

Privacy of Student Information Family Educational Rights & Privacy Act A Guide for DU Families



Office of the Registrar
UNIVERSITY OF DENVER

Dear DU Parent:

Sending a son or daughter off to college can bring about many conflicting emotions, whether it is the first or last child making the transition. Parents can sometimes feel marginalized by the lack of academic information they receive from their student's college – especially when the price tag warrants a high degree of their attention! In 1974, federal law was enacted, in part, to protect the right of students to have an accurate educational record, protected from disclosure without their permission, and otherwise accessed only by school officials with a legitimate educational need to see the data. This law, known as FERPA, forms the basis for DU policies now in place, such as: an annual notification to students of their FERPA rights, which explains how they can inspect or correct their educational record, differentiates between public data (“directory information”) and confidential data, and instructs students how to suppress the release of public information. This brochure provides an overview of the Family Educational Rights and Privacy Act (FERPA) and other policies and principles in place at the DU. This information will help parents understand student record privacy issues in the higher education setting.

The University of Denver establishes relationships with its students based on their status as emerging adults, and is committed to fostering their development and self-direction. In this context, DU expects that its students will assume primary responsibility for their education and well-being. The University recognizes its responsibility to students, and its obligation to the parents of its students to act in the students' best interests.

When students enter DU, regardless of their age, all rights to inspect and review educational records transfer from parents to the students. Given the legal constraints imposed on the University, and its philosophy of student development, it is important for students and their parents to discuss their expectations for sharing information with each other related to the student's academic performance, student conduct record, and health and well-being, as well as the rights afforded to students through state and federal law.

DU expects that students will inform their parents of all student conduct action taken by the University that may impact the student's enrollment at DU. Students will be encouraged by the Office of Student Rights and Responsibilities to share with their parents their involvement in an incident that violated University policy, and the consequences of such involvement.

Student confidentiality is an equally important concern in health and counseling issues. In non-emergency situations where students have sought and/or received medical or psychological treatment on campus, DU will abide by state and federal law as it pertains to client/provider confidentiality, and will not release information about students without the prior written consent of the student. In the case of health emergencies where students have received medical or psychological treatment off campus, the University defers to off-campus health care providers the responsibility of informing parents and guardians of the health status of students. Federal health privacy legislation significantly limits the ability of DU to have access to information about the status of their students' health in the case of health emergencies. However, if DU obtains information that a student is experiencing an imminently life-threatening emergency, the University will make every reasonable effort to notify the parents or guardians of the student.

The University seeks to work in partnership with parents and guardians to serve the best interests of its students, and sees maintaining student privacy in conformance with state and federal law and consistent with its goals for student development as a prerequisite of a successful partnership. We have developed this brochure to provide you with additional information on the basic tenets of the Family Educational Rights and Privacy Act. We hope you find this information helpful.

Sincerely,

Dennis Maurice Becker
Registrar

Education Records

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law designed to protect the privacy of and limit access to the educational records of students.

FERPA identifies four fundamental rights of students:

- the right to have access to their educational records;
- the right, through consent, to specify which third parties may access their records;
- the right to challenge/correct information in their records; and
- the right to be informed of their privacy rights.

These rights apply to all students, regardless of their age. Education records comprise nearly all records on a student maintained by the University, including:

- Grades
- Test Scores
- I.D. Numbers or Social Security Numbers
- Financial Records
- Housing Information
- Disciplinary Records (or results of hearings)
- Class Schedule
- Enrollment and Attendance Information
- Quarter, Cumulative, or Major GPA
- Academic Continuation, Dismissal, or Probationary Status
- Dean's List Status

These records, maintained by the University of Denver or any agent of the University, include any document or information directly related to a student.

FERPA mandates that institutions generally must withhold such information from parents and others, even if they believe that their relationship with the student entitles them to have the information. As a result, we sometimes encounter frustrated parents, guardians, or spouses (or even faculty members who do not have “an educational need to know” as defined by federal law) who question why they cannot have information about a student’s grades, financial obligations, or standing within the University.

To help prevent the frustration caused by this law, the University is pleased to share this information from educational records if the student submits an authorization to release specific information from the student’s educational record to a designated individual. Without such a release, the University will not make exceptions to FERPA. (There is an exception for parents of legally dependent students. See Frequently Asked Questions.)

Medical and Psychological Records

Medical and psychological records are excluded from classification as “educational records” under FERPA. The Health Insurance Portability and Accountability Act (HIPAA) passed in 1996 in order to establish national standards for the protection of certain health information. A higher level of privacy is applied to Health and Counseling Services’ records. These areas must maintain strict confidentiality of all information – including identity – related to students who utilize those services. Additional information on the privacy of health information maintained by DU may be found at <https://studentaffairs.du.edu/health-counseling-center/about-us/hipaa-privacy-practice>.

There are several reasons for these tighter restrictions on Health and Counseling Services’ records:

- *Practical Considerations* – Students will not utilize the full range of services available – particularly in areas such as counseling, sexual health and substance use – if they believe that others will be told that they received these services.
- *Ethical & Licensing Standards* – Health and Counseling Services staff members are bound by the ethical standards which apply to the provision of college health and counseling, as well as standards of the applicable licensing boards and professional associations to which they belong. Each of these states unequivocally that, with certain specific exceptions, strict confidentiality is to be maintained of all information related to an individual’s medical/psychological treatment. In cases where confidentiality must be broken (e.g., imminent danger to self or others) information may only be released to those individuals who would be directly involved with securing or providing treatment – hospital personnel, emergency service workers, etc.
- *Legal Mandates* – Finally, from the age of 18 individuals have the legal authority to consent to their own medical and psychological treatment. According to state and federal laws, treatment providers are mandated to safeguard the privacy and confidentiality of all consenting patients. To release information without **specific** consent is a violation of the law. The potential consequences to the provider and agency engaging in such action include civil penalties and loss of license to practice.

Directory Information

There is certain non-confidential directory information that under FERPA can be released without a student's permission. At DU, this non-confidential directory information includes

- names and personal pronouns,
- addresses,
- telephone numbers,
- electronic mail and webpage addresses,
- photographic images,
- date and place of birth,
- field of study,
- full-time or part-time status,
- class (e.g., undergraduate, sophomore, junior),
- participation in officially recognized activities and sports,
- dates of attendance,
- anticipated date of graduation,
- degrees and awards received,
- the most recent previous educational agency or institution attended by the student.

The University has identified the above as directory information and may routinely release it without a student's explicit permission. As a matter of practice, the University of Denver releases that information only under specific circumstances and does not publish it. For example, DU does not make any student information available for commercial purposes. This information can also be made confidential at a student's request. Students may obtain a "Request to Prevent Disclosure of Directory Information" from the Office of the Registrar or by visiting the Registrar's web site: www.du.edu/registrar.

Rationale for Policy on Information Sharing

At DU, we work from the underlying assumption that our students are in the transition from late adolescence to adulthood. Part of how we foster that transition is by treating students as adults, granting them both the rights and responsibilities which go along with that status. This is manifested in the fact that we communicate directly with them, and not directly with parents, regarding student concerns. Yet while we may not call to inform you of your student's status, we certainly encourage them to contact you themselves, thereby fostering a sense of trust and mutual responsibility.

The position of the University on the issues of sharing information with parents is rooted in a large body of research on the personal development of traditional college-aged students. Given the caliber of the students who attend DU, this position has been found to be effective in promoting student responsibility in a manner that is consistent with the mission of the University. DU recognizes the magnitude of its responsibility inherent in the education of young adults and in safeguarding the health and well-being of its student body, and strives at all times to fulfill

these responsibilities in the best interests of its students and their parents.

Frequently Asked Questions

How can I learn how my student is doing?

The best approach is to ask your student. Communicating with young adults, as you may well know, sometimes isn't easy. They are not always as forthcoming as we would like. The college years, however, are a period of remarkable growth and maturation. The ability and willingness of students to share information and insights usually grows, especially as they acquire the confidence that comes with assuming greater responsibility for their own lives.

How does my student learn his or her grades?

Students obtain their grades on their secure DU web account: *MyDU*. Student may print an official University of Denver grade notification from the web site.

How can I find out about my student's grades, and will I be notified if my student is put on academic probation, or is subject to academic dismissal?

Information about grades and academic standing is given directly to students. Most parents find out this information by asking their student. Doing so fosters trust and a sense of mutual responsibility. You can, of course, ask your student to keep you routinely informed about his/her academic performance. Students may send grade notifications to parents or others directly from *MyDU*. DU does not routinely mail grades. Students may request that grades be mailed to parents by filling out a "Request to Mail Grades" form, available from the Office of the Registrar.

I had easy access to my student's school records before, so why don't I have the same access to records kept by DU?

Under FERPA, the access rights that parents and legal guardians had in the elementary and secondary school setting are transferred to students, once a student has turned eighteen, or is attending any post-secondary educational institution.

How can we obtain a release to access our student's educational records?

Students can complete a "Release of Confidential Student Record Information" which permits university officials to share educational information with parents or other third parties. This release may be completed online in DU's secure web portal, *MyDU*, once your student matriculates at DU.

Additionally, FERPA permits – but does not require – "disclosure [of information in the student's education records] to the parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1986" [part 99.31 (a) (8)]. Although we feel this mechanism does not foster communication with your student, DU will release certain information to parents of a dependent without a student's consent. Parents may fill out a "Parental Request for Disclosure of Educational Records" form for this purpose.

Both release forms are available from the Office of the Registrar or by visiting the Registrar's web site: www.du.edu/registrar. Click on "Other Student Services" then "Privacy/FERPA." Releases cannot be processed until a student matriculates to DU and should not be submitted in advance.

Can my student have bills sent to me?

Students view tuition statements and other account information online through DU's tuition portal – DUPay. Students can sign up to give others (e.g., parents) the ability to access their tuition account information. Authorized users can view account balances and make payments. Students also have the option to give Authorized Users access to their bills and payment history. Visit www.du.edu/bursar for additional information.

Will I be informed if my daughter or son is treated at Health or Counseling Services?

Health and Counseling Services' records are subject to even more restrictions than are educational records. Those restrictions extend to the need to keep confidential the identity of students seeking services. There are important reasons for these confidentiality requirements, including the proven therapeutic benefits associated with encouraging students to talk openly and candidly with a physician, psychologist or other health professional without fear that their conversations will be reported to others. Many students, however, welcome their parents' interest in their physical and mental health and are willing to give consent for treatment providers to communicate with their parents.

What if my son or daughter is under 18?

The privacy regulations mandated by FERPA apply to all college students, even those who are not yet 18 years old. Regarding consent for medical or psychological treatment, while the need to maintain confidentiality is still very important, students who are under 18 must have parental consent for treatment. The exception to this requirement is in the case of an emergency or if there is a compelling reason why seeking parental consent would be detrimental. Consultation and treatment for mental health and substance abuse issues and sexual/reproductive health issues are also excluded from the requirement for parental consent.

Will I be notified if my child is hurt or in danger?

In the event of a potentially life-threatening emergency FERPA allows parents or guardians to be notified without prior consent from the student. In those rare events, the University will make every reasonable effort to notify parents about the situation. Most situations, however, do not constitute an imminently life-threatening danger and parents would not be contacted without the student's permission. We urge students to provide the University with emergency contact information. Students may do so online via *MyDU*.

I've heard that FERPA allows notice to the public if a student commits a crime of violence, and allows notification to parents when a student violates drug or alcohol laws. What is DU's position on these provisions?

FERPA allows, but does not require, releases of final results of campus disciplinary proceedings regarding specified crimes of violence or non-forcible sex offenses, and disclosures to parents of "the student's violation of any Federal, State, or local law, or any policy of the institution, governing the use or possession of alcohol or a controlled substance" if certain conditions apply. DU does not make public the identities of individuals suspended or dismissed for any crime of violence or non-forcible sex offenses. DU may notify parents or guardians of students under the age of twenty-one who has been found responsible for violating any drug or alcohol policies. Additionally, DU may notify parents or guardians if a student's enrollment ends due to suspension or dismissal.

I have heard about privacy laws in the European Union. How do those apply to DU?

The European Union General Data Protection Regulation (GDPR) is a more stringent regulation governing the use of personal data. It imposes new obligations on entities that control or process personal data about people who are located in the European Union. This regulation applies both inside the European Union (EU) *and* outside of the EU, and applies to data about anyone in the EU, regardless of whether they are a citizen or permanent resident of an EU country. For more information, visit:

<https://www.du.edu/site-utilities/privacy-policy.html#gdp>

How do I get more information about FERPA?

The Office of the Registrar administers FERPA for the University of Denver. All inquiries regarding FERPA should be referred to:

The Office of the Registrar
University of Denver
2197 S. University Blvd., Room G45
Denver, CO 80208
(303) 871-4095
www.du.edu/registrar

The University of Denver's Privacy policy may be viewed on the web at www.du.edu/privacy. FERPA information for students may be viewed at www.du.edu/registrar.

The U.S. Department of Education provides additional FERPA guidance for parents here: <https://studentprivacy.ed.gov/resources/ferpa-general-guidance-parents>

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