

1998 FERPA AMENDMENTS FOR CAMPUS CRIME DISCLOSURES

PART E-GENERAL EDUCATION PROVISIONS ACT AMENDMENT

SEC. 951. AMENDMENT TO FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)), also known as the Family Educational Rights and Privacy Act of 1974, is amended-

(1) in paragraph (1), by amending subparagraph (C) to read as follows:

"(C)(i) authorized representatives of (I) the Comptroller General of the United States, (II) the Secretary, or (III) State educational authorities, under the conditions set forth in paragraph (3), or (ii) authorized representatives of the Attorney General for law enforcement purposes under the same conditions as apply to the Secretary under paragraph (3);"; and

(2) in paragraph (6)-

(A) by inserting "(A)" after "(6)";

(B) in subparagraph (A), as designated by subparagraph (A) of this paragraph-

(i) by striking "the results" and inserting "or a nonforcible sex offense, the final results"; and (ii) by striking "such crime" each place the term appears and inserting "such crime or offense"; and

(C) adding at the end thereof the following:

"(B) Nothing in this section shall be construed to prohibit an institution of postsecondary education from disclosing the final results of any disciplinary proceeding conducted by such institution against a student who is an alleged perpetrator of any crime of violence (as that term is defined in section 16 of title 18, United States Code), or a nonforcible sex offense, if the institution determines as a result of that disciplinary proceeding that the student committed a violation of the institution's rules or policies with respect to such crime or offense.

"(C) For the purpose of this paragraph, the final results of any disciplinary proceeding-

"(i) shall include only the name of the student, the violation committed, and any sanction imposed by the institution on that student; and

"(ii) may include the name of any other student, such as a victim or witness, only with the written consent of that other student."