

Draft **Guidelines Concerning Access to Official Student Academic Records**

Issued By: Karel Swift
University Registrar

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Purpose: The University supports appropriate access to, and privacy of, official student academic records consistent with its commitment to the requirements of Freedom of Information and Protection of Privacy Act (FIPPA). These guidelines are intended to outline university-wide procedures and criteria for access, privacy, custody, and retention of the academic records of students of academic divisions of the University in order to ensure clarity and consistency of practice.

1. For the purposes of these Guidelines:

- *student* means any person registered at the University for full-time or part-time study in a program that leads to a degree or post-secondary diploma or certificate of the University or in a program designated as a program of post-secondary study at the University by the Governing Council or other University body having delegated authority. On the date of an enquiry or request relevant to this policy, persons who have been registered within a period of two calendar years shall be included in the provisions which relate to "students".
- *alumnus or alumna* means any person who has received a degree or post-secondary diploma or certificate from the University, or any person who has completed one year of full-time studies or the equivalent thereof as determined by the Governing Council, towards such a degree, diploma or certificate, and is no longer registered at the University.
- *former student* means any person who has been registered at the University in a program as defined in Section 2(a) , has not been registered at the University within a period of two calendar years, and who is not an alumna.
- *Student Society* means a recognized student group as defined by the Policy for Compulsory Non-Academic Ancillary Fees.

2. **Definition of the official student academic record**

These guidelines pertain to student personal and academic information regardless of where, and in what medium, it resides. The official student academic record consists of the following information relating to a student's admission to and academic performance at this University:

(a) Permanent information

- 1) Personal information which is required in the administration of official student academic records such as name, student number, citizenship, social insurance number.
- 2) Registration and enrolment information.
- 3) Results for each course and academic period.

(b) Information used during the period of enrolment

- 4) Narrative evaluations of a student's academic performance subsequent to his or her admission, used to judge his or her progress through an academic program.
- 5) Basis for a student's admission such as the application for admission and supporting documents.
- 6) Results of petitions and appeals filed by a student.
- 7) Medical information relevant to a student's academic performance which has been furnished at the request or with the consent of the student concerned.
- 8) Letters of reference which may or may not have been provided on the understanding that they shall be maintained in confidence.
- 9) Personal and biographical information such as postal address, email address and telephone number.

3. Access to official student academic records

(a) Access by a student

- 1) A student may examine and have copies made, at his or her expense, of his or her official student academic record defined in Section 1 above, with the exception of those portions of the record which comprise letters of reference (Section 2(b) (8)) which have been provided or obtained on the expressed or implied understanding that they shall be maintained in confidence. A student may, however, be advised of the identity of the authors of any confidential letters contained in his or her official academic record.
- 2) A student's request to examine a part of his or her official student academic record shall be made in writing and shall be complied with by the responsible authorities within a division. Such compliance shall normally occur within 30 days of receipt of the request, or within such lesser period as a division may determine.
- 3) A student has the right to challenge the accuracy of his or her official student academic record and to have his or her official student academic record supplemented with comments so long as the sources of such comments are identified and the official student academic record remains securely within the custody of the academic division. Reference to such comments does not appear on reports such as transcripts or statements of results.

(b) Access by alumni and former students

- 1) An alumnus or alumna or a former student may examine and have copies made of the portion of his or her official student academic record as defined in Section 2(a) above.
- 2) A request from an alumnus or alumna or a former student to examine the portion of the official student academic record as defined in Section 2(a) shall be made in writing and shall be complied with by the responsible authorities within a division. Such compliance shall normally occur within 30 days of receipt of the request, or within such lesser period as a division may determine.
- 3) An alumnus or alumna or a former student shall have the right to challenge the accuracy of his or her official student academic record only under such terms and conditions as the academic division may determine and publish in the divisional calendar.

(c) Access by University Staff and members of official University and divisional councils and standing committees

- 1) Members of the teaching and administrative staff of the University and members of official University and divisional councils and committees shall have access to portions of an official student academic record only as they need it for purposes related to the performance of their duties, and where their access to it is necessary and proper in the discharge of the University's functions.
- 2) Access to medical information as defined in Section 2(b) (7) shall be granted to members of the teaching and administrative staff only with the prior express consent of the student.
- 3) The Division of University Advancement shall have access to such personal information of students and alumni as is required for its own fundraising activities, such as maintaining contact with alumni. This information includes program(s) of study, years of attendance, and degree(s) obtained, but does not include academic performance.

(d) Access by University campus organizations

- 1) University of Toronto Student Societies shall have access to the following information for the legitimate internal use of that organization: the name, sessional address, and telephone number of students who have been charged a compulsory non-academic incidental fee on behalf of the society. For purposes where an individual student's identity must be verified, additional information may be provided. The nature of the information, and the terms and conditions under which it will be provided, must be satisfactory to the Vice-President and Provost or designate and shall be reflected in formal confidentiality agreements which provide that the information is adequately safeguarded and used only for the purpose for which it is provided.
- 2) Names and addresses of students will also be provided to Student Societies for the purpose of distributing materials when all of the following conditions are met:
 - The name and address information is not released to a third party (except as noted below).
 - The name and address information is not used for commercial purposes.
 - The organization proposes to distribute materials which, in the opinion of the University Registrar, the University would be willing to distribute if reimbursed by the organization. The materials to be distributed support or are related to the University or University activities and are not advertisements for non-University organizations.
 - The campus organization enters into a confidentiality agreement which includes agreeing to use the name and address information only for the specific purpose for which it was provided. In the event that the distribution of the materials is being conducted by a third party (e.g., a mailing house) on behalf of the student society, the confidentiality agreement shall be between the University and the third party.
- 3) Notwithstanding other provisions of these guidelines, for the sole purpose of administering drug, health and dental insurance plans organized those Student Societies which are also Representative Student Committees as designated by the Governing Council, a list of the names, addresses, student numbers, faculty codes, birth dates, and gender of students charged the compulsory non-academic incidental fee for the relevant plan may be provided to the insurance company designated by the student organization.

The information included in the lists, and the terms and conditions under which they will be provided, must be satisfactory to the Vice-President and Provost or designate and shall be reflected in formal agreements which ensure that the information is adequately safeguarded and used only for the purpose for which it is provided. If it is demonstrated, to the satisfaction of the Vice-President and Provost or designate that the information is required for the administration of the plan and there is no practicable means for the information to be provided directly by the University to the insurance company, a similar list may be provided directly to the student organization under the same terms and conditions.

(e) Access by others

- 1) The public conferral of degrees, diplomas and certificates is a core activity of the University and the information on the face of these records, together with the dates on which they were conferred, is personal information that is maintained for the purpose of creating a record that is available to the general public.
- 2) Any other information contained in the official student academic record, shall be released to other persons and agencies only with the student's prior express written consent, or on the presentation of a court order, or in accordance with the requirements of professional licensing or certification bodies, of the Ministry of Training, Colleges and Universities for an annual enrolment audit, or otherwise as required by law. Requests granted to any persons or agencies outside the University for access to a student's academic record shall be kept on file within a division. The release of the information concerning alumni and former students contained in the portions of the academic record as defined in Section 2(a) shall also be governed by the above provisions.
- 3) In the event that a student, alumnus or alumna or a former student is deceased, his or her personal representative shall be granted access to information in the individual's official student academic record to the extent that such access relates to the administration of the estate of the deceased.

(f) Refusal of access

The University reserves the right to withhold the official transcripts, diplomas and/or degree certifications of students, alumni and former students who have outstanding debts or obligations to the University in accordance with the Policy on Academic Sanctions for Students Who Have Outstanding University Obligations.

3. Custody and retention of official student academic records

- (a) Academic records of students are normally under the custodial responsibility of the academic division. Every academic division maintaining official student academic records shall draw up plans for the eventual disposition of their records in consultation with the University Archivist and in accordance with an approved records schedule which is in compliance with this policy.
- (b) Those portions of the official student academic record as defined in Section 1(a) shall be maintained permanently. Each academic division's records schedule shall specify the document, form or medium in which these records will be maintained.
- (c) Official student academic records preserved in the University Archives because of their archival value shall become open to researchers authorized by the University thirty years after a student has died.
- (d) Academic records shall be kept at all times under appropriate security.



POLICY ON ACCESS TO STUDENT ACADEMIC RECORDS

1. Preamble

(a) Academic records of students are ultimately the property of the University, and it is the responsibility of the University to establish overall University policy in this area. This policy establishes university-wide aims, objectives, criteria and procedures which shall apply to the academic records of students of academic divisions of the University.

(b) The purpose of this policy is to combine consistency with flexibility in such a way as to ensure that:

(i) Students, alumni and former students are allowed as great a degree of access to their own academic records as is academically justifiable and administratively feasible.

(ii) A student's right to privacy in relation to his or her academic records is safeguarded as far as both internal university access and external public access are concerned.

(iii) There will be basic university-wide consistency in the kinds of information collected, recorded, filed and made available.

(iv) In keeping with the pluralistic nature of the University, academic divisions may retain some flexibility in the implementation and application of the policies established within this document.

(c) Individual divisional regulations and procedures on access to student academic records, including the statement in the divisional calendar concerning such, shall be reported by the Provost to the Committee on Academic Policy and Programs. Any subsequent revisions shall also be reported.

(d) This policy supersedes the 1979 access policy for undergraduate student records and the 1981 access policy for graduate student records.

2. **For the purposes of this policy:**

(a) “student” means any person registered at the University for full-time or part-time study in a program that leads to a degree or post-secondary diploma or certificate of the University or in a program designated as a program of post-secondary study at the University by the Governing Council or other University body having delegated authority. On the date of an enquiry or request relevant to this policy, persons who have been registered within a period of two calendar years shall be included in the provisions which relate to “students”.

(b) “alumnus or alumna” means any person who has received a degree or post-secondary diploma or certificate from the University, or any person who has completed one year of full-time studies or the equivalent thereof as determined by the Governing Council, towards such a degree, diploma or certificate, and is no longer registered at the University.

(c) “former student” means any person who is not a student or an alumnus or alumna who has been registered at the University in a program as defined in Section 2(a), and is no longer registered at the University.

(d) “academic division” means a college, school, institute, faculty or other division of the University that has academic autonomy (i.e. the right to administer its own degrees, diplomas, certificates and other programs of study), subject only to the authority of the Vice-President and Provost, the President and the Governing Council.

3. **Definition of the official student academic records**

The official student academic record refers to information relating to a student's admission to and academic performance at this University.

The "official student academic record" shall contain:

- (a)
 - (i) Personal information which is required in the administration of official student academic records such as name, student number, citizenship, social insurance number.
 - (ii) Registration and enrolment information.
 - (iii) Results for each course and academic period.
- (b)
 - (i) Narrative evaluations of a student's academic performance subsequent to his or her admission, used to judge his or her progress through an academic program.
 - (ii) Basis for a student's admission such as the application for admission and supporting documents.
 - (iii) Results of petitions and appeals filed by a student.
 - (iv) Medical information relevant to a student's academic performance which has been furnished at the request or with the consent of the student concerned.
 - (v) Letters of reference which may or may not have been provided on the understanding that they shall be maintained in confidence.
 - (vi) Personal and biographical information such as address and telephone number.

The "official student academic record" shall be maintained by the University. For each type of information, academic divisions shall designate which document, form or medium contains the official version and how official copies of such information will be identified.

4. Access to official student academic records

(a) Access by a student

(i) A student may examine and have copies made of his or her official student academic record defined in Section 3 above, with the exception of those portions of the record which comprise letters of reference (Section 3(b)(v)) which have been provided or obtained on the expressed or implied understanding that they shall be maintained in confidence. A student may, however, be advised of the identity of the authors of any confidential letters contained in his or her official academic record.

(ii) A student's request to examine a part of his or her official student academic record shall be made in writing and shall be complied with by the responsible authorities within a division. Such compliance shall occur within 30 days of receipt of the request, or within such lesser period as a division may determine.

(iii) A student has the right to challenge the accuracy of his or her official student academic record with the exception of the material specifically excluded in Section 4(a)(i) and to have his or her official student academic record supplemented with comments so long as the sources of such comments are identified and the official student academic record remains securely within the custody of the academic division. Reference to such comments does not appear on reports such as transcripts or statements of results.

(iv) It is assumed that all documents relating to petitions and appeals (Section 3(b)(iii)) and not provided on the understanding that they shall be maintained in confidence will be retained within a division, and when needed by a student, will be made freely available. In addition, The Statutory Powers Procedure Act, 1971 of Ontario requires that where the good character, propriety of conduct or competence of a party is in issue in any proceedings in a tribunal to which the Act applies (such as the Academic Appeals Board of the Governing Council), the party is entitled to be furnished prior to the hearing with "reasonable information" of any allegations with respect thereto.

(b) **Access by alumni and former students**

(i) An alumnus or alumna or a former student may examine and have copies made of the portion of his or her official student academic record as defined in Section 3(a) above.

(ii) A request from an alumnus or alumna or a former student to examine the portion of the official student academic record as defined in Section 3(a) shall be made in writing and shall be complied with by the responsible authorities within a division. Such compliance shall occur within 30 days of receipt of the request, or within such lesser period as a division may determine.

(iii) An alumnus or alumna or a former student shall have the right to challenge the accuracy of his or her official student academic record only under such terms and conditions as the academic division may determine and publish in the divisional calendar.

(c) **Access by University Staff and members of official University and divisional councils and standing committees**

Members of the teaching and administrative staff of the University and members of official University and divisional councils and committees shall have access to relevant portions of an official student academic record for purposes related to the performance of their duties. A staff member requesting information must have a legitimate need to have the requested information for the effective functioning of the position or office.

Access to medical information as defined in Section 3(b)(iv) shall be granted to members of the teaching and administrative staff only with the prior expressed or implied consent of the student and, if applicable, in the case of a medical assessment, the originator (physician, etc.) of such.

The Department of Alumni and Community Relations shall have access to appropriate personal information on students and alumni for the purpose of maintaining contact with alumni.

(d) **Access by University campus organizations**

Recognized campus organizations in the University of Toronto shall have access to the information referred to in Section 3(a)(ii) as well as to the sessional address and telephone number of students named by that organization for the legitimate internal use of that organization. The Students' Administrative Council, Graduate Students' Union, Association for Part-time Undergraduate Students, and The Newspaper shall be entitled to publish and distribute within the University community a University-wide directory of students (including undergraduate, graduate, full-time and part-time) giving the sessional address and telephone number of students as long as there is a realistic provision for students to decline to consent to the disclosure of that information.

Names and addresses of students will also be provided to recognized campus organizations for the purpose of distributing information when all of the following conditions are met:

- The name and address information is not released to a third party.
- The name and address information is not used for commercial purposes.
- The organization proposes to distribute information which, in the opinion of the Assistant Vice-President (Planning) and University Registrar, the University would be willing to distribute if reimbursed by the organization.
- The information to be distributed is intended to provide information about the University and is not primarily advertisements for non-University organizations.
- The campus organization agrees to use the name and address information only for the specific purpose for which it was provided.

(e) **Access by others**

(i) By the act of registration, a student gives implicit consent for a minimal amount of information to be made freely available to all enquirers:

- the academic division(s), degree program(s) and the session(s) in which a student is or has been registered.

- degree(s) received and date(s) of convocation.

(ii) Any other information contained in the official student academic record (including any comments generated under Section 4(a)(iii) but with the exception of the material specifically excluded in Section 4(a)(i)), shall be released to other persons and agencies only with the student's prior expressed written consent, or on the presentation of a court order, or in accordance with the requirements of professional licensing or certification bodies, of the Ministry of Colleges and Universities for an annual enrolment audit, or otherwise under compulsion of law. Requests granted to any persons or agencies outside the University for access to a student's academic record shall be kept on file within a division. The release of the information concerning alumni and former students contained in the portions of the academic record as defined in Section 3(a)(i) shall also be governed by the above provisions.

(iii) General statistical material drawn from academic records not disclosing the identities of students, alumni and former students may be released for research and informational purposes authorized by the University by the academic division maintaining these records.

(iv) In the event that a student, alumnus or alumna or a former student is deceased, the executors of his or her estate shall have access to the official student academic record under the same terms as would the individual if he or she were still living.

(f) **Refusal of access**

The University reserves the right to withhold access to the statements of results and transcripts of students, alumni and former students who have outstanding debts or obligations to the University in accordance with the Policy on Academic Sanctions for Students Who Have Outstanding University Obligations. The University may also choose not to release the official diploma to such persons nor to provide written or oral certifications of degree on their behalf.

5. **Custody and retention of official student academic records**

- (a) Academic records of students are normally under the custodial responsibility of the academic division. Every academic division maintaining official student academic records shall draw up plans for the eventual disposition of their records in consultation with the University Archivist and in accordance with an approved records schedule which is in compliance with this policy.
- (b) Those portions of the official student academic record as defined in Section 3(a) shall be maintained permanently. Each academic division's records schedule shall specify the document, form or medium in which these records will be maintained.
- (c) Official student academic records preserved in the University Archives because of their archival value shall become open to researchers authorized by the University seventy-five years after a student has ceased to be registered.

6. **The University's responsibilities with reference to the official academic records of students, alumni and former students**

- (a) Students shall be informed of University policy and divisional procedures with respect to their official student academic records.
- (b) Academic divisions, administrative divisions which handle student academic records and campus organizations shall develop administrative procedures in support of this policy.
- (c) Academic records shall be kept at all times under appropriate security.

7. Notwithstanding other provisions of the Policy on Access to Student Academic Records, for the sole purpose of administering drug and health insurance plans organized by the Students' Administrative Council, the Association of Part-time Undergraduate Students and the Graduate Students' Union, a list of the names, addresses and student numbers of students in the relevant plan may be provided to the insurance company designated by the student organization. The terms and conditions under which the lists will be provided shall be satisfactory to the Vice-Provost, Students and shall be reflected in formal agreements which ensure that the information is adequately safeguarded and used only for the purpose for which it is provided. A similar list may be provided directly to the student organization under terms and conditions satisfactory to the Vice-Provost, Students, provided the Vice-Provost is satisfied that this is required for the administration of the plan.

Supplementary Material

for the Policy on Access to Student Academic Records Maintained by Academic Divisions of the University of Toronto

The purpose of this document is to provide staff at the University with additional information relating to this policy which may assist them in complying with it. Sections will be added by the Assistant Vice-President (Planning) and Registrar as questions which are raised are resolved. Questions of interpretation of the Policy should be referred to the Assistant Vice-President (Planning) and Registrar.

Section 1(d): The policy applies to all academic records created on or after 1 July 1979. The University's obligations with respect to records established before 1 July 1979 must continue as it was at the time that the records were established. In general, such obligations were expressed in divisional policies and practices.

Section 3: The policy refers to academic information that is kept about a student, whether it be on documents, in a computer or any other medium. Each division is expected to control access to such information no matter how or where it is recorded. The files of academic or administrative divisions may contain information not listed in Section 3. Students do not have access to these non-official academic records.

Section 4(c): In response to the question: "Who decides what relevant portions can be accessed by University staff", it is helpful to quote from Mr. Robin Ross' letter of 23 March 1981:

"There was a vigorous debate in the Committee on the point you raise. The then Provost and others argued very strongly that a staff member who wished to see part of a student's record 'in the performance of his duties' was fully capable of himself determining whether such access was in fact in the performance of his duty, and also of determining the extent of this access. The student members of the Committee disagreed unanimously with this view but were overruled."

Section 4(e)(i): This section does not permit access by others to lists of students registered in a program nor to lists of students enrolled in a course.

Section 4(e)(ii): The length of time transcript request forms are retained should be determined by each division and declared. Transcripts of a student's academic record are issued to institutions and individuals only when authorized by a student.

Verifying a transcript refers to the process of confirming that the information on that transcript is accurate. The verification of a transcript may be accomplished by the release of a new transcript.

The policy does not allow a divisional registrar to verify, without the permission of the University Registrar, a University of Toronto transcript that was not sent directly by the University of Toronto to the inquiring institution or agency, unless the institution or agency has either

1. asked the student to authorize release of another copy of the transcript, and that release has been authorized, or
2. demonstrated that it has in its possession an authorized transcript, and that it has notified the student, in writing, that it has requested another copy of the transcript.

In the latter case, the divisional registrar shall in writing, notify the student, the divisional head, and the University Registrar that it has provided another copy of the transcript.

Examples of requests which have the compulsion of law are those authorized by:

- the Unemployment Insurance Act, 1971 Statutes of Canada,
- the Income Tax Act

Section 4(e)(iii): In general, administrative divisions may not release any student academic data to others. Administrative offices may release statistical information drawn from academic records only after it has obtained the approval of the relevant academic division(s).

The Office of the Assistant Vice-President (Planning) and University Registrar and the Office of Academic Statistics, Records and Convocation are exempt by the nature of their functions; they respond as a matter of course to requests for student statistics.

Section 6: The following opinion comes from the University's solicitor:

“As to the files of applicants who are not admitted, in the absence of any University policy or agreement with the applicant to the contrary, these are the property of the University and need not be disclosed to anyone except under Court order or other compulsion of law. It is therefore a policy question as to whether the Director of Admissions will disclose to an applicant items in his admission file, where he has not been admitted. In my view, where transcripts or letters of reference are furnished on a confidential basis, this confidentiality should be observed, and the contents not released to the applicant, until a Court orders otherwise.”

The University solicitor has subsequently confirmed that this opinion also applies in the situation where a student from one division applies for admission to another division and is not accepted, to the extent that the application file refers only to the application materials incidental thereto and not to the student's official academic record.

February, 1998