

***The following summary of legal requirements and University policies are applicable in the event that federal or state law enforcement agents arrive on campus to request information or enforce state and/or federal laws as to students, including immigration laws. Questions regarding any of the below information should be directed to the Office of General Counsel.***

**1. Who on campus handles inquiries regarding information about students, student records, or student immigration status?**

Visitors with inquiries regarding information about specific students should be directed to Campus Life or the Office of the Registrar. As noted below, these departments should consult with the Office of General Counsel for further guidance, depending on the request for information or assistance. No information regarding any students should be released in response to outside requests without first referring such requests to one of the above offices, as appropriate.

Additional information about the disclosure of student information can be found in Emory's Policy 8.3, Confidentiality and Release of Information about Students, available at: <http://policies.emory.edu/8.3>

**2. Do any federal or state laws protect the privacy of information about students?**

Yes. The Family Educational Rights and Privacy Act (FERPA) is a federal statute that protects the privacy of student records and controls the circumstances under which such records may be disclosed. Emory adheres to a policy of compliance with FERPA. Consistent with FERPA, Emory's general rule is not to disclose a student's personal information to anyone outside the University—including government officials or law enforcement officers—without the student's express, prior written consent, although exceptions may apply (see below). Emory's policy on compliance with FERPA can be found at the website of the Office of the Registrar: <http://registrar.emory.edu/records-transcripts/ferpa.html>.

Generally, FERPA does not distinguish between students based on their immigration status, although FERPA's confidentiality requirements may not apply to all international students, as noted below.

**3. Are there exceptions to the general rule that Emory won't disclose a student's personal information?**

Yes, there are some limited circumstances in which certain information about a student may be available to the general public and/or the government:

- a. Directory Information. First, unless a student submits a written request to the Registrar asking for confidentiality, the University may share the student's "Directory Information": the student's name; whether or not the student is currently enrolled, the school or division in which the student is or was enrolled and the class/year, dates of enrollment including full-time or part-time status, degree or degrees earned, date of degree, major area of concentration and academic honors received, awards of

merit and participation in officially recognized activities and sports, address and telephone number, and email address.

Directory Information can, however, be kept confidential by a student's request to the Registrar. A student may request to have the above Directory Information restricted from disclosure by returning an Information Release Form to the Office of the Registrar, 100 Boisfeuillet Jones Center, Emory University, Atlanta, GA 30322. Note that a "No Release" placed on a student's record applies to all elements of directory information. Emory does not apply a "No Release" differentially to the various directory information data elements.

- b. Subpoenas and Court Orders. Second, Emory may be legally required to provide a student's records to government officials or law enforcement officers if presented with a lawfully issued subpoena or comparably binding requirement (for example, a court order), even if a student has requested to restrict such information from disclosure. However, pursuant to Emory policy, records shall be released to comply with a subpoena or court order only with the consent and advice of the Office of General Counsel.

If visitors, including law enforcement agents, present to the University with a subpoena or court order for student records, such visitors should be referred to the Office of General Counsel for review of such requests, subpoenas, or court orders. No information should be released in response to such documents without consultation with the Office of General Counsel.

- c. Students Studying on Visas or International Exchange Programs. Third, certain international students studying in the United States on visas or as part of an exchange program may have consented to the release of their information in applying for their status and entering the United States. Whether this is the case depends on the particular student's visa or visitor status. Requests for information regarding such students should be referred to International Student and Scholar Services, which may consult with the Office of General Counsel as necessary.
- d. Other Exceptions to FERPA. Other limited exceptions to FERPA's confidentiality requirements exist in addition to the above exceptions, including the disclosure of certain information to appropriate authorities in the case of a health or safety emergency, and disclosure of information in response to a court order involving the investigation and prosecution of terrorism crimes. Any requests for student information under these or other FERPA exceptions must be forwarded to the Office of General Counsel for review.

Note that a new state statute, House Bill 37, was recently passed by the Georgia legislature. If House Bill 37 is signed by Governor Deal, unless Emory is required by law to keep such information confidential under applicable law, such as FERPA, Emory may be required under Georgia law to disclose to law enforcement information about the identity or location of an individual who is reasonably believed to be violating state or federal laws, illegally residing within the United States, or who is reasonably believed to be involved in domestic terrorism. Any requests for student information under such circumstances must be forwarded to the Office of General Counsel to review.

#### **4. What role does the Emory Police Department play in immigration enforcement?**

Enforcement of immigration laws is a federal responsibility. EPD officers are police officers authorized by the State of Georgia to investigate violations of state law. EPD has not entered into any specific agreement with any federal law enforcement agency (including ICE) that would give them authority as immigration enforcement officials. Moreover, EPD does not routinely gather information about the immigration status of members of the University community, including students. EPD does not ask victims or individuals reporting potential crimes about their immigration status.

In addition, Federal immigration enforcement policy currently places significant restrictions on enforcement actions in so-called “sensitive locations” such as a university campus. This policy has been continued by the current Administration.