

11-29-1993

SR-93-94-18 (SCW)

Marshall University

Follow this and additional works at: http://mds.marshall.edu/fs_recommendations

Recommended Citation

Marshall University, "SR-93-94-18 (SCW)" (1993). *Recommendations*. 1049.
http://mds.marshall.edu/fs_recommendations/1049

This Article is brought to you for free and open access by the Faculty Senate at Marshall Digital Scholar. It has been accepted for inclusion in Recommendations by an authorized administrator of Marshall Digital Scholar. For more information, please contact zhangj@marshall.edu, martj@marshall.edu.

**STUDENT CONDUCT AND WELFARE COMMITTEE
RECOMMENDATION**

SR-93-94-18 (SCW)

To approve the attached policy statement on EDUCATION RECORDS: PRIVACY RIGHTS OF PARENTS AND STUDENTS.

FACULTY SENATE PRESIDENT:

APPROVED
BY SENATE: Benjamin W Grass DATE: 11/29/93

DISAPPROVED
BY SENATE: _____ DATE: _____

UNIVERSITY PRESIDENT:

APPROVED: [Signature] DATE: 12/02/93

DISAPPROVED: _____ DATE: _____

COMMENTS:

Marshall University

A Policy Statement on

EDUCATION RECORDS: PRIVACY RIGHTS OF PARENTS AND STUDENTS

The General Education Provisions Act, Title IV of Public Law 90-247, Section 438, as amended, 88 Stat. 571-574 (20 U.S.C. 1232g) authorizes the granting to parents and students the right of access, review, challenge, and exception to education records of students enrolled in an educational agency or institution. The Department of Health, Education and Welfare, after review and accepting comments, has published in the June 17, 1976 issue of the Federal Register, Vol. 41, No. 118, pp. 24670-24675, the regulations to be met by an educational agency or institution to protect the rights to privacy of parents and students. In accordance with the regulations, Marshall University adopts this policy to be implemented by all units of the institution.

A. Eligibility

1. Student. Includes any individual who has any kind of a record at Marshall University, who has satisfied all academic and financial requirements, and is or has been officially enrolled in a component unit of the university. An individual who is or has been enrolled in one component unit of the institution, who applies for admission to a second unit, has no right to inspect the records accumulated by the second unit until enrolled therein.
2. Eligible Parent(s). An eligible parent is one who is legally responsible for the student as evidenced by claiming the student as a tax dependent during the most recently completed tax year. Such evidence shall include an original copy of the tax statement as provided by the parent(s), a legal representative of the parent(s), or the Internal Revenue Service.

B. Notification

Marshall University shall provide annual notice of this policy.

Notice shall include the rights granted under the Act, those rights extended by the University, the location of this policy, and any procedural standards, and the right to file complaints concerning alleged failures by the University to comply with the Act.

C. Inspection and Review of Records

1. The Request. Students may make a request to inspect and review their record directly to the office charged with the maintenance of such records. The student must provide some identification with a picture such as the official Marshall University identification card, driver's license, or selective service card.

Eligible parents may make a request to inspect and review the record after presenting evidence of the student's tax dependent status to the Dean for Student Affairs. Upon verification of the dependent status, the office responsible for the record will be notified that the parent(s) is(are) eligible and the record may be made available for inspection.

All requests for disclosure shall be acted upon within 30 days. Whenever possible, a request to inspect records shall be either complied with immediately or, when the appropriate supervisor is not present or a recall procedure is required, and appointment shall be schedule, whereupon the request will be processed.

2. Denial of a Request for Copies of a Record. Reasons for denial of a copy of a record include, but are not limited to, the following:
 - a. Records which have been placed on "hold" until an obligation, either financial, social or academic, has been fulfilled;
 - b. Records which are transcripts or copies of original records existing elsewhere;
 - c. Records submitted in confidence with the student's prior knowledge and approval; and
 - d. Records, the release of which may have the effect of harm to persons.

An appeal of a refusal may be made to the respective Vice President responsible for the area wherein record(s) are maintained.

3. Copies of Records. The student, eligible parent(s), or other parties receiving student consent may request copies to be made under this policy if an existing schedule does not already exist. See the University Catalog for specific schedules (e.g., requests for official transcripts is an established policy and will continue in the manner described in the Catalog unless it can be shown that such procedures are in conflict with the Act and/or this policy). The request is to be made to the office maintaining the record. Upon identification of the specific documents, a billing notice will be made in the name of the party filing the request. The bill must be presented to the Bursar's Office for payment. The receipt for payment shall be presented to the office of record at which time the copies will be available to the requesting party at the earliest possible time.

For records not provided for under existing procedures, from the time of request, a minimum of 24 hours but not more than 5 work days may be stated as a period of time necessary for the responsible office to copy the records.

A fee of at least 5 cents* per page may be charged for the cost of reproduction unless an existing fee structure is in effect.

D. Types of Records

The records in this section are listed by type of record and include an administrative area or unit where official record is maintained.

1. Academic Standing

a. Deficiency, Probation, and Suspension. The college of student's major is responsible.

- 1) College of Business
- 2) College of Education
- 3) College of Fine Arts
- 4) College of Liberal Arts
- 5) College of Science
- 6) Community and Technical College
- 7) Graduate School
- 8) School of Medicine
- 9) School of Nursing

* Cost is subject to adjustment depending upon the experience with the use of materials and staff time.

- b. Honors. The college and/or department of the student's major is responsible. Consult either a. above for the college official, or the department chairperson in the departments listed below:

Associate Degrees and Certificates of Proficiency		College
Accounting	A.A.S.	Community and Technical
Automotive Technology	A.A.S.	Community and Technical
Aviation Technology	A.A.S.	Community and Technical
Banking and Finance	A.A.S.	Community and Technical
Computer Technology	C.P./A.A.S.	Community and Technical
Electronics Technology	A.A.S.	Community and Technical
Emergency Medical Technology	C.P.	Community and Technical
Engineering Technology	A.A.S.	Community and Technical
Legal Assistant	A.A.S.	Community and Technical
Management Technology	A.A.S.	Community and Technical
Business Management Specialization		
Industrial Management Specialization		
Real Estate Management Specialization		
Retail Management Specialization		
Medical Laboratory Technology	A.A.S.	Science
Medical Record Technology	A.A.S.	Community and Technical
Occupational Development Tech	A.A.S.	Community and Technical
Office Technology	A.A.S.	Community and Technical
Administrative Secretarial Specialization		
Information Processing Specialization		
Legal Secretarial Specialization		
Medical Secretarial Specialization		
Police Science	A.A.S.	Community and Technical
Radiologic Technology	A.A.S.	Community and Technical
Baccalaureate Degrees		
Accounting	B.B.A.	Business
Basic Humanities	B.A.	Liberal Arts
Classics Option		
Philosophy Option		
Religious Studies Option		
Biological Science	B.S.	Science
Business Information Systems	B.B.A.	Business
Chemistry	B.S.	Science
Chemistry (Intensive)	B.S. Chemistry	Science
Communication Disorders	B.A.	Education
(5 year program-must complete M.A. to be certified)		
Communication Disorders	B.A.	Liberal Arts
Communication Studies	B.A.	Liberal Arts
Communication Education		
Interpersonal Communication Option		
Organizational Communication Option		
Public Communication Option		

Computer Science	B.S.	Science
Counseling and Rehabilitation	B.A. (non-teaching)	Education
Criminal Justice	B.A.	Liberal Arts
Corrections Option		
Law Enforcement Option		
Legal Studies Option		
Cytotechnology	B.S. Cytotechnology	Science
Dietetics	B.S. (non-teaching)	Education
Economics	B.A.	Liberal Arts
Economics	B.B.A.	Business
Education, Elementary	B.A.	Education
(See Teaching Specializations)		
Education, Secondary	B.A.	Education
(See Teaching Specializations)		
English	B.A.	Liberal Arts
Finance	B.B.A.	Business
Fine Arts	B.F.A.	Fine Arts
Music Option		
Theatre Option		
Visual Arts Option		
Foreign Languages	B.A.	Liberal Arts
Classical Language (Latin)		
French		
German		
Spanish		
Geography	B.A., B.S.	Liberal Arts
Geology	B.A., B.S.	Science
History	B.A.	Liberal Arts
Home Economics	B.A. (non-teaching)	Education
Fashion Merchandising Option		
Food Service Management Option		
International Affairs	B.A.	Liberal Arts
Journalism & Mass		
Communications	B.A.	Liberal Arts
Advertising Sequence		
Radio Television News Sequence		
Broadcast News Sequence		
Print Journalism Sequence		
Public Relations Sequence		
Management	B.B.A.	Business
Management Option		
Health Care Option		
Operations Option		
Marketing	B.B.A.	Business
Marketing Option		
Retail Option		
Transportation Option		
Mathematics	B.S.	Science
Medical Technology	B.S.M.T.	Science
Nursing	B.S.N.	Nursing
Park Resources & Leisure Services	B.S. (non-teaching)	Education

Leisure Services Option		
Parks and Conservation Option		
Therapeutic Recreation Option		
Physical Education	B.A. (non-teaching)	Education
Adult Fitness Option		
Athletic Training Option		
Sports Communication Option		
Sports Management and Marketing Option		
Physics	B.S.	Science
Political Science	B.A.	Liberal Arts
Psychology	B.A.	Liberal Arts
Regents Bachelor of Arts	R.B.A.	Marshall U.
Safety Technology	B.S. (non-teaching)	Education
Social Work	B.S.W.	Marshall U.
Sociology	B.A.	Liberal Arts
Sociology Option		
Anthropology Option		

Undergraduate Teaching Specializations

Multi-Subject Education K-8 (Elementary)

Students majoring in multi-subject K-8 have the option of adding one or more of the following elementary specializations.

Elementary Specializations:

- Consumer and Homemaking 5-8
- Early Education PK-K
- French 5-8
- General Science 5-8
- Language Arts 5-8
- Math 5-8
- Mentally Impaired K-12
- Oral Communication 5-8
- Physically Handicapped K-12
- Social Studies 5-8
- Spanish 5-8

Secondary Programs

Two specializations are required unless the field is comprehensive. One specialization may be 5-12, 9-12, or K-12.

- Art Education K-12, Comprehensive
- Art Education 5-12
- Athletic Trainer 5-12
- Biological Science 9-12
- Business Education 9-12, Comprehensive
- Business Principles 9-12
- Chemistry 9-12
- French, 5-8
- French, 5-12
- General Science, 5-12
- Health Education, 5-12
- Home Economics 5-12; Vocational-Comprehensive
 - Occupational Home Economics 9-12;
 - Consumer and Homemaking 5-8
- Journalism, 9-12
- Language Arts, 5-8

Leisure Services Option		
Parks and Conservation Option		
Therapeutic Recreation Option		
Physical Education	B.A. (non-teaching)	Education
Adult Fitness Option		
Athletic Training Option		
Sports Communication Option		
Sports Management and Marketing Option		
Physics	B.S.	Science
Political Science	B.A.	Liberal Arts
Psychology	B.A.	Liberal Arts
Regents Bachelor of Arts	R.B.A.	Marshall U.
Safety Technology	B.S. (non-teaching)	Education
Social Work	B.S.W.	Marshall U.
Sociology	B.A.	Liberal Arts
Sociology Option		
Anthropology Option		

Undergraduate Teaching Specializations

Multi-Subject Education K-8 (Elementary)

Students majoring in multi-subject K-8 have the option of adding one or more of the following elementary specializations.

Elementary Specializations:

- Consumer and Homemaking 5-8
- Early Education PK-K
- French 5-8
- General Science 5-8
- Language Arts 5-8
- Math 5-8
- Mentally Impaired K-12
- Oral Communication 5-8
- Physically Handicapped K-12
- Social Studies 5-8
- Spanish 5-8

Secondary Programs

Two specializations are required unless the field is comprehensive. One specialization must be 5-12, 9-12, or K-12.

- Art Education K-12, Comprehensive
- Art Education 5-12
- Athletic Trainer 5-12
- Biological Science 9-12
- Business Education 9-12, Comprehensive
- Business Principles 9-12
- Chemistry 9-12
- French, 5-8
- French, 5-12
- General Science, 5-12
- Health Education, 5-12
- Home Economics 5-12; Vocational-Comprehensive
- Occupational Home Economics 9-12;
- Consumer and Homemaking 5-8
- Journalism, 9-12
- Language Arts, 5-8

- Language Arts, 5-12
- Latin, 9-12
- Marketing Education 9-12, Comprehensive
- Mathematics 5-8
- Mathematics 5-12
- Music K-12, Comprehensive
- Oral Communication 5-12
- Physical Education K-12
- Physical Education 5-12
- Physics 9-12
- Safety 9-12
- School Library-Media K-12
- Social Studies 5-8
- Social Studies 5-12, Comprehensive

Master's Degree (Graduate)

Adult and Technical Education	M.S.
Adult Fitness/Cardiac Rehabilitation	M.S.
Art	M.A.
Biological Sciences	M.A., M.S.
Biomedical Sciences	M.S.
Business and Commerce	M.B.A.
Chemistry	M.S.
Communication Disorders	M.A.
Communication Studies	M.A.
Counseling	M.A.
Criminal Justice	M.S.
Education, Early Childhood	M.A.
Education, Elementary	M.A.
Education, Secondary	M.A.
Educational Administration	M.A., Ed.D.*
English	M.A.
Geography	M.A., M.S.
Health and Physical Education	M.S.
History	M.A.
Home Economics	M.A.
Humanistic Studies	M.A.*
Journalism and Mass Communications	M.A.J.
Mathematics	M.A.
Music	M.A.
Nursing	M.S.N.
Physical Science	M.S.
Political Science	M.A.
Psychology	M.A.
Reading Education	M.A.
Safety	M.S.
Sociology	M.A.
Special Education	M.A.
Teaching	M.A.T.

Doctoral Degrees

<u>Doctor of Medicine</u>	MD
Biomedical Sciences	PH.D.

- c. Other requests pertaining to academic affairs should be directed to the respective departmental chairperson or Dean of the College where student is enrolled.

2. Academic Advising

Academic advising is the responsibility of faculty assigned in the department of the student's major or by the Advising Center for undecided students, who are enrolled in the College of Liberal Arts. Students are assigned an advisor. All requests to see an advising file are to be made to the academic advisor.

All questions regarding academic advisement should be directed to the advisor, department, or college of student's major for undergraduates and/or the major department for graduate students.

Materials contained in the files may include registration forms, grade reports, results of tests, progress, assessment sheets, deficiency notices, and general communications.

3. Applications

- a. Admission to the University. The file is compiled by the staff in the Office of Admissions and it is maintained there until the student registers for courses. Upon enrollment, the record is transferred to the Office of the Registrar.

Medical applications are available from the School of Medicine.

- b. Certification, Professional
College of Education - Credentials Supervisor
Nursing - Dean, School of Nursing
Speech and Hearing - Department Chairperson
- c. Part-time Employment
Financial Assistance - Assistant Director
Career Planning/Placement - Coordinator of Job Location and Development
- d. Student Financial Assistance - Financial Assistance Office
- e. Housing - Housing Office

- 4. Conduct Violations - Judicial Affairs Office
- 5. Damage Deposit and Deductions in the Residence Halls - Housing Office
- 6. Evaluation for Graduation - College of student's major
(refer to l.a. above)
- 7. Evaluation of Transfer Credits - Admissions Office and/or College Dean
- 8. Fines/Charges
 - a. Bursar
 - b. Director of Athletics
 - c. Director of Library
 - d. Director of Public Safety
 - e. Career Planning/Placement
- 9. Grade Report. The official grade record of the University is maintained in the Registrar's Office. Copies of the grade report form sent to students may be on file with other offices for internal operations only. Offices which may have a working copy are:

- Advisor
- Athletics
- College
- Financial Assistance
- Special Services

All requests for academic transcripts or specific grades must be directed to the Registrar.

- 10. Health. Records are not available to the student or parent(s) under the provisions of the Act except to a physician of the student's choice. Contact Coordinator of Student Health Education in the Counseling Center, Director of Health Service, or the Associate Dean of Student Affairs.
- 11. Law Enforcement. The following types of records are maintained by the same agency noted below:
 - a. Arrest/Booking
 - b. Field Interrogation
 - c. General Complaint
 - d. Parking fines or tickets
 - e. Other reports

Director of Public Safety

12. Payments

- a. Fees — Bursar
- b. Delinquency and Withdrawal
Bursar
Registrar

13. Personal-Social Counseling. Records are not available to the student or parent(s) under the provisions of the Act except to a psychologist or psychiatrist of the student's choice.

Assistant Dean of Student Affairs/Director of Counseling

14. Placement Credentials

Director of Career Planning/Placement

15. Reference Letters. Confidential letters and confidential statements of recommendation are not available if placed in the student's record prior to January 1, 1975 when a written assurance of confidentiality was expressed and the letters are used only for the purposes for which they were intended.

Director of Admissions
Registrar
Director of Career Planning/Placement

Confidentiality of references may be maintained after January 1, 1975 if the student signs a waiver form.

16. Registration Records. The official registration records are maintained in the Office of the Registrar. Other copies serve as working copies only.

- a. Official Record
Registrar
- b. Working Copies
Advisor
College Deans
Athletic Department
Student Financial Assistance
Public Safety

All requests must be made to the Registrar or Dean of the College.

17. Tests, Standardized

a. ACT or SAT Test

Admissions Office
Registrar's Office
College Dean's Office

b. College Level Examination Program (CLEP)

Director of Admissions
Chairperson of department

c. Interest and Personality Inventories

Counseling Center
Career Planning/Placement

Personality records are not available to the student or eligible parent(s) under the provisions of the Act except to a psychologist or psychiatrist of the student's choice.

d. Medical College Admissions Test (M.C.A.T.)

Registrar's Office

e. National Board of Medical Examiners, Part I and Part II

Associate Dean for Student Services,
School of Medicine

18. Academic Transcript

a. High School. All requests will be referred to the high school for an official copy.

b. Transfer. All requests will be referred to the college or transfer for an official copy.

c. Current

Registrar

E. Legitimate Educational Interest

Marshall University believes that all employees are involved directly in, or in support of, its educational purposes. However, professional employees (i.e., faculty, counselors, advisors, administrators, and paraprofessional employees), are responsible for the educational interests of the institution. Positions in direct support of the professional and paraprofessional employees e.g., secretaries, are the only other persons who should have access to student records, and only then for maintenance purposes.

Appropriate "school officials" are those positions in which the person has direct contact with students in support of their classroom purposes, out-of-class self-improvement and participation, e.g., counseling, tutoring, skills improvement, music, debate, athletics, activities, and student organizations, or those who are responsible for reviewing student conduct and behavior. Such officials shall be:

1. A person approved by and under contract to the University of WV Board of Trustees to serve at Marshall University in an academic or research faculty position.
2. A person approved by and under contract to the University of WV Board of Trustees to serve at Marshall University in an administrative position.
3. A person employed by Marshall University as a temporary substitute for an administrative position as faculty member for the period of his or his performance as a substitute.
4. A person employed by Marshall University or under contract to the University of WV Board of Trustees to perform an administrative task. These would be persons such as secretaries, clerks, attorneys, auditors, and consultants for the period of their performance as an employee or contractor.
5. Selected student employees who are under direct supervision of one of the above while performing an administrative or research assignment.

PERSONS DESCRIBED IN THE PRECEDING PARAGRAPHS ENTITLED TO REVIEW STUDENT RECORDS DO NOT HAVE A RIGHT TO DISCLOSE INFORMATION OBTAINED TO ANY PERSON NOT HEREIN LISTED.

F. Directory Information

Marshall University designates the following as directory information which may be made public in directories, program announcements, press releases, recognition programs and publications, and media presentations.

1. Name
2. Address
3. Telephone numbers, permanent and campus
4. Date and place of birth
5. Major field of study
6. Participation in officially recognized activities and sports
7. Weight, height, medical history, performance record, and previous participation of members of athletic teams
8. Dates of attendance
9. Degrees, honors, records held, and awards received or attained
10. The most recent previous educational agency or institution attended
11. Classification (number of hours completed)
12. Religious preference

G. All faculty shall have access to all available computer records. However, these records are deemed privileged information. Having this right, faculty are expected to maintain the confidentiality of said records. Faculty are expressly forbidden to:

1. use access to computer records for entrepreneurial purposes, and
2. divulge the information from these records to any non-faculty person.

H. Amendment of Records

Students or eligible parent(s) who believe that information contained in the record is inaccurate or misleading or violates the privacy or other rights of the student may request that Marshall University amend it. Such request shall be in writing stating the reason for the request and outlining the manner in which the record should be amended. The request shall be directed to the supervisor as stated in section D. All requests shall be responded to by the supervisor within five (5) work days of having received the request.

Should the request for amendment be denied by the school official, the student or eligible parent(s) has the right to a hearing. A request for a hearing must be given in writing to the President of the University. Within five (5) work days of receiving the request, the President will appoint a hearing officer, who does not have a direct interest in the outcome of the hearing, to review the request before the student, or eligible parent(s), and the records supervisor. Thereafter, a hearing date must be set for the convenience of all parties to occur within fifteen (15) working days of the original receipt of the request for a hearing.

Students or eligible parent(s) shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the request and may be assisted or represented by individuals of their own choice at their own expense, including an attorney. The decision shall be based solely upon the evidence presented in the hearing and shall include a summary of the evidence. The decision shall be given in writing to the student, or eligible parent(s), and the President within five (5) work days of the conclusion of the hearing.

If, as a result of the hearing, the information is found inaccurate, misleading, or otherwise in violation of privacy or other rights of the student, the record shall be amended according to the decision and to the satisfaction of the hearing officer. Students, or eligible parent(s), shall be provided a copy of the amended record at the expense of the University.

If, as a result of the hearing, it is the decision not to amend the record, students or eligible parent(s) shall be informed of the right to place in the record a statement commenting upon the information in the education records and/or setting forth any reasons for disagreeing with the decision of the University. The explanation shall be maintained as a part of the record as long as the record or contested portion thereof is maintained. If the record or contested portion is disclosed, the explanation shall also be disclosed to that party.

Revised:

9/77
9/79
1/81

REQUEST FORM* TO INSPECT AND REVIEW
STUDENT'S RECORD

In compliance with Marshall University's Policy Statement on the Privacy Rights of Parents and Students we ask that you complete the information below:

Name of Student _____ Student no. _____

Purpose for reviewing record _____

Signature of Reviewer

Date

5/1/81 *To be filed in Student's folder.