

**** LEGAL UPDATE ****

FERPA AND CAMPUS SAFETY

INTRODUCTION:

FERPA is a federal law that protects the privacy of student education records. It applies to all schools that receive federal financial assistance. FERPA gives students the right to inspect and review their education records held by the school. It also gives students the right to request the correction of inaccurate, misleading, or otherwise unfair information in their education records. Schools are required to provide a procedure for students to request the correction of their records. If a school refuses to correct the records, it must advise the student of the right to file a complaint with the Department of Education. FERPA also gives parents the right to inspect and review their child's education records. However, this right is not absolute and may be limited by state law or court order. FERPA also gives schools the right to disclose education records to certain parties without the student's consent, such as other schools, law enforcement, and the military.

DISCUSSION:

Question: What does FERPA restrict?

Answer: FERPA restricts the disclosure of personally identifiable information from education records to unauthorized parties. It also restricts the use of education records for purposes other than those for which they were collected. FERPA also restricts the release of education records to the public. Schools are required to have a policy and procedure for handling requests for access to education records. FERPA also restricts the use of education records for marketing or financial purposes. Schools are required to provide a procedure for students to request the correction of their records. If a school refuses to correct the records, it must advise the student of the right to file a complaint with the Department of Education.

11

12

13

A
B

"C

" D

Question:

May information from a student's education records be disclosed to protect health or safety?

Answer: E

F
G
H
I
J
K
L

M

N
O
P
Q
R
S
T
U

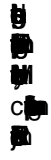
V

W

X

Question:

Question:



Question: What if FAU receives a court order or subpoena requesting student records?

Answer:

[\[blue link\]](#)

Question: May an FAU employee disclose personal knowledge and impressions about a student, based on the employee's personal interactions with the student?

Answer: [blacked out text]



CONCLUSION:



** The information contained in this Legal Update is comprised in large part from the August 6, 2007 copyrighted NACUA NOTE, Vol. 5, No. 4, authored by **Steven J. McDonald** and **Nancy E. Tribbensee** for the National Association of College and University Attorneys (“NACUA”). As a NACUA member, FAU is authorized to reproduce and distribute copies of NACUALERTS or NACUANOTES, in whole or in part, with or without attribution, to faculty, staff and students of their respective institutions. Re-distribution may include incorporation into other communications from NACUA members and occur by any convenient means, including transmission by email or posting to a NACUA member’s web page. NACUA members are asked not to affirmatively re-distribute NACUALERTS or NACUANOTES to persons other than the faculty, staff and students of their institutions, or to other NACUA members. Go to www.nacua.org for more information.