

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2009 AMENDMENT**

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

§ 1161I-4. Guidance on mental health disclosures for student safety**(a) Guidance**

The Secretary shall continue to provide guidance that clarifies the role of institutions of higher education with respect to the disclosure of education records, including to a parent or legal guardian of a dependent student, in the event that such student demonstrates that the student poses a significant risk of harm to himself or herself or to others, including a significant risk of suicide, homicide, or assault. Such guidance shall further clarify that an institution of higher education that, in good faith, discloses education records or other information in accordance with the requirements of this chapter and section 1232g of this title (commonly known as the “Family Educational Rights and Privacy Act of 1974”) shall not be liable to any person for that disclosure.

(b) Information to Congress

The Secretary shall provide an update to the authorizing committees on the Secretary’s activities under subsection (a) not later than 180 days after August 14, 2008.

(Pub. L. 89-329, title VIII, § 825, as added Pub. L. 110-315, title VIII, § 801, Aug. 14, 2008, 122 Stat. 3412; amended Pub. L. 111-39, title VIII, § 801(8), July 1, 2009, 123 Stat. 1956.)

Editorial Notes**AMENDMENTS**

2009—Subsec. (a). Pub. L. 111-39 substituted “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’” for “the Family Educational Rights and Privacy Act of 1974”.

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§ 1161I-5. Rule of construction

Nothing in this part shall be construed—

(1) to provide a private right of action to any person to enforce any provision of this section;

(2) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability; or

(3) to affect section 1232g of this title (commonly known as the “Family Educational Rights and Privacy Act of 1974”) or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note).

(Pub. L. 89-329, title VIII, § 826, as added Pub. L. 110-315, title VIII, § 801, Aug. 14, 2008, 122 Stat.

3412; amended Pub. L. 111-39, title VIII, § 801(9), July 1, 2009, 123 Stat. 1956.)

Editorial Notes**REFERENCES IN TEXT**

Section 264 of the Health Insurance Portability and Accountability Act of 1996, referred to in par. (3), is section 264 of title II of Pub. L. 104-191, Aug. 21, 1996, 110 Stat. 2033, which is set out as a note under section 1320d-2 of Title 42, The Public Health and Welfare.

AMENDMENTS

2009—Par. (3). Pub. L. 111-39 substituted “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’” for “the Family Educational Rights and Privacy Act of 1974”.

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§ 1161I-6. Online survey tool for campus safety**(a) In general**

The Secretary of Education, in consultation with the Attorney General, the Director of the Centers for Disease Control and Prevention, the Secretary of Health and Human Services, and experts in domestic violence, dating violence, sexual assault, sexual harassment, and stalking, shall develop, design, and make available through a secure and accessible online portal, a standardized online survey tool regarding post-secondary student experiences with domestic violence, dating violence, sexual assault, sexual harassment, and stalking.

(b) Development of survey tool

In developing the survey tool required under subsection (a), the Secretary of Education shall—

(1) use best practices from peer-reviewed research measuring domestic violence, dating violence, sexual assault, sexual harassment, and stalking;

(2) consult with the higher education community, experts in survey research related to domestic violence, dating violence, sexual assault, sexual harassment, and stalking, and organizations engaged in the prevention of and response to, and advocacy on behalf of victims of, domestic violence, dating violence, sexual assault, sexual harassment, and stalking, including victims from culturally specific populations and victims with disabilities, regarding the development and design of such survey tool and the methodology for administration of such survey tool; and

(3) ensure that the survey tool is readily accessible to and usable by individuals with disabilities.

(c) Elements**(1) In general**

The survey tool developed pursuant to this section shall be fair and unbiased, be scientifically valid and reliable, meet the highest standards of survey research, and notify the