POLICIES AND LEGAL ISSUES

UW SYSTEM STANDARD FOR WORK PER UNIT:

The UW System standard for work per unit (credit) is that the students are expected to invest at least 3 hours of combined in-class and out-of-class work per week for each academic unit (credit) of coursework; thus, a 3-credit course will typically require a minimum of 9 hours of work per week (144 hours/semester).

LEGAL SERVICES

Student Government provides a Legal Services Program free of charge to UW-Whitewater students. An attorney, hired by Student Government, is available approximately 10 hours per week.

STUDENT DISCIPLINARY PROCEDURES

The complete copies of the University of Wisconsin-Whitewater Student Non-academic Disciplinary Procedures (Administrative Code UWS Chapter 14 and UWS Chapter 17) are available on the UW-Whitewater WEB page at http://www.uww.wdu/stdhdbk/uwsystem.html.

For information, regarding these procedures, contact the Office of Student Life at 262-472-1533.

STUDENT RESPONSIBILITY FOR RECORDS

Students are held responsible for monitoring an accurate record of their own progress toward graduation. No changes will be made to course entries on the academic record that are not appealed within two years of the posting date and changes will not be made to a record after the degree is officially entered.

ACADEMIC MISCONDUCT

The University believes that academic honesty and integrity are fundamental to the mission of higher education and of the University of Wisconsin System. The University has a responsibility to promote academic honesty and integrity and to develop procedures to deal effectively with instances of academic dishonesty. Students are responsible for the honest completion and representation of their work, for the appropriate citation of sources, and for respect of others' academic endeavors. Students who violate these standards are subject to disciplinary action. UWS Chapter 14 identifies procedures to be followed when a student is accused of academic misconduct. For additional information, please refer to the section in the Student Handbook titled, Student Academic Disciplinary Procedures.

ABSENCE FOR UNIVERSITY SPONSORED EVENTS

University policy adopted by Faculty Senate and the Whitewater Student Government states that students will not be academically penalized for missing class in order to participate in university sanctioned events. They will be provided an opportunity to make up any work that is missed; and if class attendance is a requirement, missing a class in order to participate in a university sanctioned event will not be counted as an absence. A university sanctioned event is defined to be any intercollegiate athletic contest or other such event as determined by the Provost. Activity sponsors are responsible for obtaining the Provost's prior approval of an event as being university sanctioned and for providing an official list of participants. Students are responsible for notifying their instructors in advance of their participation in such events.

GRIEVANCE PROCEDURE

I. DEFINITIONS AND BASIC PRINCIPLES:

A. A grievance is a request for specific action to solve a problem or redress an injury done to the individual presenting it. When that individual is a student and is responding to treatment received as a student, it is a student grievance. However, if a student wishes to challenge an academic decision that impacts on their grade, the Student Grade Appeal procedures should be used.

1. A grievance may concern the actions taken by any UW-Whitewater employee who is a member of any college, department, office, administrative unit or committee of the University.

2. A grievance may not necessarily be directed at a particular individual but rather at a policy or rule which the student believes to be unfair.

B. The basis for a grievance is to raise a problem for the purpose of resolving it by the parties closest to it. This is true whether the issues involve an instructor, administrator, service personnel or members of any University department, college, division, administrative unit or committee.

C. A cause of action would involve a specific injury to the student or a specific problem. A remedy should be available. If no remedy is available or if punishment of someone is sought, the procedures for complaints rather than grievances should be used (see University Handbook, Sections VI-F and VI-A).

D. Process timelines are established to enable review and resolution within a reasonable time after the problem occurred. This assists problem solving when memories and facts are still fresh.

E. Written appeals and responses need not be lengthy but rather describe events, relevant facts and reasoning, so that parties are clear about what is at issue and why decisions are being made the way they are.

II. STEPS IN A GRIEVANCE:

A. Informal Process:

1. Discuss the issue of concern with the individual(s) primarily involved. This should take place within 14 calendar days after the aggrieved action occurred.

2. If this discussion brings no resolution, is unsatisfactory, or if the primary individual is unwilling or unable to participate, the student may then, within 7 calendar days of the discussion or the communication that there will be no discussion, schedule a conference with the chairperson of the department or the
POLICIES AND LEGAL MATTERS

GRADE APPEALS

At the University of Wisconsin-Whitewater it is expected that instructors will evaluate students regularly and consistently by criteria and guidelines presented to students at the beginning of each grading period. If a student has reason to believe the grade is incorrect, the student may act on that by taking the following steps in chronological order. A complaint which is timely and filed under any other student complaint procedure and then referred for processing under these procedures, shall be considered to have met the deadline for filing as a grade appeal.

1. Informal Process

(a) Consult the instructor whose grade is being appealed. This consultation must take place within 7 calendar days of start of classes after the grading period in question.

(b) If the student/instructor conference is unsatisfactory or if the instructor is unwilling or unable to participate, within 7 calendar days the student may schedule a conference with the chair of the department in which the course was offered.

(c) After hearing the student's appeal, the chair will attempt to resolve the problem within 7 calendar days.

(d) If this resolution is unsatisfactory, the student may then, within 7 calendar days after receiving the chairperson's response, submit a written appeal to the Department's Grade Appeals Committee through the chairperson. This will initiate the Formal Appeal Process.

2. Formal Process

(a) The appeal must be in writing and signed by the student.

(b) The Department Grade Appeals Committee will

(i) convene to examine the appeal, the response and render its conclusion in writing to the chair, student and instructor, within 14 calendar days of receipt of the appeal.

(ii) While the Grade Appeals Committee cannot require the instructor to change a student's grade, the Committee can recommend such a change to the instructor and to the Dean of the College in which the course is offered.

(c) Should the student wish to appeal beyond the department, the student may submit the Committee findings and the basis for the further appeal to the Dean of the College in which the course was offered, within 3 calendar days of presentation of Committee findings. The Dean will review the student's appeal and the findings of the Committee, and recommend appropriate action to the department and the instructor within 14 days of receipt of the appeal.

(d) If this action is unsatisfactory to the student, a final appeal may be made to the Provost who will determine whether a change in grade is to be made within 14 days of receipt of the appeal. The Provost is the only individual authorized to change a student grade without the instructor's permission. However, the Provost may change a grade only when the faculty department committee and the Dean support such a change.

FERPA – FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Interpretations of the Family Educational Rights and Privacy Act of 1974 (also known as FERPA or the Buckley Amendment) have important implications for the handling and releasing of student education record information by campus offices and school officials. FERPA applies to the “education records” (see next paragraph for definition) of “students”. “Students” are defined as those individuals who have applied for formal admission to UW-Whitewater, were admitted, and are or have been enrolled in classes for credit. “Students” are those individuals who have applied for formal admission to UW-Whitewater, who seek to be admitted in another component (e.g., a student enrolled in an undergraduate degree program, but is denied admission to a graduate program, does not have any FERPA rights in the graduate program which denied him/her admission).

“Education records” are those records that are directly related to a student
and that are maintained by the University or by a school official who serves the University in an administrative, supervisory, academic, research, or support staff position (including student employees or agents of the University, persons/Companies with whom the University has contracted, persons serving on official campus committees, or persons assisting other school officials in performing their tasks).

FERPA indicates that “education records” do not include:

- **Sole possession records.** Records of instructional, supervisory, administrative, and certain educational personnel which are in the sole possession of the maker and are not accessible or revealed to any other individual except a substitute who performs on a temporary basis the duties of the individual who made the records.

  Important exception: Notes taken in conjunction with any other person are not “sole possession records”. Sharing information with another person or placing information where it can be viewed by others makes it an “education record” and subject to FERPA.

- **Law enforcement unit records.** Records maintained by a law enforcement unit of UW-Whitewater that were created by that unit for the purpose of law enforcement.

  Important exception: Placing law enforcement records where they can be viewed or accessed by others outside the law enforcement unit makes them “education records” and subject to FERPA.

- **Employment records.** Records relating to individuals who are employed by UW-Whitewater which are made and maintained in the normal course of business and relate exclusively to individuals in their capacity as employees, and are not available for any other purpose.

  Important exception: Records of students who are employed as a result of their status as students are “education records” (e.g., work-study, graduate assistants) and subject to FERPA.

- **Doctor-patient privilege (medical) records.** Records relating to a student who are (1) created or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in his/her professional capacity or assisting in a paraprofessional capacity; (2) used solely in connection with the provision of treatment to the student; and (3) not disclosed to anyone other than individuals providing such treatment, so long as the records can be personally reviewed by a physician or other appropriate professional of the student's choice.

- **Post-attendance records.** Records that contain only information relating to a person after that person is no longer a student at UW-Whitewater (e.g., information gathered on the accomplishments of alumni).

The essence of FERPA can be summarized by the following two points:

- **CONFIDENTIALITY** – School officials must protect the privacy of education records and shall not disclose personally identifiable information about a student or permit inspection of the student’s records without his/her written consent unless such action is covered by certain exceptions permitted by FERPA. The student's written, signed consent must:
  o Specify the records to be released;
  o Identify the party or class of parties to whom the records should be released;
  o Indicate the reason for the release.

A consent form can be downloaded from the web at: [http://www.uww.edu/registrar/](http://www.uww.edu/registrar/) (under the FERPA section, click on “Authorization to Release Records”)

- **ACCESS** – A student must be permitted to inspect his/her own education records (see “Student Access to Education Records” section for information about the process for inspecting education records). FERPA provides the student the right to:
  o Inspect and review his/her education records;
  o Request an amendment to the education records if he/she believes there is an inaccuracy;
  o Restrict the release of his/her “Directory Information” from public access;
  o File a complaint with the U.S. Department of Education if he/she feels the University has failed to follow FERPA guidelines. The name and address of the office that administers FERPA is: Family Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-4605.

**CONFIDENTIALITY OF STUDENT EDUCATION RECORDS**

FERPA generally prohibits the release of confidential personally identifiable student data from education records, with limited exceptions that include “Directory Information” (see below), without the student’s written, signed consent.

Personally identifiable student data, other than “directory information” for students who have not restricted its release, are confidential. Examples of confidential information include, but are not limited to, ID number, social security number, date of birth, ethnicity, gender, country of citizenship, percentile ranks, class schedules (including meeting times and locations), grades, and grade point averages.

Parents have no inherent rights to inspect or receive information about their children’s education records. Parents of a dependent (as defined for federal income tax purposes) student may request their child's education record information only after providing notarized copies of both the most recent federal income tax return filed that shows the student listed as a dependent and a letter of intent to claim the student as a dependent on the next federal income tax return. Absent this information, UW-Whitewater shall not disclose a student's education record information to a parent without the written consent of the student, unless such disclosure is permitted under FERPA.

FERPA provides certain exceptions for the release of personally identifiable education record information without the student's written consent. These exceptions include:

- **Directory Information.** UW-Whitewater determines the following to be student “directory information” which is available to the public if the student has not restricted its release:
  - Names, addresses (including email), and telephone numbers;
  - Dates of attendance (including term units carried and full-time/part-time status);
  - Classification (e.g. sophomore, senior, graduate student);
  - Major/minor/degree program;
  - Degrees conferred (including dates/anticipated dates);
  - Previous institution(s) attended;
  - Awards and academic honors;
  - Participation in officially recognized sports and activities;
  - Physical factors (weight and height) of members of athletic teams.

A student has the right to restrict the release of his/her directory information. Any student who wishes to do so must complete and file the “Request To Prevent Disclosure Of Directory Information” form in the transcripts department of the Registrar's Office, Baker Hall, lower level. The restriction will remain in effect until the student files written notification with the Registrar's Office to have it removed. A student who has ceased attending UW-Whitewater, and whose directory information was not restricted in his/her last term of attendance, does not have the right to restrict the release of directory information until such time as he/she re-enrolls at the University.

- “Legitimate Educational Interest”. Personally identifiable education
record information may be disclosed without the student's written consent to UW-Whitewater officials who are determined to have a “legitimate educational interest” – a right to know and a need to know (i.e., the information is necessary to fulfill the official's professional responsibility to UW-Whitewater). Legitimate educational interest means there is an educationally related purpose that has a directly identifiable educational relationship to the student involved and underlies the request. The following criteria shall be taken into account in determining the legitimacy of a UW-Whitewater school official's access to records:

- The official must seek the information within the context of his/her professionally assigned University responsibilities;
- The information sought must be used within the context of official University business;
- The information requested must be relevant and necessary to the accomplishment of some task or to make some determination within the scope of the official's University employment.

Disclosure of education record information to a school official having a legitimate educational interest does not constitute institutional authorization for that school official to transmit, share, or disclose any or all of that information to a third party. A disclosure of personally identifiable information from the education record of a student, without the student's written consent, is prohibited unless the disclosure meets one of the specific exceptions cited in FERPA as outlined in the following section.

- Education record information may be disclosed without the student's written consent in the following instances:
  a) To the student.
  b) If it is “Directory Information” and the student has not restricted its release.
  c) If properly subpoenaed pursuant to a judicial, legislative, or administrative proceeding, provided UW-Whitewater will make a reasonable attempt to notify the student of the subpoena, in cases where FERPA applies, prior to the release of the information.
  d) In connection with the student's application or receipt of financial aid as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms or conditions of the aid.
  e) In connection with audits or evaluation of federal or state supported educational programs requiring disclosure of information.
  f) To effect collection of past due financial obligations to the University.
  g) To attorneys representing the University when the data on the student is deemed necessary for the defense of the University in a suit filed by the student.
  h) To schools in which the student seeks or intends to enroll.
  i) To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the Department of Education, or state or local educational authorities.
  j) To the Veterans Administration to determine compliance with educational assistance.
  k) To organizations conducting studies for or on behalf of the University.
  l) In connection with a health or safety emergency as determined by the University.
  m) In connection with a crime of violence or a nonforcible sex offense. The University has the discretion to disclose the final results of any disciplinary proceeding against a student who is an alleged perpetrator of a crime of violence or a nonforcible sex offense if, as a result of that disciplinary proceeding, the University has determined that the student in fact committed the crime or offense. The definition of “final results” is limited solely to the name of the student, the violation committed, and any sanction imposed by the University on that student. Only where a victim or witness has provided written consent may the University disclose the name of that student.
  n) The University may disclose to a student's parent or legal guardian information regarding any drug or alcohol violation (whether pursuant to federal, state, or local law or institutional policy) where the student is under 21 years of age and the University has determined the student has committed a disciplinary violation.

UW-Whitewater school officials conducting research using student education records will be asked to explain the use of the records in writing. Student organizations that need confidential information about their members must obtain the signatures of all members on a form explaining how the information is to be used (the signatures must be obtained before the information will be released).

School officials who have access to student education record information assume the legal responsibility for protecting the privacy and security of the information.

STUDENT ACCESS TO EDUCATION RECORDS

The student will have access to education records directly related to him/her that are maintained by the University, or any of its agents, and to which FERPA applies.

A student may request access to review and inspect his/her education records by writing to the University official (Registrar, Dean, department chair, or other appropriate person/office) responsible for the records. The written request must indicate the records the student wishes to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the official to whom the request was submitted, that official shall advise the student of the correct person/office to whom the request should be addressed and it becomes the student's responsibility to submit the request to that person/office. Upon receipt of the written request, the University has 45 days to comply. FERPA does not provide the student with the right to access certain records, including:

- Sole possession records
- Parents' financial records used for financial aid purposes;
- Confidential letters and statements of recommendation placed in the student's record prior to January 1, 1975, or confidential recommendations to which the student has given prior written waiver of access and which are used for job placement, admission, or award purposes;
- Law enforcement unit records;
- Certain employment records;
- Doctor-patient privilege (medical) records;
- Post-attendance records.

A student has the right to request an amendment of his/her education record that is believed to be inaccurate. However, FERPA was not intended to provide a process to be used by the student to question substantive judgments that are correctly recorded. The FERPA rights of challenge are not intended to allow a student to contest, for example, a grade in a course because he/she felt a higher grade should have been assigned. FERPA is intended to ensure the factual and accurate nature of the information in the student's educational records and the student's right to verify that information.

In those cases where FERPA intended to provide a student the right to request an amendment to an education record, the student should write the University official responsible for the record, clearly identify the part of the record s/he wants changed, and specify why it is inaccurate. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of this right.

In the process of challenging the education record information, the student may wish to have copies of appropriate documents in his/her education record file. The University may assess the student a reasonable
per copy fee for such documents. This charge does not apply to copies of
the student's official academic transcript (there is a $5.00 charge for each
official transcript). A request for a copy of any document in an education
record will be denied if the student has a hold/service indicator on his/her
records that prevents the release of the official academic transcript, or if
the document is a transcript of an original or source document which exists
elsewhere.

If UW-Whitewater decides, as a result of a hearing, not to amend the
education record in accordance with the student's request, the student may
place a written statement in the record commenting upon the information
therein, and/or setting forth any reason for disagreement with the institutional
decision not to amend the record. Such a statement will become part of
the student's education record and will be disclosed with it.

The student has a right to file a complaint with the U.S. Department of
Education concerning alleged failures by UW-Whitewater to comply with
the Family Educational Rights and Privacy Act.

**ACCOMMODATION OF RELIGIOUS BELIEFS**

It is the policy of the Board of Regents that students' sincerely held religious
beliefs shall be reasonably accommodated with respect to scheduling all
examinations and other academic requirements.

1. Students shall be permitted to make up an examination or other
academic requirement at another time or by an alternative method,
without any prejudicial effect, where:
   a. There is a scheduling conflict between the students’
sincerely held religious beliefs and taking the examination
or meeting the academic requirements; and,
   b. The students have notified the instructor, within the first three
weeks of the beginning of classes (within the first week of
summer session and short courses), of the specific days or
dates on which they will request relief from an examination
or academic requirement.

2. Instructors may schedule a make-up examination or other academic
requirement before or after the regularly scheduled examination
or other academic requirement.

3. Instructors shall accept, at face value, the sincerity of students’
religious beliefs.

4. Student notification of instructors and requests for relief shall
be kept confidential.

5. Complaints of failure to provide reasonable accommodation
of students’ sincerely held religious beliefs as required by this
rule may be filed under institutional complaint and grievance
procedures adopted pursuant to Chapters UWS 6 and 13.

For additional information or to file a grievance regarding a failure to provide
reasonable accommodation, please contact the Office of Diversity and Equal
Opportunity Compliance (Hyer Hall, Room 330, Phone 262-472-1072).

**NON-DISCRIMINATION STATUTES RELATIVE TO UNIVERSITY OF
WISCONSIN-WHITEWATER STUDENTS**

The Civil Rights Act of 1964, Title IX of the Education Amendments of