

## CONFIDENTIALITY ISSUES IN A NUTSHELL



### FERPA

- Governs educational records only
- Usually requires written permission from student to release information
- Faculty and staff may share information based on personal knowledge and observation, conversations with students or others who have observed the student
- Exceptions for “legitimate educational interest”
- Exceptions can also be made for health or safety emergencies if disclosure is necessary to protect health and safety of student or others, to appropriate parties only
- University law enforcement records are not protected by FERPA and university may contact campus police to investigate possible violations of law

### MENTAL HEALTH RECORDS

- Mental health records are not covered by FERPA
- Mental health professionals are bound by state licensing laws and professional ethics
- Counseling Center staff cannot confirm or deny that a student is a client without a signed release from the student
- Exceptions to confidentiality must include *imminent* danger to self or others, suspicion of child or elderly abuse
- It may be useful to provide information about disturbed students to the Student Affairs office as well as the Counseling Center, because Student Affairs has more leeway in contacting others who may help

### SHARING INFO WITH PARENTS

- FERPA allows educational record to be shared if student is a tax dependent
- University officials can contact parents with information obtained from personal observation or from another person who has observed the student
- Parents can be notified to protect health or safety, except in the case of a health care provider with a confidential treatment relationship with a student
- Parents of students under 21 can be notified of alcohol or drug violations

### GENERAL PRINCIPLES OF CONFIDENTIALITY

- Share on a “need to know” basis only – tell only those who need to know, and only what a particular individual needs to know
- Use email with great discretion
- Be aware that once a staff member is informed of a problem, he or she may have a responsibility to act, so be very picky about whom you inform
- Treat students’ privacy with respect – ask yourself, “Would I want others to know this about me?”
- Do not re-release confidential information, such as health or mental health info, that was released to you
- Do seek consultation with supervisors and other professionals if it will help you to assist the student and/or maintain the safety of any individual, including yourself