

Definition of a Discipline Record

Student Disciplinary Records are part of a student's formal educational record and are centrally maintained in the Office of Judicial Affairs at the University Park Campus of the Pennsylvania State University. A Student Disciplinary Record may also be maintained by the Judicial Affairs Designee at the specific campus the student is attending. Judicial Affairs may also place disciplinary transcript notations on the student's academic record that is maintained in the University Records Office.

At the Pennsylvania State University Student Disciplinary Records include: Judicial Affairs records related to the Student Code of Conduct, Residence Life records related to the residence hall Community Standards Program and records related to the Academic Integrity Policy (AD 49-20). In accordance with the 1974 Family Educational Rights and Privacy Act (FERPA) educational records are defined as those records directly related to a student and are maintained by an educational institution or a party acting for the agency or institution. The following are **not** considered educational records:

- Sole Possession Records
- Law Enforcement Unit Records (unless those records are used in the University disciplinary process)
- Employment Records
- Medical Records
- Post-Attendance Records

Establishing and Retaining Disciplinary Records

Typically, a Student Disciplinary Record is established when a written report or information on a student is received and maintained by the Office of Judicial Affairs or the Office of Residence Life. All Student Disciplinary Records are maintained on file in the Office of Judicial Affairs for seven years after the graduation date of the student.

If a student with a disciplinary record transfers and graduates from another college or university Penn State will destroy the Student Disciplinary Record seven years after the date the student graduates from the other institution. In order for the Student Disciplinary Record to be destroyed, the student will need to verify his or her graduation by providing a transcript and/or other acceptable proof.

If a student is assigned the sanction of Permanent Expulsion, the Student Disciplinary Record will remain on file permanently. If a student is involved in litigation with the University the Student Disciplinary Record may be kept indefinitely. If the student has not met the conditions for re-enrollment after a separation from the University, the Student Disciplinary Record may be kept on file until the sanction is removed, but only if the period of time meets the criteria above. Accessibility to Student Disciplinary Records follows the University Policy on Confidentiality of Student Records (<http://www.sa.psu.edu/ja/pdf/PoliciesRules.pdf>).

Student Access to Records

In accordance with FERPA, a student may have access to his/her Student Disciplinary Record or be given a copy of his/her Student Disciplinary Record at any time provided that he/she can be properly identified and provided that the original Student Disciplinary Record is not removed from the office. Judicial Affairs may take up to two business days to provide the Student Disciplinary Record to the student.

Sharing Records

A Student Disciplinary Record may be shared with faculty of the College, administrative staff and other authorized employees of the University who have a *legitimate educational interest* as defined by the University.

In general, Student Disciplinary Records are not released outside the University unless the student has signed a waiver permitting release of that information. If a student signs a release, the full content of the Student Disciplinary Record will **not** be released unless specifically authorized by the student. At the request of the student, a Student Disciplinary Record may be released to individuals outside the University who request such information. The University may release Student Disciplinary Record information for up to three (3) years past the student's graduation. Student Disciplinary Records may also be released when requested by a judicial order or a subpoena from the courts. Student Disciplinary Records are released under these conditions as long as the Student Disciplinary Record is on file in the Office of Judicial Affairs and only after the subpoena or court order has been deemed to be lawful. In some cases, disciplinary records subject to subpoena or court order will only be released after consultation with the University attorney. The University will make a reasonable effort to notify a student prior to releasing his or her records in response to a judicial order or subpoena.

FERPA allows the University to share information related to Student Disciplinary Records under the following conditions:

- To others with prior consent of student
- To the student who requests a copy of his/her Student Disciplinary Record
- To stewards of directory information as defined by the University
- To agents who are acting on behalf of the institution (such as University attorneys)
- To schools in which the student seeks or intends to enroll
- To others in compliance with financial aid regulations
- To organizations conducting studies for or on behalf of educational institutions
- To accrediting organizations for accrediting purposes
- To parents or legal guardians of dependent students
- To parents or legal guardians of non-dependent students in accordance with FERPA regulations and University policy such as the University Parental Notification Policy
- To comply with a judicial/court order or subpoena
- To respond to a student health or safety emergency
- To the public or others as final results of a disciplinary hearing against an alleged perpetrator of a crime of violence or non-forcible sex offense (Foley Amendment)

- To the Immigration and Naturalization Service (INS) for purposes of the Coordinated Interagency Partnership Regulating International Students
- To comply with student recruiting requests (Solomon Amendment)
- To the Internal Revenue Service (IRS) for purposes of complying with the Taxpayer Relief Act of 1997
- To authorized representatives of the Department of Veterans Affairs for students receiving educational assistance from the agency
- To authorized representatives of the following government entities*:
 - Comptroller General of the United States
 - Secretary of Education
 - U.S. Attorney General for law enforcement purposes
 - State and local educational authorities

*These officials may only have access to the information if it is in connection with an audit or evaluation of Federal or state supported education programs, or for the enforcement of or compliance with Federal legal requirements, which relate to those programs.

Sharing Records within the University

The Office of Judicial Affairs often receives requests for Student Discipline Records from other employees of the University. The Office of Judicial Affairs will not ordinarily share Student Disciplinary Records with other employees without first obtaining written permission from the student to release those Student Disciplinary Records. In some circumstances, where there is a legitimate educational interest (i.e. Office of Athletics, ROTC Office, Study Abroad Office, academic Colleges) or where federal or state law allows the University to release Student Disciplinary Records without a student's permission, the University may exercise its right to do so. An example would be the University Parental Notification Policy for alcohol or drug violations. In addition, Judicial Affairs designees may consult with administrators whose offices oversee extra-curricular and/or co-curricular activities sponsored within the University. The Office of Judicial Affairs may also share Student Disciplinary Records with faculty or staff involved in resolving cases of academic misconduct (Policy AD-49).

The University shall endeavor to comply with all applicable laws and regulations relating to record retention, and in order to meet this objective the University reserves the right to modify or amend these policies, as it deems advisable or appropriate