

## **Health and Safety Exceptions Under FERPA**

### **FERPA-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. 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, *FERPA* allows school officials to disclose information from education records to parents if a health or safety emergency involves their son or daughter. See 34 CFR § 99.31(a)(10) and § 99.36.

### **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. Tennessee Tech 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 University against the alleged perpetrator of that crime, regardless of whether Tennessee Tech concluded a violation was committed. Tennessee Tech 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 United States Department of Education 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*.