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The Honorable Arne Duncan
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary Duncan,

Over the past few weeks there has been significant attention, both in the press and around the dinner table, regarding the University of Oregon's response to a sexual assault case on its campus. Of particular concern is the charge of a potential violation of the student's privacy after she accessed on-campus health services. From my perspective, this incident and its subsequent press attention seem to have raised more questions than they have answered in terms of the interaction and application of both the Health Insurance Portability and Accountability Act (HIPAA) and the Family Educational Rights and Privacy Act (FERPA) to campus health services; it is my hope that you can help clarify this issue and help resolve it in a manner sensitive to the needs of Oregon's students.

On-campus health services at the University of Oregon, and across the country, play a critical role in the health and mental health continuum of the student body, particularly because those services can provide students with valuable, accessible and affordable alternatives to private insurance and third-party providers. This is especially important for students who experience sexual assault, either on campus or off, who should feel they can safely and confidentially access on-campus mental health services to cope with their experiences. Of course, this requires that students understand—and feel comfortable with—how their personal information may be accessed and used within the larger university system.

For this reason, I am writing to request the Department of Education clarify how FERPA applies to student medical records, including therapy and treatment records, held by educational institutions, as well as how the level of privacy protection differs for on-campus versus off-campus health services. I appreciate your prompt response to this request and look forward to working with your offices to ensure that student medical records are protected and that students feel safe seeking the help they need and deserve. If you or your staff have any questions about the issue or my requests please do not hesitate to contact me or my staff.

Sincerely,



Ron Wyden
U.S. Senator

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