

NOTE: This letter was reformatted to make it more accessible on the Student Privacy Policy Office's (SPPO's) website. Please note that SPPO administers FERPA and the office's prior name was the Family Policy Compliance Office (FPCO). Some citations in this letter may not be current due to amendments of the law and regulations. SPPO has not revised the content of the original letter. Any questions about the applicability and citations of the FERPA regulations included in this letter may be directed to [FERPA@ed.gov](mailto:FERPA@ed.gov).

October 22, 1986

[To Eligible Student]

Dear [Eligible Student]:

This is in response to your letter complaining that Columbia University denied you rights under the Family Educational Rights and Privacy Act (FERPA). You allege that the University denied you access to certain specific education records, refused to correct records that you believe reflect inaccurate and misleading information, and made an improper disclosure of directory information.

In the telephone conversation in which we discussed your allegations in detail, you stated that in February you filed a law suit against Columbia University and that the basis for jurisdiction was the FERPA. The Department declines to investigate your FERPA complaint pending the outcome of your litigation with the University. The reasons for this decision are stated below.

The statute at 20 U.S.C. 1232g(f) requires the Secretary of Education to take appropriate actions to enforce the provisions of the Act and to deal with violations of the Act, but termination of assistance may be taken only if the Secretary finds there has been a failure to comply with the Act and has determined that compliance cannot be secured by voluntary means. Therefore, when the Secretary accepts a complaint, the Secretary first works with the individual and institution to resolve the complaint on a voluntary basis. Only if the Secretary determines that there is a violation of FERPA and the institution does not take steps to comply with FERPA on a voluntary basis may the Secretary take action against the institution. In these cases, the Secretary offers a hearing before a review board before terminating assistance to the institution.

However, if a student sues an educational institution based on FERPA, the law suit strikes at the very core of the process established under the Act for resolving complaints on a voluntary basis. The law suit would seek a court order directing compliance. If the court invokes its jurisdiction either to provide a remedy to you or to deny you relief, the Department would be bound by that decision. Thus, if the Secretary were to investigate a FERPA complaint in this situation, his offices in seeking voluntary compliance would be severely limited.

I regret we are unable to be of assistance to you at this time. However, if the court decides not to invoke its jurisdiction to provide a remedy in your case, we will consider your complaint at that time.

Sincerely,

/s/

Patricia Ballinger  
Director  
Family Educational Rights  
and Privacy Act Office