

# Fall 2015 Memorandum

**To:** CSU Faculty

**From:** Rick Miranda, Provost and Executive Vice President  
Joshua B. Zugish, Office of the General Counsel

This is an important reminder regarding student rights and privacy related to their education records under the Family Educational Rights and Privacy Act (FERPA)( 20 U.S.C. § 1232g)(34 CFR Part 99). Education records are broadly defined to include any records directly related to a student and maintained by CSU faculty and staff. Student rights under FERPA generally include:

1. The right to inspect and review the student's education records within 45 days after CSU receives a written request for access that identifies the record(s) the student wishes to inspect.
2. The right to request an amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
3. The right to provide written consent before CSU, including faculty and staff, discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. The exceptions that allow disclosure

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**As Faculty, it is critically important that we understand the federal protections of the rights and privacy of our students. If you have not been previously acquainted with the rules and regulations of FERPA, please take a few moments to read the following information.**

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## Sharing Student Education Records Within CSU:

Student education records may be shared *without* student consent if the disclosure is to another school official at CSU with legitimate educational interests. Generally, a school official is a person employed by CSU in an administrative, supervisory, academic, research, or support staff position. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for CSU. Examples include:

- If you have concerns regarding:
  - Student's personal well-being you may contact the [Office of Case Management and Referral Coordination](#).
  - Student behaviors or disruption you may contact the [Office of Conflict Resolution and Student Conduct Services](#).
  - Student's academic performance within your class or an academic program, you may contact the student's academic advisor (see ARIESweb for assigned advisor).

- If a student reports being the victim of any form of sexual harassment, domestic violence, dating violence or stalking, you may contact the [Office of Support and Safety Assessment](#) or, in the event of an immediate risk to the health and safety of a student, the [Colorado State University Police Department](#).

## Sharing Student Education Records Outside of CSU:

<http://registrar.colostate.edu/student-resources/ferpa-student-privacy/>

FERPA permits the disclosure of PII from student education records, without consent of students, if the disclosures meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials within CSU, disclosures related to judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, §99.32 of FERPA regulations requires CSU to record the disclosure. Eligible students have a right to inspect and review the record of disclosures.

CSU may disclose personally identifiable information from student education records, without obtaining prior written consent from the student, in the following circumstances:

- To other school officials within CSU who have a legitimate educational interest.
- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))

- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the school has designated as “directory information” under §99.37. (§99.31(a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31(a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school’s rules or policies with respect to the allegation made against him or her. (§99.31(a)(14))
- To parents of a student regarding the student’s violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

The foregoing is a summary of student rights and CSU responsibilities related to FERPA. For additional information, go to:

- <http://registrar.colostate.edu/student-resources/ferpa-student-privacy/>
- <http://familypolicy.ed.gov/ferpa-school-officials>

If you receive a request for student education records or have any questions regarding disclosure, please contact Josh Zugish in the Office of the General Counsel at 970-491-6270 or [joshua.zugish@colostate.edu](mailto:joshua.zugish@colostate.edu) prior to disclosure.