Guidance on Responding to Law Enforcement Requests for Student or Employee Information

This memorandum provides guidance to the DU community regarding how to respond to federal, state, or local law enforcement agents, including Immigrations and Customs Enforcement (ICE), who contact DU faculty and staff requesting information about our students and employees or seeking to make contact with those individuals.

Requests for information about students or employees

The Family Educational Rights and Privacy Act (FERPA) protects the privacy of student education records and prohibits disclosing those records without the student's consent or a lawfully-issued subpoena. Similarly, the University does not share information concerning its employees without the employee's consent or a subpoena. **Generally, all DU employees should refer inquiries (in person, telephone or in writing) from law enforcement agencies about DU students or employees to the Office of Campus Safety or the Office of General Counsel**. The only offices authorized to accept subpoenas or other legal documents on behalf of the University are General Counsel or Vice Chancellor for Financial Affairs (or the Office of the Registrar for requests for student information). DU faculty and staff should not respond or share any information about a DU student or employee to law enforcement agents or representatives, and should not confirm whether an individual is a DU student or employee.

If a law enforcement agent requests information or seeks to contact a student or employee **in person**, he or she should be escorted or directed to either the Office of Campus Safety or the Office of General Counsel. Employees may explain this requirement to the agent using the following language:

> *Our University policies and applicable law do not permit me to share any information with you. However, I am happy to escort you or direct you to the Office of Campus Safety or the Office of General Counsel who may assist you.*

Responding to background checks and similar requests for information with a signed release

Investigators from federal and other agencies periodically visit our campus to request student and employee information as part of employment background checks. These investigators will always present a signed consent from the subject of the inquiry. Some University employees respond to such agencies regularly as part of their normal job duties. If that is the case, the employee may provide student records or information designated in the release to such investigators. A copy of the release and the investigator's business card should be retained with the student's records. If the investigator does not have a signed release, or the release states "signature on file" in lieu of a signature, then the investigator should be referred as above. Any doubt, question or concern regarding an information request of this nature should be referred to one of the resources below.

<u>Resource Offices</u>

The offices of General Counsel, Campus Safety, Registrar and International Student & Scholar Services (ISSS) work cooperatively in responding to law enforcement requests for student and employee information. In most cases, ISSS works with ICE agents on information requests related to students and employees on certain visas. The Office of the Registrar responds to law enforcement requests for student information in other cases. The Office of Campus Safety is the University's liaison with local, state and federal law enforcement agencies. The Vice Chancellor for Business and Financial Affairs may also receive subpoenas or other legal documents on behalf of the University. Requests for health records are handled by the Health & Counseling Center in accordance with health information privacy regulations. Each of these offices can assist with additional information.

Please remember that ALL requests for student information should be handled by the, Registrar, Office of Campus Safety or the Office of General Counsel. If you have any questions regarding this process, please contact Dennis Becker, Registrar, X13897.