



What does the Family Educational Rights & Privacy Act (FERPA) Mean for Us? *MJ Sorority*

Here's the scenario: a Chapter Advisor calls us and explains that several chapter members have come to her concerned about a fellow chapter member who is exhibiting signs of a severe eating disorder. The Chapter Advisor asks us what to do to avoid any allegations of infringing on the chapter member's privacy.

We receive calls similar in nature to the fictionalized scenario above at least once a week. The individual calling typically cites concerns of violating the Family Educational Rights & Privacy Act (FERPA), a federal law that protects the privacy of student education records. Although the legislation originally passed in 1974, FERPA has received increased attention more recently following the tragic events at Virginia Tech and the shootings in Arizona.

There are a few key facts about FERPA that are especially important for our clients' leaders and volunteers to keep in mind:

- FERPA applies to educational agencies and institutions that receive funding under any program administered by the U.S. Department of Education. Women's fraternities and sororities are not subject to FERPA guidelines.
- FERPA generally prohibits the improper disclosure of personally identifiable information derived from education records (which are defined as those records that contain information directly related to a student and which are maintained by an educational agency or institution). However, information that an individual observes or hears about orally from others is not protected under FERPA.
- FERPA does *not* prohibit institutions from disclosing information under the following circumstances:
 - If the student is under 21, the institution may inform the students' parents of any violations of its alcohol or drug policies.
 - If the institution believes that there is a health or safety emergency involving the student, the institution may contact the student's parents and seek their assistance, regardless of the student's age.
 - If either parent claims the student as a federal tax dependent, the institution may disclose information it has regarding the student to both parents, regardless of the student's age and whether there is an emergency.

We encourage you to familiarize yourself with your organization's risk management policies and procedures when a member's health is at risk. The leaders of your organizations have gone to great lengths to equip you with the resources and tools to know how to handle these types of situations. In emergency situations, we also encourage you to contact the appropriate University officials. Most campuses have trained individuals on staff that deal with emergency situations day-in and day-out.