergency exists whenever there is an articulable and significant threat to the health or safety of the student or another person.
- When the disclosure is to officials of another institution of higher education where the student is enrolled, or is seeking to enroll, for purposes related to that enrollment.
- Where there is a legitimate business or research need for such disclosure to a third party, and the disclosure is controlled by the Institution with provisions for data to be securely transmitted, stored, and accessed. Access must be limited by contract so as to preserve an individual's privacy, with strictures to enforce data retention and disposal and extension of FERPA obligations to the third party. All other requests for Education Records to be shared with external entities for the purposes of research shall be formally approved by the Institutional Review Board (IRB).
- For financial aid purposes.
- Any other exception provided under FERPA applies.

3. Disclosures to Parents and Trusted Designees

According to FERPA, the Institution may but is not required to disclose any part of the student's Education Record to a student's Parents. The Institution primarily provides Parents and Trusted Designees with access to limited information through Online Portals for Trusted Third Parties or with written student consent. In those instances where a Parent or any individual or entity requests Education Records that are not available via Online Portals for Trusted Third Parties or the student has not provided written consent, the request should be referred to the Dean of Students at CSU-Fort Collins, and the Registrar's Offices at CSU-Pueblo and CSU-Global for additional review and response.

A qualified Parent or Trusted Designee is granted access to the student's Education Record when any of the following conditions are met:

- A Parent of the student has claimed the student as a dependent on the Parent's federal tax return and the Parent's identity has been verified by the Office of the Registrar, the Office of Financial Aid, Business and Financial Services, or another authorized School Official. If one Parent has claimed the student as a dependent, another Parent of the student may also be allowed to receive such disclosures. The "Parent Affidavit and Request for Student Academic Information" form or a copy of the tax return in the Office of Financial Aid can serve as verification the Parent claimed the student on the federal tax return.

- The student has authorized the disclosure in writing by providing the Institution with a signed permission to release academic records.
- The student has authorized the disclosure in writing or consented to access via a Student or Online Portal for Trusted Designees. The Trusted Designee may view defined areas of the student record. Discussions with Institutional officials of details of the student record require a signed FERPA disclosure.
- There is a health or safety emergency which, in the discretion of the Institution, warrants disclosing the information.
- The student is under the age of 21, and the information relates to a violation of law or policy involving the use or possession of drugs or alcohol. It is an Institution's policy to notify a student's Parents in these circumstances in order to help reduce alcohol and drug use by students, engage Parents in dialogue about their student's behavior related to alcohol/drugs, and assist students and the community in understanding that the Institutions take underage alcohol/drug use seriously; or
- The information relates to a law enforcement matter and is contained in a record made by a law enforcement authority, including, but not limited to, campus police.

4. Disclosures Between Institutions

An Institution may disclose Education Records of a student to School Officials of another Institution, or to the CSU system office, whenever there is a Legitimate Educational Interest in doing so. Examples include, but are not limited to:

- When a student seeks to earn credit at another Institution or transfer credits between the Institutions.
- When a student wishes to attend another Institution and have their application materials transferred.
- When the system office and/or the Institutions are working together to create, maintain, process or report information for accreditation, compliance, or business purposes, including enhancing student success.

5. Information Other Than Education Records

FERPA neither requires nor prohibits a faculty member or other School Official from sharing concerns or observations with a Parent about their student based on personal knowledge or observation rather than on the Education Record. If the information is contained in any written Education Record (other than a Sole Source Note), he or she must first confirm that the appropriate written consent form for the disclosure (discussed below in Section 6) has been received.

6. How to Provide Consent to a Disclosure

A student may consent to the release of any or all of his or her Education Record by completing a written consent form and returning it to the Office of the Registrar or other responsible School Official. Consent may be ongoing or may be given for a specified period

of time or limited to a single instance. Forms are available from the Registrar's office at the Institution. Financial information consent forms are available in *Student Online Portals* and must be submitted to Accounts Receivable Operations.

Students are also afforded the opportunity to consent to the release of certain Education Records to be viewed by any individual without the necessity of giving consent each time the disclosure is requested. This is done by registering the email address of the Trusted Designee to whom the disclosures will be made in the *Student Online Portal* and therein designating the information to be disclosed. The types of information that may be designated for disclosure are limited and do not mean School Officials may speak to the Parent or Trusted Individual about the Education Record. Consent to release information not accessible through the *Student Portal* requires a separate, written release form signed by the student.

7. Financial Aid Information

Information from a student's application for need-based financial aid (including Parental income) and the status of that application will be released only to a Parent whose income information is included on the application (e.g., the Free Application for Federal Financial Aid, or FAFSA, application form).

8. Medical Treatment Records

Medical treatment records are not Education Records under FERPA so long as they are shared for treatment purposes only. If an Institution keeps or maintains a medical treatment record that is disclosed by the student for purposes other than medical treatment, the medical record is then considered an Education Record subject to FERPA. Further disclosures must be limited to only such portions of the medical record that are relevant and necessary to the matter for which disclosure is authorized.

Responsibilities of Faculty and Staff

Faculty, staff and agents of the Institutions who have access to student Education Records are responsible for:

- Understanding the requirements of FERPA and this policy.
- Understanding, observing, and reaffirming statements of acceptable use in accessing Institutional administrative systems and student Education Records.
- Protecting the confidentiality of student Education Records as required by this Policy.
- Accessing student Education Records only when they have a Legitimate Educational Interest for doing so.
- Authenticating the identity of those requesting student Education Record information and confirm their right to access prior to release of information. For

assistance with authentication procedures, Institutional employees should contact their Office of the Registrar.

All Institutions' employees and units with access to Education Records shall take all reasonable measures to assure the security and confidentiality of such records.

Special Responsibilities of the Office of the Registrar

Institutional registrars are responsible for disseminating the Student Record Privacy Statement and Annual Notification under FERPA, for obtaining written consent and authorization to release a student's records, and for facilitating authorized disclosures.

Institutional registrars shall inform parties to whom Education Records are released that recipients are not permitted to disclose the information to others without the written consent of the student (unless the disclosure is required or permitted by law without the student's consent).

Institutional registrars shall periodically review FERPA policies and procedures with the assistance of the Office of the General Counsel and the Office of Policy & Compliance at CSU-Fort Collins.

Concerns, complaints, questions or suggestions regarding the release of student records should be addressed to their Office of the Registrar.

COMPLIANCE WITH THIS POLICY

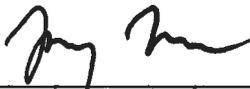
Failure to comply by Institutional employees and agents may result in disciplinary action in accordance with applicable policies. Assistance with compliance is provided by the Institution's Registrar's Office.

REFERENCES

- U.S. Department of Education, Family Policy Compliance Office (FPCO), [FERPA Guidance for Students](#), and [FERPA Guidance for Parents](#)
- [FERPA Statute](#)

APPROVALS

COLORADO STATE UNIVERSITY SYSTEM

By: 

Anthony A. Frank, Chancellor

Date: 10/1/20

LEGAL REVIEW



Jason L. Johnson, General Counsel