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From: Fred Pryor and Jerry Wood

Enclosed you will find a draft of the statements on privacy. We would appreciate your comments, not only on formulations but also on completeness .

PRIVACY OF MEMBERS OF THE COLLEGE COMMUNITY

Members of the college community, primarily faculty and staff members, are frequently asked for information about other members of the college community. On the one hand such requests may concern recommendations of students for graduate school or employment or information for a daily newspaper regarding awards granted to outstanding faculty members or students; on the other hand such requests may concern political opinions of community members or information concerning criminal activities. It is often difficult to determine which information is private or confidential and should not be released in order to protect the privacy of members of the college community and which may be publicly released. The principles presented in this statement deal with general issues and those presented in the following statement concern specific problems of the confidentiality of academic, financial, and other records.

I. Verification of request

In all cases the credentials of the person requesting information should be closely checked. All police officials, F.B.I. agents, and newspapermen have identification cards with photographs; if there is any doubt as to the authenticity of such identification cards, the home office of the person requesting information should be called to see if such requests were authorized. Authenticity of requests for information by mail are more difficult to check, but if they regard particular members of the college community, these members should be called to verify the legitimacy of the request.

F.B.I. agents or members of other investigation agencies checking the loyalty of applicants for federal jobs should be asked to show the release signed by the person under investigation giving permission for such an enquiry.

II. Privileged information

A. In the course of fulfilling college duties both faculty members and staff learn much about other members of the college community which must be considered privileged information; this information is not to be released to those requesting such information from either inside or outside the college community.

1. Such privileged information especially concerns ideas expressed by students in writing and class participation. One of the aims of a college education is to question and shake opinions and beliefs previously arrived at and to form opinions that have been tested by the individual himself. The student is exposed to new ideas put forth by faculty members, by other students, or in reading. During his college years he is asked to look with an open mind at different theories and philosophies and is also encouraged to try out ideas in experience. Many students go through a series of divergent yet passionately held philosophical convictions while at college. They may defend each strongly, this being one way of testing them. The espousal by some students in discussion or papers of ideas considered subversive outside the campus, must therefore be recognized as a normal activity in a college.

It follows from this that there must exist a special relationship of trust among students and faculty in their academic association. Members of the college community should feel confident that expression of their ideas will be

regarded as strictly an academic matter, to be considered privileged and not to be reported to those outside the college community. This relationship of trust is indispensable to a college community if it is to serve its proper function in society.

2. The communications system of the college, including the telephone system and the mail system, must remain completely private and messages of college community members are neither to be intercepted, overheard, or in any way monitored without explicit court order; further, information about senders or receivers of messages is considered as privileged information and not to be released. Any information accidentally gained by staff members operating these communications systems is to be considered privileged and not to be reported to others, except in instances where disruptive or criminal activity may be involved; in these cases a report should be made only to one of the deans, vice presidents, or president of the College.

3. Information gained in the cleaning of faculty offices, student rooms, or other college facilities is to be considered privileged, insofar as the faculty member or student is not violating governmental or college regulations.

4. If there are questions regarding whether particular information is privileged, the matter should be discussed with the deans or higher administrative authorities.

B. Privileged information and political, social, and criminal matters

1. Privileged information regarding political and social ideas, concerns, and actions of members of the college community is not to be reported to others, either within or without the college community, under penalty of the sanctions discussed below.

2. Privileged information regarding criminal acts or violation of college regulations raise particular dilemmas, since competing demands of duty to the government or college are placed in opposition to the rights of privacy outlined in this document. With regard to reporting criminal action to outside authorities, the college deans should be consulted before action is taken.

III. Areas of Privacy

Three areas in which privacy is involved require special attention: issues concerning recommendations; concerning special requests for information by news media, police, and other outside sources; and concerning "privacy of person."

A. Recommendations and "loyalty checks"

Two serious problems arise with regard to the giving of recommendations or information for "loyalty checks."

1. First, such recommendations may be used in situations other than those for which the recommendation is asked. For instance, a recommendation sent to the Civil Service Commission may form part of an F.B.I. dossier of the person that may follow him for years.

2. Second, although recommendations do not require the divulging of privileged information, they often require an evaluation of the person that is based

on privileged information, e.g. the observation of a student's behavior in the classroom. Although the specific political and social ideas of the student are certainly privileged information and not to be divulged, the problems of what to reveal with regard to inferences based on this information are more difficult to resolve. If, on the basis of such inferences, the faculty member feels that a particular student is not suited for the position for which he applied and needs a recommendation, it is best to give a negative recommendation without stating the reasons.

3. "Loyalty checks" provide more difficulties. The basic assumption of the federal security program is that the Government has the right to, and indeed must, protect itself from disloyalty and subversion. However, ascertaining the loyalty of any individual or the possibility of future acts of subversion by him, is fraught with danger. The relationship between opinion expressed by community members and their deeds is tenuous for two reasons. First, the spoken or written word or the studying of certain materials is far removed from actions. To act requires more than intellectual assent. Often we may not know what we believe until we are challenged to act upon our beliefs. Second, few people reveal to others their deepest thoughts and feelings; and even when they do, opinions which are voiced are easily misinterpreted.

If there is doubt expressed about the loyalty of one member of the college community by another, or about his safety as a security risk because of his thoughts, opinions, or beliefs, as distinct from his character or stability of personality, a full statement of the charge should be given in writing to the investigating authorities, a copy of which should also be given to the person being investigated.

B. Other requests for information by outside agencies

Members of the college community are requested often for information, especially from news media and police, but also from research agencies and other interested parties.

1. Police and F.B.I. officials have, on occasion, requested general information about college community members that concern no specific acts of the person involved but which are concerned with building up a dossier for unknown purposes. On no account is privileged information nor inferences from privileged information or second or third hand information to be divulged. If such sources are persistent, they should be referred to one of the college deans.

2. News media have often requested information regarding famous or infamous members of the college community. Again, privileged information or inferences from privileged information should not be divulged. In order to respect the rights of privacy of the individual under examination most thoroughly, it is advised to check with the person in question before supplying information. If information is solicited concerning particular groups or organizations on campus, the same principles hold. In cases of doubt, one of the college deans should be consulted.

3. Various outside organizations and research groups constantly apply to particular college community members for particular information. In many cases

this involves some matter of public knowledge about the college and no difficulty is involved. Again, neither privileged information nor inferences from privileged information should be divulged. Difficult questions should be referred to one of the college deans.

C. Privacy of person

College community members have a right to conduct their normal college business as well as their social life without fear that their privacy is being invaded. Several areas of especial concern, including privacy of faculty offices and student rooms, are briefly discussed below.

1. Faculty members perform a larger role in relation to their students than that of academic mentors. They are frequently called upon to advise students on matters of a personal nature, including "family problems," social inter-relationships with their peers, as well as the development of a philosophy for the conduct of life. Such private discussions between faculty and students are to be regarded as falling within the realm of strictest confidentiality (insofar as the substance of such discussions are concerned), though there may conceivably be occasions on which faculty members--in evaluating with their colleagues the academic performance of a student--may find it constructive to indicate the presence (though not the substance) of personal difficulties faced by that student.

2. As a general rule, the rooms of students are to be regarded as the private domain of their occupants and, thus, protected by the normal canons of privacy. It is to be understood, however, that the College reserves the right to make inspections of student premises when there is reasonable grounds for suspecting violations therein of governmental or College regulations.

3. It is expected, of course, that individuals will conduct their private affairs in a private manner, and with all due respect for the privacy of others.

4. It is expected that from time to time persons or organizations from within or without the College may wish to conduct surveys or to distribute questionnaires for academic research purposes, or for political, commercial, or other objectives. In these instances, the following principles should apply.

- a. Any outside person or organization wishing to circulate a questionnaire or survey among students or faculty members must obtain prior permission from the Dean of Men or the Dean of Women.

- b. Questionnaires or surveys regarding student or faculty opinions or tastes--whether circulated by persons from within or without the College--should clearly indicate the purpose for which such a canvas is being made. If the survey or questionnaire originates from within the College, the person or organization circulating it should be alert to ethical considerations involving the privacy and integrity of respondents; in cases of doubt, Department Chairman or the Research Ethics Committee should be consulted.

- c. Only bona fide students may collect information for commercial purposes. When approached for such information, the person being canvassed may request proof of identification from the individual making the enquiry.

- d. It is to be understood, of course, that anyone solicited for information by survey or questionnaire reserves the right not to respond.

IV. Sanctions

The College reserves the right to remove from its midst those individuals violating the rights of privacy contained in this document and, if the occasion warrants, to sue for damages.

CONFIDENTIALITY OF RECORDS

The following principles are applicable to handling any requests for information about students or former students, faculty members, or members of the college staff and administration by any member of the college community. These principles are intended to protect the individual's right to privacy and the confidentiality of his records throughout the institution. All College personnel in charge of such records must sign a written document indicating their understanding of these principles. / ?

I. Student Records

The following major types of student records are officially maintained by the College: academic records and certain personal records by the Registrar's Office; financial records by the Office of Financial Aid; records on disciplinary and other actions by the Office of the Deans; medical records by the College physician; certain high school records and recommendations by the Admissions Office; recommendations by the Job Placement Office; and particular information about academic performance of former students and their current addresses and activities in the Alumni Office. These records contain privileged information and the contents are to be disclosed only in the situations described below. Further, release of lists of students in racial, religious, or social categories based on student records is forbidden. / ?

A. Disclosure to Students

1. A student is entitled to an official transcript of his own academic record, subject only to the conditions listed below under Withholding Information (section G). It is College policy that other materials in student files are confidential. No student is permitted to see the transcript or academic record of another student without written permission by the person whose transcript is involved.

A student has the right to inspect his academic record (from which transcripts are made) and is entitled to an explanation of any information recorded on it. When the original is shown, examination is permitted only under conditions which will prevent its alteration or mutilation.

Students who wish to request copies of their transcript must do so in writing. Telephoned requests from graduated students will be honored only at the discretion of the Registrar.

2. Documents submitted by or for the student in support of his application for admission to Swarthmore are not returned to the student, nor sent elsewhere at his request. In exceptional cases, however, where another transcript is unobtainable, or can be secured only with the greatest difficulty, copies may be prepared and released upon the written request of the student.

3. The financial records held by the Advisor of Financial Aid, the records on disciplinary and other actions held by the Office of the Deans; and the medical records held by the College physician are to be disclosed neither to the student himself nor any other student.

4. Information in alumni files concerning current address or dealing with matters submitted by the alumni for publication in the Alumni Bulletin is public information and can be obtained by students. Other information in alumni files is completely confidential.

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to students

B. Disclosure to Faculty and Administrative Officers

1. Faculty and administrative officers of the College who have a legitimate interest in the materials of files on students and who demonstrate a need to know are permitted to look over the academic record of any student.

The contents of the official academic record of a student are not sent outside the Office of the Registrar except in circumstances specifically authorized by the Registrar. Normally a permanent record never leaves the Office of the Registrar since copies can readily be made.

2. Non-academic records of students are not disclosed to faculty members except under extraordinary circumstances in which the need for such records in order academically to aid the student can be clearly demonstrated.

3. Non-academic records of students are not disclosed to administrative officers except as they pursue their assigned duties.

C. Disclosure to Parents, Educational Institutions, and Other Agencies

1. Grade reports are routinely released to parents or guardians without prior approval from the student unless the student is over 21 or married and requests that his reports be withheld.

Requests from other institutions of learning for transcripts or other academic information must be accompanied by a written release from the student.

2. The Office of Financial Aid routinely reports the academic progress of students supported by public or private agencies providing scholarship assistance to students unless specifically requested not to do so by the student.

3. The materials in a student's placement file (should one exist) is released to prospective employers for the purpose of placement only when the student requests such release or when it is clear that the prospective employer's request is the result of an application for employment by the student.