

Change to Policy 6-411: Student Records in Response to Utah Board of Higher Education Policy R265

- New USHE Policy R265 addresses the length of time a notation remains on a student's transcript when a student is suspended for sexual misconduct or Sex Discrimination and Harassment
- Policy 6-411: Student Records addresses transcript notations for suspensions and therefore needs to be updated to match the requirement in the USHE policy:

~~Notices of suspension shall be entirely removed from the Student's academic transcripts after the Student is reinstated in the program or at the University or fulfills the conditions of the suspension. If the Student is not reinstated or fails to fulfill the conditions of the suspension, the notice of suspension shall not be removed from the Student's academic transcript~~ remain on the student's transcript for at least one year from the date the student was reinstated at the University, or, if the student does not return to the University, at least one year from the last day when the suspension ended. After that time, the student may petition to have the notation removed from their transcript.

- This policy change has been approved by the registrar and the senior associate vice president for enrollment management

Proposed University of Utah Regulation Revision

General Regulation Information	
Regulation proposed for enactment/revision	Policy 6-411: Student Records
Policy owner(s)	University Registrar
Policy officer(s)	Senior Vice President for Academic Affairs
Contact person(s)	Allyson Hicks, Director, University Regulations and Erin Mason, Registrar
Other related regulations with proposed revisions	None
Planned effective date of revisions	Upon approval of Board of Trustees
Brief (1-2 sentence) description of revisions and reason for revision	Utah Board of Higher Education Policy R265 establishes requirements for transcript notations when a student is suspended or dismissed for violating institutional policies regarding sexual misconduct or sex discrimination and harassment. This proposed revision updates Policy 6-411 to align with UBHE Policy R265.

Consultation and Approval	
Groups and Stakeholders Consulted	
Required Approval Steps and Date (if applicable)	
Council of Academic Deans (if applicable)	Not applicable
Institutional Policy Committee	7/12/2024
Academic Senate Executive Committee	7/15/2024
Vice President or Designee	
Academic Senate (if applicable)	
Board of Trustees (if applicable)	

Policy 6-411: Student Records

Revision 01. Effective date: ~~August 15, 2023~~ To be determined – upon approval of Board of Trustees

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I. Purpose and Scope

A. Purpose.

This policy establishes rights and requirements related to Student records.

B. Scope.

This policy applies to all University Students and Student records.

II. Definitions

The following definitions apply for the limited purposes of this policy and any associated regulations.

- A. "Academic Misconduct" means "Academic Misconduct" as defined in Policy 6-410.
- B. "Behavior Standards Violation" or "Violation of the Behavior Standards" means "Behavior Standards Violation" as defined in Policy 6-400.
- C. "Professional Misconduct" means "Professional Misconduct" as defined in Policy 6-410.
- D. "Sanction" means a Sanction imposed upon a Student for a violation of the student behavior standards described in Policy 6-400, Academic Misconduct, or Professional Misconduct.
- E. "Student" refers to a person who is currently matriculated and/or registered in any class or program of instruction or training offered by the University at any level, whether or not for credit.

III. Policy

A. General

- 1. The privacy and confidentiality of all Student records shall be preserved as outlined in relevant federal and local laws including (20 U.S.C.A. § 1232g), The Family Educational Rights and Privacy Act (FERPA) and Utah Code Title 63G, Chapter 2, the Government Records Access Management Act (GRAMA).
- 2. University interpretation of FERPA as it pertains to University of Utah Students is available from the Office of the Registrar.

3. Official Student records shall be maintained only by members of the University staff employed for that purpose. Separate record files may be maintained under the following categories:
 - a. academic, academic counseling, financial aid, and placement;
 - b. disciplinary;
 - c. medical, psychiatric, and health counseling.
 4. When justified by legitimate law enforcement needs, the University Police Department may maintain confidential records relating primarily to its investigative function.
- B. Access and Challenge of Accuracy of Records
1. Access to the Student's official records and files is guaranteed every Student subject to the limitations established in relevant federal and local laws including FERPA and GRAMA.
 2. Students with complaints, inquiries, or requests for review of official records should contact the Office of the Registrar.
- C. Matters Prohibited in Official Records
1. Except as required by law or governmental regulations or as authorized by written consent of the Student involved, official Student records will not contain information regarding a Student's race, religion, disability, political opinions, social opinions, or membership in any organizations other than honorary and professional organizations directly related to the educational process. Except as required by law or applicable governmental or University regulations, information regarding marital status shall not be included in the official Student records of any Student who has filed a written objection to the inclusion of that information in the Student's records and has not filed a subsequent written revocation thereof.
- D. Official Disciplinary Records

1. No notation of Sanctions shall be entered or made on the Student's academic transcripts except in the following circumstances:
 - a. when the Student is suspended from a program or from the University for a Behavior Standard Violation or for Academic Misconduct or Professional Misconduct;
 - b. when the Student is dismissed from a program or from the University for a Behavior Standards Violation or for Academic or Professional Misconduct; or
 - c. when the Student's degree or certificate has been revoked.
2. In a case of dismissal, suspension, or revocation, the entry on the transcripts of the Student shall merely state: "Dismissed from the University for A Behavior Standards Violation" or "Dismissed/Suspended from the [program]/University for a Behavioral Standards Violation/Academic/Professional Misconduct" or "Degree/Certificate Revoked for Academic/Professional Misconduct" and the date of such action.
3. Notices of dismissal or revocation shall not be removed from the Student's academic transcripts.
4. Notices of suspension shall ~~be entirely removed from the Student's academic transcripts after the Student is reinstated in the program or at the University or fulfills the conditions of the suspension. If the Student is not reinstated or fails to fulfill the conditions of the suspension, the notice of suspension shall not be removed from the Student's academic transcript~~ remain on the student's transcript for at least one year from the date the student was reinstated at the University, or, if the student does not return to the University, at least one year from the last day when the suspension ended. After that time, the student may petition to have the notation removed from their transcript.

E. Confidential Character of Student Records

1. The University must conform to the requirements of the statutes referred to in Subsection A "General" and Subsection B "Access to and Challenge of

Accuracy of Records” forbidding the release of personally identifiable Student education records or files, or personal information contained therein, without the written consent of the Student. Subject to applicable legal requirements, it is the policy of the University that:

- a. Members of the administration and the instructional staff will have access to Student records for legitimate purposes such as Student advising, administrative planning, University law enforcement purposes, and statistical reporting.
- b. Directory information, such as the Student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities or sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the Student, current semester class schedule, and other similar information may be disclosed to an inquirer unless the Student specifically withholds permission to do so.
- c. Authorized representatives of federal and state governments may have access to Student records to the extent necessary for audit and evaluation of federally supported education programs or of compliance with federal legal requirements relating to such programs, and subject to the limitation that personally identifiable data shall not be disclosed except to the extent specifically authorized by federal law.
- d. The right of access to a Student's records without the consent of the Student is not extended to the parents of the Student unless the Student has been established as a “dependent” as defined in Section 152 of the Internal Revenue Code of 1954.
- e. In connection with a health or safety emergency involving a Student, the University may provide access to the Student's records to law enforcement, the Student's parent or guardian, or others whose

assistance is necessary to resolve the health or safety emergency, if in the view of the University, the knowledge or information is necessary to protect the health or safety of the Student or other individuals.

- f. The University may disclose a Student's education records to another institution of higher education in which the Student intends to enroll or has enrolled.
- g. Records created or maintained by a physician, psychologist, or other recognized professional or para-professional acting in that capacity, which are created, maintained, and used only in connection with treatment of a Student are not available for review except by an appropriate professional of the Student's choice, or in compliance with an order from a court of competent jurisdiction.

F. Treatment of Official Records Following Graduation or Withdrawal

- 1. Upon graduation or withdrawal from the University, the official records of former Students shall continue to be subject to the provisions of this policy.

Sections IV- VII are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.

IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources

- A. Policies/ Rules.
- B. Procedures, Guidelines, and Forms.
 - 1. Procedure P6-411A: Procedures for Recording Suspensions, Dismissals, or Revocations of Degrees and Certificates on a Student's Academic Record.
- C. Other Related Resources. [*reserved*]

V. References

- A. Policy 6-400: Student Rights and Responsibilities
- B. Policy 6-410: Student Academic Performance, Academic Conduct and Professional and Ethical Conduct
- C. The Family Education Rights and Privacy Act, 20 U.S.C. Section 1232g.
- D. “Utah Code Title 63G, Chapter 2, Government Records Access Management Act.

VI. Contacts

The designated contact officials for this Regulation are

- A. Policy Owner(s) (primary contact person for questions and advice): University Registrar
- B. Policy Officer(s): Senior Vice President for Academic Affairs

See Rule 1-001 for information about the roles and authority of policy owners and policy officers.

VII. History

Revision History.

- A. Current version. Revision ~~01~~.
 - 1. Approved by -- Academic Senate ~~April 11, 2023~~, and Board of Trustees ~~June 13, 2023~~, with effective date of ~~April 15, 2023~~.
 - 2. Legislative History
 - 3. Editorial Revisions
- B. Previous Revisions
 - 1. Revision 0. Effective April 15, 2023
- C. Renumbering
 - 1. Renumbered from Policy 6-400: Student Rights and Responsibilities Section VII.