

Parental Notification Policy

Under the Family Educational Rights and Privacy Act (FERPA), colleges and universities are afforded certain liberties relative to notifying parents or guardians of information concerning their student. In July 2000, the Department of Higher Education Rules instructed institutions further by giving them greater latitude to notify parents of rules violations stating that schools could determine their own process and were *not required* to alert students of notification as long as the institution kept such activity in the students' educational file to which the student has access. It was also noted that colleges and universities *do not* have to hold hearings before contacting parents.

The goals of Penn State University's parental notification policy are to:

- Identify additional supportive points of intervention for students.
- Become better partners with parents/guardians in support of their student.
- To identify at risk behavior thresholds for which notification would be effectively applied.
- To educate students about the negative impact that dangerous, unhealthy and inappropriate choices have on their education and on others.
- To utilize the impacts of family/guardian intervention for deterring further misconduct.

Disclosure of Discipline Records of Dependent Students

Disciplinary records are maintained as part of each student's educational records. The University reserves the right to report general discipline information to parents and guardians of dependent students. A "dependent student" as defined by Section 152 of the Internal Revenue Code of 1986 is a person who has attended an educational institution full-time for any five (5) calendar months of a tax year and who was provided more than one-half of his or her support as claimed by his or her parent(s) on their income tax statement.

A student is *not a dependent student* if he or she:

- is or will be 24 years old during the academic year.
- is enrolled in a graduate or professional program.
- is married.
- has a child or other dependent who receives more than half of his or her support from the student.
- is an orphan or ward of the court.
- is a veteran of the U.S. Armed Forces.
- is an international student.

For purposes of this policy, the assumption, unless individually certified to the contrary, is that University students are not dependent students. Absent unusual circumstances, the University *does not* disclose disciplinary records to parents and guardians of students who are not dependent students.

Disclosure of Discipline Records Concerning Violations of Local, State or Federal Law Governing the Use or Possession of Alcohol or Controlled Substances

Federal legislation authorizes the University to disclose disciplinary records to parents and guardians of students who are under the age of 21, regardless of dependency, when the records concern violations of local, state or federal law governing the use or possession of alcohol or controlled substances. ***However, absent unusual circumstances, the University does not disclose disciplinary records to parents and guardians of students who are not dependent students as defined by the Internal Revenue Code.***

Parental Notification of General Discipline Information

Accordingly, where federal legislation authorizes the University to disclose disciplinary records to parents and guardians, the University reserves the right to do so under any of the following circumstances:

1. The parent or guardian inquires about a specific Code of Conduct violation for which the student was found responsible of committing;
2. The student exhibits a pattern of established misconduct and has exhausted or failed to complete required conditions of assigned discipline sanctions or other performance requirements;
3. The Code of Conduct violation constitutes a situation where the student's status at the University may be in jeopardy (i.e., housing or academic standing);
4. The student has been involved or has involved others in a potentially life-threatening situation and there is reason to believe that notifying parents and guardians may reduce the imminent risk.

Parental Notification Policy Interpretation

These guidelines are designed to help designees determine whether a specific violation or incident meets the test to inform parents *of dependent students as defined in the previous section*. If clarity is needed, please consult the Senior Director of Judicial Affairs.

1. The parent or legal guardian inquires about a specific Code of Conduct violation which the student accepted responsibility or was found responsible.
 - a. If the parent or guardian contacts you about a specific incident, you may discuss what occurred. If other related records or information are relevant or appropriate, the information can be shared.
 - b. The intent is not to disclose a student's entire discipline history.
 - c. Under FERPA, you are allowed to share observations about a student that are not formal records.
2. The student exhibits a pattern of established misconduct and has exhausted or failed to complete required conditions of assigned discipline sanctions or other performance requirements;
 - a. A pattern of misconduct generally defined as two (2) or more incidents when the behavior is similar in nature or offense (e.g., all second and subsequent alcohol offenses).
 - b. Minor housing or community standards incidents typically would not apply (e.g., skateboarding, visitation or noise).
 - c. When a condition of sanction (e.g., alcohol program and/or drug counseling) is not completed and the student continues to fail to respond or get the support assigned.
3. The Code of Conduct violation constitutes a situation where the student's status at the University may be in jeopardy (i.e., housing or academic standing);
 - a. For example, when students are assigned the sanction of Probation with a Transcript Notation or Residence Hall Contract Review, for any subsequent violation, a suspension from the University or removal from the residence halls will be considered.
 - b. Parental notification should be considered in cases involving drug possession, use and/or distribution, violence and/or assaults, major thefts or burglary.
 - c. As a general rule, parental notification applies for first offenses of use or possession of any illegal drugs or paraphernalia, excessive consumption of alcohol, driving under the influence/driving while impaired, and second offenses of underage use/possession of alcoholic beverages.
4. The student has been involved or has involved others in a potentially life-threatening situation and there is reason to believe that notifying parents and guardians may reduce the imminent risk. *See Health & Safety Protocol* below.

Health and Safety Protocol: Considerations for Emergency Contact of Student's Parents, Guardians or Others

There are special considerations that need to be reviewed by staff when thinking about contacting emergency contact individuals or parents or guardians of students who are struggling emotionally or psychologically. To follow are general guidelines that should be applied while initiating an emergency contact in these types of cases:

1. Staff should consider contacting the emergency contact person or parents or guardian parents in the most serious cases where it is determined that; added support is needed or because of the critical nature of the incident, there remains a direct threat of harm to the student, or if there seems to be a special duty by the University to do so.
2. In all cases, staff should make an effort to first consult with other colleagues who have been supporting the student in the situation (e.g., Residence Life, Counseling and Psychological Services, advocates, etc.). The consultation should occur in order to provide staff managing the situation with additional information needed to make an informed decision. It will also provide the opportunity for another professional staff member to support or challenge the notification.
3. If the decision is made to contact the student's emergency contact person or parent or guardian, and the student is able, staff should always first encourage the student to be the one to make the contact.
4. To support the student, and if the opportunity presents itself, staff should offer to be with the student when the emergency contact is made.
5. If the student is unable or refuses to initiate the emergency contacts, staff will, after appropriate consultation, notify the student's emergency contact or parent or guardian of the situation. This action will be required when; the incident remains on of a critical nature, there remains a possibility of further harm to the student, or the student's academic status at the University is in jeopardy.