

FERPA – Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA) limits when student records can be made available to individuals, government entities, or other educational institutions without the student's consent. There are exceptions to FERPA and the following information is provided so that students and parents will be aware of these exceptions. The University's policy on FERPA can be found at: http://www.westga.edu/registrar/index_9151.php

Law Enforcement Records

The University of West Georgia Police Department is the primary law enforcement agency for the campus. All reports and any subsequent investigations are kept separate from a student's educational record and therefore are not considered an educational record subject to FERPA. Reports under Georgia law are considered public records and may be distributed to anyone, including outside law enforcement authorities, without student consent. (See 34 CFR § 99.8.) As a state law enforcement agency, the UWG Police records are subject to the rules established by the Georgia Open Records Act and the Georgia Crime Information Center.

Health or Safety Emergency

In an emergency, *FERPA* permits school officials to disclose without student consent education records, including personally identifiable information from those records, to protect the health or safety of students or other individuals. At such times, records and information may be released to appropriate parties such as law enforcement officials, public health officials, and trained medical personnel. See 34 CFR § 99.31(a)(10) and § 99.36. This exception to *FERPA*'s general consent rule is limited to the period of the emergency and generally does not allow for a blanket release of personally identifiable information from a student's education records. In addition, the Department interprets *FERPA* to permit institutions to disclose information from education records to parents if a health or safety emergency involves their son or daughter.

Disciplinary Records

While student disciplinary records are protected as education records under *FERPA*, there are certain circumstances in which disciplinary records may be disclosed without the student's consent. A postsecondary institution may disclose to an alleged victim of any crime of violence or non-forcible sex offense the final results of a disciplinary proceeding conducted by the institution against the alleged perpetrator of that crime, regardless of whether the institution concluded a violation was committed. An institution may disclose to anyone—not just the victim—the final results of a disciplinary proceeding, if it determines that the student is an alleged perpetrator of a crime of violence or non-forcible sex offense, and with respect to the allegation made against him or her, the student has committed a violation of the institution's rules or policies. See 34 CFR §§ 99.31(a)(13) and (14).

The Clery Act

The *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* requires Postsecondary institutions to provide timely warnings of crimes that represent a threat to the safety of students or employees and to make public their campus security policies. It also requires that crime data be collected, reported, and disseminated to the campus community and to the Department annually. The *Clery Act* is intended to provide students and their families with accurate, complete, and timely information about safety on campuses so that they can make informed decisions. Such disclosures are permitted under *FERPA*. The following Web site provides more information about these and other provisions about campus safety:

<http://www.ed.gov/admins/lead/safety/campus.html>.

Disclosure to Parents

When a student turns 18 years old or enters a postsecondary institution at any age, all rights afforded to parents under *FERPA* transfer to the student. However, *FERPA* also provides ways in which schools may share information with parents without the student's consent. For example:

- Schools may disclose education records to parents if the student is a dependent for income tax purposes.
- Schools may disclose education records to parents if a health or safety emergency involves their son or daughter.
- Schools may inform parents if the student who is under age 21 has violated any law or its policy concerning the use or possession of alcohol or a controlled substance.