

Parental Notification Procedures for Drug or Alcohol Violations

Background

- In the fall of 1998, Congress revised the Family Educational Rights and Privacy Act (FERPA) with regard to notifying of parents of students who are under the age of 21 and who have violated campus drug or alcohol policies.
- In July of 2000, the U.S. Department of Education provided further clarification of the revisions that permit higher education broad latitude in notifying parents.
- A second part of the amendment to FERPA states that the revisions shall not "...be construed to supersede any provision of State law that prohibits an institution of higher education from making the disclosure described..."
- Such State law exists in California. The California Information Practices Act (IPA) prohibits the disclosure of "personal information," which is broadly defined as "any information that is maintained by an agency that identifies or describes an individual."
- In effect, the IPA supersedes the changes in FERPA that permit parent notification.
- Therefore, California State Universities may not provide notification to parents, which is based solely on the 1998 FERPA revisions.

However, there are two rather narrow exceptions to the IPA, which may in certain circumstances, allow for disclosure of drug and/or alcohol violations to parents in a manner that is consistent with FERPA:

- Where the appropriate campus authority makes a determination "that compelling circumstances exist which affect the health or safety of an individual so long as the individual in danger is informed that the disclosure has been made."
- "Where a student is under age 18, information may be disclosed to parents who have been identified as representatives of the minor, or to guardians or conservators."

The IPA requires that notification only be made to the parent "...if it can be proven with reasonable certainty through the possession of agency forms, documents or correspondence that such person is the authorized representative of the individual to whom the information pertains."

Based on the FERPA revisions and the two exceptions to the IPA, the following procedures have been established to permit parent notification when students are found responsible for campus drug or alcohol violations.

Designated administrators may notify parents of students regarding drug or alcohol violations when the following conditions exist:

IN LIFE THREATENING SITUATIONS

- When the University Police Department is involved in an incident requiring emergency medical treatment, the Chief of Police or his designee shall consult with the treating physician to determine if a life-threatening situation exists.
- If a life-threatening situation exists, the Chief of Police or his designee shall notify the Vice President for Student Affairs and Dean of Students or her designee.
- The Chief of Police or his designee and the Vice President or her designee shall consult to determine who shall contact the student's parents or next of kin.
- If the Vice President for Student Affairs and Dean of Students is informed through other sources that a student was involved in a life-threatening incident, the Vice President for Student Affairs and Dean of Students or her designee may notify the student's parents after consultation with appropriate professionals i.e. Residence Life Coordinator or Coordinator of Psychological Services.
- If parents are notified, California law requires that, upon disclosure, prompt notification must be transmitted to the student.

WHEN A STUDENT IS UNDER 21 YEARS OF AGE

- When the first violation occurs, the Judicial Affairs Officer shall inform the student that his or her parents may be notified in the event of a second violation. A second violation may indicate a pattern of behavior that is a threat to the student's health and safety.
- When a second violation occurs, the Judicial Affairs Officer shall consult with appropriate professionals i.e. Residence Life Coordinator, Coordinator of Psychological Services or the Vice President for Student Affairs and Dean of Students to determine whether or not to notify parents.
- Consideration must be given to personal and family circumstances to insure that notification will be timely and appropriate for the situation.
- The individual who notifies the student's parents is responsible for ensuring that prompt notice is transmitted to the student, as required by law.
- The student's right to privacy of counseling and medical records shall be protected.
- The privacy rights of other students who may be involved in the matter must also be protected.