

## **Frequently Asked Questions – Faculty Members**

### **Can student grade lists be posted?**

*The Freedom of Information and Protection of Privacy Act (FOIP Act)* does not prevent the posting of grades if it is possible to do so in a way that protects the confidentiality of the information. In the past, grade lists were posted by the student ID number which was considered to be a confidential identifier. However, the broad internal use of the student ID number has significantly decreased its capacity to serve as a confidential identifier. Grades should, therefore, NOT be posted or made available in a public place if individuals are identified by the student ID number or name.

### **Can a faculty member ask a student for personal information?**

Yes. A faculty member is permitted to ask a student for personal information if they can demonstrate that the information is necessary for pedagogical or administrative purposes. This is in keeping with the FOIP Act's requirement that personal information only be collected when it relates directly to and is necessary for an operating program or activity of the University. The faculty member would also have to inform the student of the purpose for which the information is required. In all cases, sensitive personal information must be protected against risks such as unauthorized access, use, disclosure or destruction.

### **Can the Registrar release a student's address/phone number to a faculty member who is teaching the student?**

This information would only be supplied on a need to know basis. Section 38(1)(g) allows for disclosure to an employee of the University of Calgary if the information is necessary for the performance of his or her duties. The onus is on the faculty member to provide evidence that the information is absolutely necessary.

### **Can students mark each other's tests?**

Yes. Allowing a student to mark another student's test would not necessarily be an unreasonable invasion of privacy. Group learning activities may also continue in the classroom.

### **Can students find out how their marks compare to other students in the class?**

Yes. Class averages may be provided and if required, a list of other students' marks that exclude the names of the other students may be provided.

### **Can students read their essays aloud in a class?**

Yes. The FOIP Act does not prevent students from reading their essays aloud in class.

**How long are professors required to keep papers, assignments, and exams that students have not picked up?**

Papers, assignments, projects and mid-term exams are returned to students throughout the term. They are either returned directly to the student or the student is notified where and when assignments/exams can be retrieved. This term work is considered to be the property of the student and the student is ultimately responsible for its long-term retention. Nevertheless, the University has a responsibility to ensure that the student has had ample opportunity to retrieve term work and to ensure that the work is secure until retrieved. Professors should therefore retain papers, assignments, and exams that have not been picked up by students for a reasonable length of time, generally 6 months following the end of term. Students should be informed about the retention of assignments and exams. *See University [Retention Rule 2000.01](#)*

**Does e-mail correspondence received from students need to be retained for a specific length of time?**

The University is required to keep all records used to make a decision about a person for a minimum of one year. If the e-mail message documents a decision and is not recorded in a more permanent format, it should be kept for a minimum of one year. If the information is of temporary value or has been transcribed into a more formal document, the e-mail is considered transitory and should be retained only as long as it is required. *See University [Retention Rule 98.0010](#)*

**Professors often retain files on graduate students they have supervised. Can a student request to see the contents of the file?**

Yes. The FOIP Act allows individuals, subject to limited and specific exceptions, a right of access to personal information about themselves that is held by the public body.

**Must the supervisor retain the student file for a specific period of time?**

Any information that is used to make a decision about the student must be kept for a period of at least one year. However, transitory documents and documents that are duplicated in the official student file should be destroyed regularly. *See University [Retention Rule 98.0010](#)*

**Is the University obliged under FOIP to release exam questions?**

Questions to be used on an examination or a test are exempt from the FOIP Act. The University may also refuse to disclose details of specific tests to be given if the disclosure could reasonably be expected to prejudice the use or results of particular tests. The University should release exam questions if there is no intention to use or reuse them in the near future.

**Can students access and receive copies of their own previously completed examination papers?**

Yes. Students have access to and can request copies of their own completed examination papers. Answers to examination questions are a part of the student's educational history and are, therefore, considered the personal information of the student. If the exam questions are going to be used again in the near future, then the questions may be severed from the record before releasing the answers to the student.

**How should marked exams, lab reports and essays be distributed to students? Can they be left unsupervised on a table in the hallway or in the classroom so that students can retrieve them on their own? Do they need to be returned in sealed envelopes?**

According to section 36 of the FOIP Act, the University must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or destruction. As a result, the practice of leaving graded examinations and assignments in a public place for pick up is not acceptable. Examinations and assignments should be returned directly to the student, for example during class or office hours. Students should not be allowed to handle exams or assignments other than their own.

Note that teaching or research assistants are considered employees under the FOIP Act and as such are granted access to any personal information required to perform their duties. The FOIP Act does not prevent TAs from collecting, marking or distributing student work as assigned by the professor.

**Can a faculty member provide information about students to potential employers for reference purposes?**

The University must not disclose this type of information without the consent of the student. Students should complete the consent form designed for University of Calgary students found on this web site or at any department office. Failing that, consent may take the form of permission to contact the University or a named individual as a part of the student's application for employment. If this is the case, the University should require a copy of the application or that part of it which authorizes the potential employer to seek information. The University should disclose only factual information or opinion information that the person answering the request is qualified to disclose.

**Can faculty members who have told students in the past that they would provide references, continue to do so without written consent from the student?**

No. Faculty members should not provide a reference (written or verbal) without the written consent of the student. The consent can take any of several forms. The request or even a copy of the application or resume in which you are named as referee can be forwarded by mail, e-mail or fax and will serve as consent if necessary.

**Will a student be able to access a letter of reference that was submitted in confidence when the student is the subject of the letter?**

Generally speaking, evaluative opinions are the personal information of the person being evaluated and the Act allows individuals, subject to limited and specific exceptions, a right of access to personal information about themselves. In the case of a reference letter submitted by a writer with the expectation that it would be held in confidence, the privacy rights of the author may limit the right of the subject to access the letter in its entirety.

**Is a student entitled to view evaluative opinions of a selection committee for admission/awards?**

Yes. Generally speaking, evaluative opinions are the personal information of the person being evaluated. The University may choose to refuse to disclose the substance of the deliberations of the committee but should release a statement of the reasons for the decision made by the committee. The University may also choose to refuse to disclose letters of recommendation or identifying portions of letters of recommendation that were provided in confidence to support an application.

**Is there a clear guideline on how long consent for use and disclosure of personal information is valid for?**

There really is no hard and fast rule. Generally, it is a good idea to indicate on the consent form the period for which the consent will remain valid. If that hasn't been done, then you might look at the purposes for the collection or how recent the consent is to determine if it might still be valid. You should also consider the expectations of the individual signing the consent. For example: if a student consented to the release of their marks to an employer as part of a job application, and no time period was put on the consent, it would be reasonable to assume that the student was consenting only to this particular disclosure. Or if a student signed a consent form when they registered in a program 5 years before and only stayed for a year and then applied for another program 5 years later, the student would not likely think that the consent signed 5 years ago would still be in effect.

**If written final exams have to be retained for one year after they are written, can students appeal their final grades up to one year after the exam is written?**

No. The requirement to retain final examinations for one year is intended to allow the student time enough to examine the record and review the information used to make a decision about him or her. It does not affect the University's policy on appeal of grades.

**Are anecdotal notes made by faculty members about students in a practicum portion of a program considered personal information?**

Yes, anecdotal notes and opinions about a person are the subject's own personal information. In most cases, this type of evaluative information is accessible to the student. There may be occasions, however, when information could be withheld if the disclosure could be harmful to someone's health or safety, harmful to a law enforcement investigation, or could be construed as advice to an officer of the University. The decision to deny access to the evaluation could be complex; seek the advice of the FOIP Coordinator.

**Can staff have open access to student information?**

No. The fact that access to student information is possible does not imply that all staff should have access to all student information. Staff should only have access to information that they require to perform their duties as an employee of the University.

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