

Report to President Malcolm Moos
on Political Surveillance at
the University of Minnesota

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Introduction

This report has been prepared after careful research and analysis of information given to me by individuals who have been in a position to know about the relationship between Federal Intelligence Agencies and the University of Minnesota.

While I have talked with many people in conducting the inquiry, no one reading this report should assume that all persons with knowledge of the issues involved has been reached. Necessary limits of time and relevance of information have required that I make some judgments about the limits of the investigation and about what would constitute necessary and sufficient information to answer fully the questions before the University.

This report reaches you after more than twenty interviews with people who had information that would be helpful to the inquiry. Relevant documents, photographs, memoranda, and newspaper articles have been collected and analyzed, and I have conducted a thorough search of the University Police Department's files in the course of the investigation.

All personnel and units of the University involved have been fully cooperative in assisting me in gathering as full a picture as possible of University practices in the area of information recording and dissemination. In addition, former agents of Military Intelligence have been extremely helpful in putting in broader perspective some of the charges that have been made but only partially reported in the media. Finally, the Department of Defense was of considerable assistance in the person of Assistant Secretary Robert Frohke who provided me with a full statement of his perspective with respect to national policy governing the activities of the Department of the Army in domestic intelligence. In short, I complete this study with the strong feeling that I do know the full context of University-government relations in this area; that there is truth in the charges that have been made, but a truth which must be viewed in the full context of events; and that there have been administrative practices in several units of the University that require change in order to assure students and staff that there will not be either the improper collection or use of confidential information in the future.

Finally and significantly, I am fully confident that the changes that are necessary can be specified in clear administrative policy and that the personnel of the units involved are anxious to have such a clarification of policy to govern their responsibilities in this area. It is no way an apology of or justification for the improper use of information to report at the outset that it is my judgment that no one on the staff of the University has maliciously or knowingly sought to violate either University policy or standards of common sense. Nonetheless, it is equally clear to me that both existing policy and standards of good judgment have not always been the determinants of behavior in this delicate area.

On December 1, 1970, the NBC television program First Tuesday reported that there existed an extensive network of domestic military intelligence in the United States which collected and maintained information on the political beliefs and activities of organizations and citizens. Specifically, the program reported that such intelligence activity existed in the Twin Cities area and included surveillance on the campus of this University and that certain information had been provided agents from the 113th Military Intelligence Group, Region V headquartered at Ft. Snelling by the University Police Department.

On January 1, 1971, CBS Evening News carried a report from Mr. Richard Kasson, former Military Intelligence Agent assigned to the Special Investigations Branch of the 113th, Region V, that confirmed the earlier NBC program and further alleged that agents from the 113th had ready and complete access to the files of the University's Admissions and Records Department, and that foreign students had been subjected to lie detector tests administered by officials of the 113th unit. Two photographs alleged to have come from the files of the University of Minnesota Police Department were displayed on the program as examples of the information sharing practices between the police department and military intelligence (prints of the two pictures in question are available in my files.)

Charges Involving the Department of Admissions and Records

It appears that investigating officers of Federal agencies have had regular access to student records and files in the Office of Admissions

and Records.¹

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Items which might be found in a student file are:

1. Completed application forms
2. Transcripts from high school or other colleges
3. Memos placing holds on registration or on transcript release
4. Memos clearing holds
5. Residence applications and supporting documents
6. Letters from counselors, or parents or the student himself concerning academic records or achievement
7. Petitions for exceptions to rules
8. Evaluations of work taken at other colleges
9. Achievement and aptitude test scores
10. University transcripts
11. Letters of inquiry
12. Copies of University correspondence with student
13. Counseling report summaries (early admission only)
14. Name changes
15. Joint registration applications
16. Student request that his file (including public information) be sealed to persons outside the University
17. Notes based on discussions with the student
18. Degree applications

The file does not contain medical records, employment records, character references (except as a letter from a school about a new applicant might be so defined), counseling records, information about membership in University organizations or activities or any type of University disciplinary records.

Also it should be noted that the Office of Admissions and Records contains other types of files, such as paid fee statements, authorizations for billing for fees college action on academic standing and registration blanks. None of these items are placed in the student file.

Before January of 1968 the Office of Admissions and Records functioned under an information disclosure policy that had been developed internally within that office. While that policy indicated that confidential information was to be restricted in its availability, the written policy did not define what constituted confidential information, and explicitly excluded federal and other investigating agents from any limitations imposed on the dissemination of confidential information. That policy statement included the following language:

"F.B.I. agents and Department of Protection and Investigation agents when identified are privileged to full access to all information without questions. Military security agents are also entitled to full information upon identification. U.S. Probation Officers - o.k." (See Appendix I for full policy.)

Apparently this policy had been in effect for some period of time, although there is no written record of the date of approval of the policy.

On January 12, 1968, the Board of Regents adopted a "Policy on Student Records" (Appendix B)². That policy creates the presumption of non-disclosure of student academic records except for certain specified "public information" (i.e. date of enrollment in the U., address, and degrees earned) and except to the student himself, his parents or guardian; or to individuals and organizations the student has given authority to see such records. The only other exception to these rules is that data in student records can be used within the University for appropriate "research, educational, and University administrative service functions."

Following the adoption of this policy, on January 16, 1968, the Regents statement was circulated to appropriate administrative officials responsible for the management of student records. On March 18, two months later, a memo was distributed to all Record Bureaus by W. Donald Beatty, University Recorder, calling attention to the Regents policy. The Beatty memo noted that "this action (the Regents policy) does not materially change the general

² A survey reveals that the Regents Policy was distributed throughout the University on an uneven basis. The Institute of Agriculture reports no evidence that the Policy was ever transmitted to them and CLA reports the policy was received only upon request. - Appendix K reports CLA Release of Information Policy.

policy which we have followed."

Furthermore, and significantly, the March 18 memo re-stated that F.B.I., military security, and other Department of Protection agents were "entitled" to full information upon identification. (See Appendix J.) This memo is reported to have been authorized by the late Dean R.E. Summers then Dean of Admissions and Records.

Apart from the question of whether the March 18th memo is an accurate interpretation of the Regents January 1968 policy, it appears that this was the only administrative interpretation of the Regents statement that clerical and professional personnel in Admissions and Records received until January 7, 1970.

During the two year period January 68-January 70, Military intelligence and other security or government agents merely had to identify themselves to the appropriate clerk to receive any data included in the students file. Indeed, any such agents were given the file to work with at a desk in the Admissions and Records offices. On January 7, 1970, file access to government investigators was discontinued except in twenty-nine instances that remain unexplained.

These skeletal facts do not tell the full story, however. Several important points must be reported to fully understand this situation:

- (1) On the personal testimony of the military intelligence agents themselves, 90-98% of their inquiries to Admissions and Records were for the purpose of conducting so-called "Personal Security Clearance" checks which had been authorized by the student at the time he applied for a job with the government or sought a commission in the army which required a security clearance. The agents had come to know the clerical staff in Admissions and Records and therefore were not required to show identification or evidence of the student's permission to see information in his files. It was the latter practice which permitted the federal agents to gather information on individuals who had not authorized such access to their files.
- (2) The administrative and personnel structure of the office of Admissions and Records was undergoing major change during the period immediately following the adoption of the Regents policy. The Office of Vice President for Student Affairs was just being created in the period February to July 1968, and the new Vice President assumed responsibility for the Office of Admissions and Records during this period. During the subsequent year (between July 1968-July 1969) personnel

shifts were made which resulted in T.E. Kellogg being appointed Associate Dean of Admissions and Records (with operational responsibility for the Office of Admissions and Records) and Dean R.E. Summers being appointed Special Assistant to the V.P. for Student Affairs and Dean of Admissions and Records. The new administration raised the question of whether information disclosure practices were consistent with the January 1968 Regent's policy. Discussions between July 1969 and Dec. 1969 between the Office of Admissions and Records and the V.P. for Student Affairs resulted in the following decisions in January 1970:

- a. no transcript data would be released without the written release of the students; and
- b. no information would be given to investigating officers (such as military intelligence) without the written release of the student. (See forms Appendix D developed to implement these decisions.)

From this point on any request for information from Admissions and Records by a Federal investigating officer was handled by T.E. Kellogg or his first assistant John Fisher, who confirmed the fact of the student release. There are 29 minor exceptions to this in which Military Intelligence agents received student record files although with the proper release. The new administrative policy requires that a staff member in Admissions and Records answer agent's questions and not physically turn the file over to the agent for his study. These appear to be exceptions based on genuine misunderstanding of policy and steps have been taken to prevent any recurrence. (See Appendix E for most recent policy statement by T.E. Kellogg to his staff following revelations of Military Intelligence access to Admissions and Records records.)

(It should be noted parenthetically that the full transfer of responsibility for Admissions and Records to T.E. Kellogg did not take place until July 1970 when he was named Director of Admissions and Records and Dean Summers retired. In short, for 18 months after the Regents' policy was adopted, the management structure and practices in this area was undergoing change. Many clerical and staff personnel apparently did not appreciate the significance of the new Regents' policy in their spheres of responsibility because of previous practice - reinforced by the March 1968 memo - which was not altered until administrative authority had been effectively transferred to the new administration of Admissions and Records between July 1969 and January 1970.)

University Police - Military Intelligence

Former agents in Military Intelligence have alleged that they were on an information sharing basis with officers of the University Police Department. Specifically, it is alleged that photographs taken by the University Police Department during political rallies and demonstrations have been shown to and, in some instances, given to the Military Intelligence agents.

There is no doubt that agents of Military Intelligence did with some regularity (average of once per week) between 1968-1970 visit the University Police Department for the purpose of soliciting information about rallies, demonstrations, and other events. The source of Military Intelligence's interest in this information is a 1967 Executive Order of the President of the United States which explicitly assigned to the Army the responsibility for gathering information that would be necessary if the Army were called upon to operate in an American city to quell a civil disturbance. The White House and Department of Defense felt this need quite directly after the summer of 1967 when Federal troops were used in Detroit with almost no advance information available regarding that situation.

Apparently the judgment about what information was appropriate to collect was left to the commanding officers of the regional intelligence units, but according to testimony of former agents the effort was to collect as much information as possible about the activities of groups, organizations, and individuals who might be involved in events that might be beyond the competence of local law enforcement to handle.

In pursuing its mission, Military Intelligence routinely developed liaison with officers in local law enforcement agencies.

The University Police Department was no exception. The Police Department's view of its relationship with Military Intelligence varies with the people one talks with, but the common thread in all reports from Police Department and Military Intelligence interactions are:

- a) 90-98% of the contacts were precipitated by and limited to legitimate security clearance record checks with the permission of the student (although during periods of tension on the campus, such as Spring 1970, the agents devoted all of their time to watching events and situations that might escalate beyond the control of local law enforcement).
- b) Most conversations about political action on the campus between the University Police Department and Military Intelligence were of a highly general nature about events rather than people;

- c) A major share of the information received by Military Intelligence from the University Police Department was publicly available from other sources (copies of hand - bills, flyers, and the Minnesota Daily);
- d) Military Intelligence was never permitted to study or otherwise routinely go through Police Department records and files; and
- e) The Police Department - Military Intelligence link was built on the traditional law enforcement assumption of cooperation between "enforcement" agencies with similar if not identical missions.

Notwithstanding the above, several findings of my inquiry raise disturbing questions about University Police Department practices and suggest the need for specific additional administrative policy to regulate them.

- a) On at least one occasion Military Intelligence did secure copies of University Police Department photographs at the request of the Military Intelligence agent, but in direct violation of existing University policy regarding the use of photographic records of political rallies and events (See Appendix C). It should be noted that Military Intelligence has its own photo-surveillance capability and routinely photographs demonstrations on the campus. There appears to be no way that University policy can prevent this practice.
- b) The University Police Department has regularly gathered information from student records in the Office of Admissions and Records under an interpretation of section 2, page 1 and section F, page 2 of the 1968 Regents' policy providing for the use of student record data for University "administrative service functions" (See Appendix B for cc of policy). The University Police Department has gathered information on approximately 4-5 students per week for the indefinite past and has done so without reporting to any officer of the University the purposes for which such information was being collected.
- c) The University Police Department does have stored photographs of events in apparent violation of University policy regarding the disposition of such photographs (See Appendix C);
- d) The University Police Department does maintain an event file which lists individuals who have participated in particular demonstrations and rallies.
- e) While the University policy on photo-surveillance of rallies and demonstrations (Appendix C) requires the police to seek when possible to notify the organizers of the rally of the intended photo-surveillance, - the police have not, in general, explicitly provided such notifications. However, it should also be pointed out that the University Police Department has never sought to conduct photo-surveillance in a covert manner. Officers with cameras, although in plain clothes, were in the

main known to the organizers of the events photographed during the past several years, and there was no effort by the police to masquerade their identity. Such photographic records have been used in court as evidence in several prosecutions.

- f) There is no written internal administrative policy within the University Police Department to interpret or enforce either the Regents' policy on Student Records or the Photographic Policy administratively adopted in November 1966.

These practices by the University Police Department indicate the need for clarified policy and lines of responsibility. Under present administrative practice in the Dept., the chief does not provide policy guidance for his personnel in this area. The entire range of issues surrounding inter-agency cooperation, records and file maintenance, Regents' and Central Administrative policy pertaining to information disclosure have never been the subjects for staff discussion within the Police Department.

The fact that the University Police Department gathers intelligence is not difficult to understand or defend in the light of events during the past several years:

1. The occupation of Morrill Hall in January 1968;
2. The demolition of a University Police Department squad car by explosives which but for unusual luck would have killed or injured members of the University Police Department;
3. The S.D.S. "trashing" raid on the Department of Criminal Justice Studies;
4. The Spring 1970 strike and its attendant disruptions;
5. The earlier uncovering of a dynamite cache in the West Bank area;
6. Attempt at deliberate burning of the ROTC armory this fall;
7. The national and local rash of bombings during the past summer and fall; and
8. The steady, if low level, rate of anonymous threats, public demands, and confrontations.

During this period three major areas of activity developed:

- 1) substantive curricula and governance reform to meet legitimate grievances when articulated;
- 2) frequent and time-consuming contingency planning to avoid over- and/or under-reaction to specific events; and
- 3) the development of minimally necessary information to make the contingency planning process something more than random guess work.

It seems clear that the University Police Department's mission to protect people and property on and around the campus requires that they become involved

in this process. The question then is not whether the police should be developing basic information, but whether this necessary activity is being conducted under proper civilian controls and lines of accountability. I think it fair to say that while conversation between central administration and the administration of the police department has been frequent and intensive in the last two years, this conversation has been largely directed toward specific contingency planning, and has not developed clear policy guidelines beyond those provided in the earlier statement on photographic surveillance, nor clear procedures defining the form and nature of the reporting and accountability to be asked from the Department. Thus guidance from central administration in this area has been casual, and the Department itself has not developed explicit policy guidance for its officers, nor effective communication to University administration of decision-issues arising from the Regents' policy on information, and the Administrative policy on photo-surveillance.

Foreign Student Surveillance - (See Appendix E statement by Office of the Foreign Student Advisor Regarding Alleged Surveillance.)

Charges have been made that foreign students have, from time to time, been subjected to political surveillance and been "coerced" into taking lie detector tests.

According to testimony of former Military Intelligence agents, several foreign students who had applied for commissions in the armed services or had sought employment for which a security clearance was required were requested to submit to lie detector tests to corroborate statements about their background which couldn't otherwise be checked in the field. The questionnaire did, apparently, include items about the individual's political beliefs and about his sexual practices. The latter were included when independently generated information suggested a possible problem that might affect the security clearance. Both questions were defended on grounds that they (a) provide parameters against which to read the results of the test; and (b) the substantive answers might make a difference as to whether the security clearance would be given.

I have not been able to secure the testimony of any individual foreign student to either confirm or deny that such students have been coerced into taking the tests.

The University Police Department did not administer lie detector tests to foreign students for Military Intelligence. The University Police Dept. has on two occasions conducted lie detector tests at the written request of the foreign students involved to clear them of certain criminal charges that were pending. The prosecuting agency in both cases indicated its willingness to accept positive results and to ignore negative results.

The Office of Foreign Student Advisor does provide Federal agencies with character reference interviews upon proper identification and with the student's consent. In the course of such character reference interviews, the staff does provide positive information. If information is derogatory, it is not revealed, and a check is made with the student as to how he wishes the staff to respond.

Towards the end of my investigation a memorandum was received describing extensive political surveillance of Taiwanese students and Chinese students from Taiwan at American universities by agents from the Chinese Embassy and regional Chinese consulates. (Appendix F).

The charges in this memorandum do not go to practices and policies of the U. of Minnesota since I have found no evidence that University officials have provided information to representatives of foreign governments regarding the activities of students who are foreign nationals.³ The issues raised in this memo go to national policy governing the behavior of foreign diplomats assigned to missions in the United States.

Other University Practices

Given the nature of the charges being made I have made explicit inquiry into the practices of other University units which maintain records and data files.

A. The Student Health Service has never provided information to any investigating agency without the explicit permission of the student, and then data was provided by an M.D. who used his professional judgment in determining what information would be given.

B. The Student Counseling Bureau has not provided investigating agents data on students who have used its services.

C. The ROTC has not provided data on students to investigating agents except where germane to a background investigation prior to a cadet's commissioning. Military Intelligence has (and continues to) maintain liaison with ROTC during periods when anti-ROTC demonstrations presented potential threats to the ROTC Armory of other government property associated with the ROTC program.

D. The Student Life Studies Bureau, which conducts various studies on student attitudes and behavior, has not provided data from its research to investigating agents.

E. The State Adjutant General's Office has prepared for the Governor's office a weekly summary of major events in Minnesota that might require the use of the National Guard. (See Appendix G for examples of these weekly intelligence summaries.) The University Police Department has been routinely contacted (along with other law enforcement

³ When students from USSR are on the campus, we are obliged to respond to inquiries from the FBI because of the travel restrictions imposed on such students in this country. There are at present no students from the USSR at the University of Minnesota.

agencies) during the time this summary was being prepared for the Governor's office. The information solicited and provided was solely related to events and appears to pose no problem within University policy. The state Adjutant General's Office neither sought nor was given access to any files or records of the University.

Summary and Recommendations:

It is clear that Military Intelligence and other government investigating agents have had access to student records and information in the office of Admissions and Records and have received verbal reports and some photos from the University Police Department on a basis that violates University policy.

Gaps in administrative policy in the Office of Admissions and Records have been corrected by T.E. Kellogg's memo of January 11, 1971 to the staff of his office. (Appendix H.) Further discussions should be held between Kellogg and the Vice President for Student Affairs to examine any remaining administrative gaps that need to be filled.

I am satisfied that the staff of Admissions and Records deeply regrets any past practices (basically pre- Jan. 1970) that violated University policy or in any way comprised the confidence of the University community in the integrity of the records system. They mean to restore that confidence by explicit administrative action and controls already in force.

The University Police Department's practices are more difficult to summarize. The police mission to protect people and property requires that they observe rallies and demonstrations and take preventive or enforcement action when required. While the U. of Minnesota has not been subjected to much violent protest during the past several years, there certainly has been enough to justify prudent police presence and observation of situations that contain the potential for violence and violation of law. Such police presence is necessary both to prevent violation of law, and to protect people who are not participating in a given event or who are participating in a thoroughly peaceful and lawful manner.

The issue goes to what kind of information is required for the police to meet their responsibilities; and where the decision and control points are in deciding what data and action are required for effective police protection of the University.

With respect to the former issue, I believe the University Police Department has developed information that is not necessary for them to meet their responsibilities, and the Dept. ought to be instructed to destroy any files or listing of individuals who have participated in lawful, non-violent events. In addition, photographs in police files of rallies and demonstrations ought to be destroyed or turned over to the University archives pursuant to existing University policy. (In general, I would recommend that photographing of events on the campus by the police be limited to events where reasonable presumption of law violation or University policy violation exists, and where the photographs are useful for evidentiary purposes.)

The matter of effective decisional and policy control will in part be dealt with in the reorganization of the administration of the University Police Department. The creation of the position of Director of Police Services and Development with explicit authority and responsibility for helping to make and administer policy in this area will provide necessary central direction for the Police Dept. in this field. In addition, the establishment of the Assistant Vice Presidency for Administration that I now hold will assure continuing central administrative review of practices and policies of the Dept. Without either of these positions the Vice President for Administration has simply been unable to devote sufficient time to provide the necessary central review in this area.

I would further recommend that the University Police Department not have access to University records and files except on the basis of explicit administrative decision on a case-by-case basis justifying the access. The University Police Department has full police powers and therefore, ought to be subject to the same civilian review and control that we expect of any policy agency. The excesses that have occurred in practices by the University Police Department are directly attributable to professional and agency protocols within the law enforcement profession and not to individual efforts within the Department to suppress political dissent or to intimidate members of the University community in the exercises of their rights.

In short, the police mission at this point in history is sufficiently delicate that the police ought not to be required to bear the burden of decisions about what information they require to meet their responsibilities.

Policy decisions in law enforcement work ought to be made by individuals who are directly responsible to the President of the University and the Board of Regents. It is unfair to the police agency itself to have it any other way.

As you know the University has a grant from the Governor's Crime Commission to develop for Minnesota a model campus police agency. The research phase of that program will devote attention to the question of the best way to organize and manage the Dept. to insure its full accountability and responsiveness to your office.

There do not appear to be any other areas of University policy and practice which have been violated in the collection or dissemination of records and information. It is my belief that the University does not need a new Regents' policy, but that there are administrative gaps which can be and already are being filled.

Responsibility

Since there were violations of University policy, are there individuals who are responsible who should be named in a report such as this?

There were, of course, individuals who were in direct communication with the Military Intelligence agents. However, it is my judgment (reinforced by the reports of the former agents with whom I have talked) that no deliberate violation of policy occurred; that the events occurred because of gaps in administrative policy; and that there would be no purpose served in identifying the specific individuals who provided information to agents of the Military Intelligence. Each of the former agents with whom I have talked have expressed the hope that there would be no need for such identification, and further expressed the view that based on their knowledge there was no need to remove anyone from their present position or otherwise censure individuals in order to achieve the changes required and suggested in this report.

Conclusion

The political and national turmoil of the past decade has produced a new phenomenon on the American scene, political and civil violence, which has required the use of local police and federal troops in new and demanding circumstances. The felt need for information at the national level has resulted in policies and practices which can only be effectively reviewed and evaluated at national policy levels. However, there are obviously issues

which have been raised which go to the significant matter of the use of information in a free society and its effect on citizens' rights to privacy and political expression. Every local institution such as the U. of M. bears the responsibility to insure that its practices and policies do not contribute to a pattern of events that in their collective impact have a chilling effect on free speech in the society at large. Had the office of Admissions and Records or the University Police Department not responded to even the small percentage of requests for information that were outside the scope of University policy, then that portion of the national pattern described on the First Tuesday program would have been eliminated.

Because I have been mindful of these very large issues, I have sought to report more than specific matters of fact in chronological order. A full understanding of what has happened here at Minnesota requires an effort at placing specific events into context. This I have tried to do.

All of the former Military Intelligence agents who have been assigned to the University of Minnesota, and with whom I have talked, have indicated their own concern that news accounts have distorted the real nature of what has happened on our campus. The risks are real enough, but there appear to be no practices that cannot be easily and permanently changed (if they have not already been altered) through administrative action and on-going attention. Our policy goal has been that information provided to the University or generated within the University must always be used for fully legitimate purposes, under proper lines of responsibility and accountability.

We in the administration bear a share of the responsibility for failure to meet this goal in the past. But I am certain that all units of the University that have responsibilities in this area are anxious to fill whatever administrative policy gaps exist. I feel that no one on this campus need fear any deliberate effort to circumscribe anyone's rights or privileges.

Appendix A

Interviews

1. Dean Arnold, Staff Admissions and Records
2. Col. Wm. Beard, Army ROTC, University of Minnesota
3. W. Donald Beatty, University of Minnesota Recorder
4. Donald Dwyer, former Chief of Police, Minneapolis, Minn.
5. Robert Frohlike, Ass't. Secretary of Defense for Administration
6. C.B. Hanscom, Chief, University Police Department
7. Calvin Hawkinsen, former Chief of Police, Mpls.
8. Richard Kasson, former Military Intelligence agent, 113th Reg. V.
9. T.E. Kellogg, Director of Admissions and REcords
10. Dorothy Kirsch, Clerk, Admissions and Records
11. John Lang, AP Reporter
12. Lt. Col. Donald Mattson, 113th, Reg. V, Military Intelligence
commanding officer
13. Gen. Chester Moeglein, Minn. State Adjutant General
14. Forrest Moore, Office of Foreign Student Advisor
15. Christopher Pyle, former Capt, Military Intelligence, attached to
Ft. Holabird, Md.
16. Col. William Siebern, Staff State Adjutant General's office
17. Wayne Sherman, former Investigator of P.C. Mpls. MN.
18. Lt. D. Telle, University Police Department.
19. R. Vernes, Dep. Chief, University Police Department
20. 5 other individuals, former MI agents, 113th, Reg. V, anonymous

POLICY ON STUDENT RECORDS

OTHER THAN ORGANIZATION MEMBERSHIP LISTS

ADOPTED BY THE BOARD OF REGENTS

ON JANUARY 12, 1968

At the meeting of December 8, 1967, Regent William K. Montague presented a report of the ad hoc committee on Membership Lists in Student Organizations and recommended a policy statement in this regard, which was approved. He reported further, that the Committee would present a statement of principles and practices for the handling of student records other than organization membership lists at the meeting of January 12, 1968.

On the recommendation of the ad hoc committee on Membership Lists in Student Organizations as presented by its Chairman, Regent William K. Montague, voted to approve the following statement of principles and practices for the handling of student records other than organization membership lists:

In addition to considering the problem of membership lists in student organizations, the Committee was requested to consider the problem of the confidential nature of other student records.

Besides academic papers, students enrolled in the University are required to give much information in order that the University may make reasonable judgment of their capacity and give intelligent advice as to courses to be followed. When a student submits such personal data and information, there is an implicit and justifiable assumption on his part that the University, as custodian of this data, will preserve its confidential nature. By requiring or requesting such information, the University gives assurance that the student information will be protected against improper disclosure.

Throughout the hearings, there was ample evidence that the University departments observed the following principles:

1. All student records are official University records for use primarily within the University. Appropriate University officials are held directly responsible and accountable for the careful protection against possible misuse of such records.
2. Within the University such records will be used for appropriate research, educational, and University service functions.
3. University officials responsible for the use of student records should require that there be no communication of such records outside of the University, except under proper

authorization and due consideration of the student's welfare, and the integrity and public obligations of the University.

The following recommendations are subject to those principles, but are not to be exclusive of other limiting regulations or restrictions by the proper University authorities. They deal with information contained in student records, and are not intended to prevent a staff or faculty member from making or refusing to make a personal statement or recommendation as to a student's general qualifications or character.

The records kept by the University vary in their nature and in the steps that must be taken to protect against improper disclosure.

The evidence of the date of a student's enrollment in the University, his address, the date of his enrollment termination, and -- in the event of his graduation -- the degrees received, are matters of public record. Therefore, the University departments may give out information in answer to inquiries without requiring authorization from the student.

Except under specific and unusual conditions determined by the Senior Student Personnel Officer of the department or campus, the academic records of studies pursued, grades obtained or abstracts of them, and academic ratings should not be disclosed to anyone except:

- (a) the student, and others on written authorization by the student;
- (b) his parents or legal guardian if the student is a minor;
- (c) for confidential educational research purposes to officials of other schools or colleges he has attended;
- (d) to a particular organization to which a student has applied for employment, and in writing has used the University as a reference;
- (e) to a college or university to which the student has applied for admission, or to a charitable or educational committee or organization to which a student has applied for, or from which he is accepting, specific scholarship grants in aid of his education;
- (f) within the University for appropriate research, educational and University administrative service functions; and
- (g) coded information not identifying a particular student may be released for research studies.

There are other groups of student records which are much more confidential. They include the interviews with student counsellors,

statements made in connection with intelligence or psychological examinations or inquiries, and other records of that description. The University cannot obtain such information, except under commitment as to its confidential nature. Such records should not be disclosed, except (a) under direct and special written authorization by the student, or (b) under direct and special order by the appropriate officer on each campus when he finds that extraordinary considerations justify their disclosure. Since such records may contain the notes and appraisals of the counsellors, such as their opinions on many aspects of the student's character and mentality, the appropriate officer on each campus may find it desirable to submit an abstract of the records, omitting such parts as , in his judgment, should not be disclosed.

There are medical records, including examinations of students by University doctors or psychiatrists, and hospital records where a student has been treated by the University hospital or health service. All such records should be given the same protection against disclosure as is given the records of examinations by private physicians and records of treatment in private hospitals. Due consideration should be given to the "Code for the Release of Confidential Information from Hospital Medical Records" of the Minnesota Hospital Association in every case. The Head of the Department concerned, or his designated representative, should pass on the question of what records should be disclosed, and under what conditions.

Some of the records referred to may be subject to legislative or judicial subpoena. In questionable cases, wherever possible, the subpoena should be referred to the University Attorney, or the attorney for the student, who may consider the question of whether the records are properly subject to the subpoena, and make such appearances before the court or other legislative or judicial body as will prevent their disclosure if not properly subject to the subpoena in a particular case. All staff and faculty members should be advised that a mere issuance of a subpoena does not authorize an examination of the records by parties not representing a student prior to their presentation to the proper officials.

The Committee feels that the various departments dealing with student affairs, in most cases, have established proper procedures to carry out these principles and other steps necessary to give the utmost reasonable protection to the confidential nature of students records. It suggests that the departments review their procedures and make certain that faculty and staff members understand and observe their regulations.

November, 1966

Appendix C

UNIVERSITY OF MINNESOTA POLICY CONCERNING SURVEILLANCE BY UNIVERSITY POLICE
OF RALLIES OR DEMONSTRATIONS HELD ON OR ADJACENT TO THE CAMPUS

I.

This statement of policy is intended as a confirmation and clarification of existing policies and procedures of the University Department of Police as these policies and procedures relate to open air rallies and demonstrations on or adjacent to the campus.

II.

The Department of Police has the primary mission of protecting insofar as possible the personal safety of all members of the University community, and of protecting the property of the University. In carrying out this mission as it relates to open air rallies or demonstrations on or adjacent to the campus, the Department gives essential support to such rights as lawful assembly and demonstration, including the very precious right of American citizens to assemble for purposes of lawful dissent from existing social or governmental policies. Thus the Department helps to make secure for the University community such values as a freedom of inquiry and expression.

III.

In carrying out its mission, the Department routinely provides some level of police surveillance for rallies or demonstrations which might in any way, in a given historical circumstance, lead to unlawful violence. This surveillance makes possible quick reaction by the police to protect the safety of persons engaged in lawful expression or demonstration, and to safeguard University property.

If observations made by the police officer or officers providing surveillance for a rally or demonstration lead to a judgment that there is reasonable danger of violence, it is prudent procedure for the officer or officers to call not only for an increased level of police protection, but also for a photographic record of the events in process. This photographic record can provide physical evidence of the lawful nature of a given rally or demonstration, should this become a legal question. It can also provide physical evidence of responsibility for acts of violence should these occur. In some circumstances, the photographic record also makes possible the retrospective study of possible relationships between the organization and conduct of a given rally or demonstration and any incidents of violence. Thus the record can aid in planning for the kind of police action necessary to prevent violence in analogous situations. In these ways, the photographic record is an important part of the protection that can be given to the rights of persons engaged in lawful rallies or demonstrations.

IV.

If, under the policies stated above, circumstances should call for photographs to be made of a demonstration or rally, certain stipulations should be made about their nature and use:

1. Insofar as possible, the photographs should be "panoramic" in nature, designed to give a clear record of the location, size, and structure of the demonstration or rally. They are not designed to identify the presence of any particular person at a rally unless that person is engaged in an unlawful act.

2. Unless germane to a legal action rising from a demonstration or rally, no effort is made to identify by name any person in the photographic record, nor are the photographs entered in any file or record pertaining to any given person.

3. The photographs are the property of the University and are not available to any person or group outside the University either directly or indirectly with the sole exception that they would be made available to other police agencies pursuant to their inquiry into a specifically alleged crime or other violation of the law arising directly out of a given rally or demonstration. Such exchange of information among police departments engaged in investigations of alleged law violations is a routine procedure from which the University Police Department benefits in its own investigations and aids in other investigations.

4. Unless a given rally or demonstration involves an incident which is an alleged violation of the law, or is likely to generate a violation of the law, the photographic record is either: a) destroyed, or b) transferred with the explicit approval of the organizers of the rally to University Archives.

5. If a photographic record is determined to be desirable for a given rally or demonstration, the Department of Police will insofar as possible make this fact known to the persons organizing this event. The Department will also make known the fact that if the organizers are members of the University community, and if the record might be useful to them as evidence of the nature, organization, and conduct of the rally or demonstration, it will be made available for inspection by the organizers.

mail request request

UNIVERSITY OF *Minnesota*

Appendix D

OFFICE OF ADMISSIONS AND RECORDS • MINNEAPOLIS, MINNESOTA 55455

To _____

In response to your recent request, the following information for the student identified below is public information and is, therefore, made available under the Regent's Policy dated January 12, 1968.

Name as Requested _____
last first middle maiden

Name of Record _____
last first middle maiden

Qtrs. of Attendance _____

Last Mailing Address _____

Degrees Earned _____
(date, major and honors included)

Information Provided By _____

Date _____

Information about courses taken, grades, grade point averages, and credits completed or transcripts cannot be released without a signed release or request from the student.

Other information which you may have requested is not available.

Appendix E

UNIVERSITY OF MINNESOTA

Office of the Adviser to Foreign Students
717 East River Road
Minneapolis, Minnesota 55455

January 6, 1971

STATEMENT REGARDING RELEASE OF INFORMATION ON FOREIGN NATIONALS

Comment on Events that Imply Surveillance of Foreign Nationals

The members of the staff of the Office of the Adviser to Foreign Students has had no information from individual students that would provide a factual basis for the recent statements in the news media indicating that intelligence agents on college campuses have attempted to influence foreign students to take lie detector tests and to give information regarding their sex practices and political views.

While the security sections of federal agencies have for a number of years requested information regarding foreign students who were applicants for employment in federal government and who needed to have a security clearance in order to be employed in sensitive research, this office has no knowledge of a general practice through which intelligence agencies would seek to interrogate foreign nationals. In fact, the Department of State has on a number of occasions indicated that agencies charged with security such as the Federal Bureau of Investigation and the Central Intelligence Agency have agreed not to approach foreign students on security missions.

If such approaches have been made at the University of Minnesota, it is a matter of concern to the Officer of the Adviser to Foreign Students and to the Vice President for Student Affairs. We would like to determine if, in fact, such practices have been engaged in, on the University of Minnesota campus, and, if so, to insure that appropriate preventive action is taken.

Individuals who have found themselves, or find themselves subjected to questions of the type mentioned or to pressures to respond to such questions should bring this to the attention of Vice President Donald Smith since this action is in conflict with stated policy of the U.S. Government.

Foreign Student Office Policy on Release of Information

The Office of the Adviser to Foreign Students follows general University policy in releasing information on students. In those cases where it is clear that the foreign national concerned is making a job application and is asking

January 6, 1971

a staff member of the office to furnish a letter or recommendation or other supporting document and when the information to be given is complimentary to the individual, no further action is taken to obtain a formal release from the individual. When the information could be viewed as derogatory, or when there is a question regarding the purpose for which the information is to be used, counselors in the office request a release statement from the individual student. In situations of a very sensitive nature, the individual student is asked to review the information being provided so that he may consider whether he wishes the information to be made available.

It is hoped that students who have questions regarding this policy or who have knowledge regarding the misuse of confidential information will get in touch with Vice President Donald Smith or with others concerned with this issue; Dr. James Reeves, Dr. Forrest G. Moore, or Mr. Vijay Gupta, President of the International Student Council.

Chiang Kai-Shek's Spies on
American University Campuses

Appendix F

Recently, ISC's asking "any foreign student who has a reason to believe he has been spied upon to report his experiences to F. Moore, director of the office of the Foreign Student Advisor. . . ." (January 13, Minnesota Daily), raises many issues of profound interest.

Dr. Marilyn Young of the Center for Chinese Studies at the University of Michigan in her letter to the editors of Newsletter (No. 3, March, 1969, published by Committee of Concerned Asian Scholars) pointed out that "Few American students can be unaware of the fact that the system of informal spies which permeates Taiwan has overseas branches throughout the United States. It is a safe assumption that no student from Taiwan, particularly if he is Taiwanese, can comfortably engage in public discussion of political issues unless he has permanently abandoned any intention of returning to the island."

We admire Dr. Young for telling the truth. Among Taiwanese and Chinese from Taiwan, there is no secret about the existence and operation of the Kuomintang (KMT) overseas spy network in every major American city and university campus. The Consulate Generals in New York, San Francisco, Chicago, Houston, Seattle and Boston direct the activities in each geographical region. The high command lies in the Cultural Attache of the Nationalist Embassy in Washington, D. C. Each local branch is operated by a small cell of special members. They submit regular reports to their supervisors based on information collected by the cells' eyes and ears. The major object of such reports deals with native Taiwanese, mostly with regard to the question of "loyalty" to the KMT regime. Suspicious elements are summoned by the Consulate Generals, who usually threaten to cancel their passports.

The Congressional Record (No. 151) of August 28, 1970, Mr. Hon. Donald M. Fraser gave specific examples. In August, 1968, Chen Yu-hsi was "tried and sentenced for apparently having read 'The Thoughts of Mao'. . . in the Oriental Section of the University of Hawaii's East-West Center Library." And in 1966, "Huang Ch'i-ming, a graduate student at the University of Wisconsin, home on a brief filial visit, was arrested and convicted on the charge of having attended meetings in Madison where the problem of Formosa was discussed. Dr. Young argued that suppose both Huang and Chen were guilty as charged. What does that mean about Chinese centers across the country? It means that we study with and among students who are under direct threat of imprisonment, afraid to discuss subjects of vital mutual concern. It means that we tolerate in our midst a disgusting atmosphere of fear and repression. It means that China centers have double standards for academic freedom--if you are Chinese, keep your mouth shut, for we can not help you if you get into trouble. Should American universities continue to accept students who cannot openly engage in the kind of intellectual exchange we pride ourselves in encouraging? Should we allow a foreign government to infringe upon the right of free speech on our campuses? "

The KMT overseas spies obviously serve as "agents of a foreign Government." Their activities have seriously threatened the freedom of academic pursuit. We urge the University to pay attention to the nature of their organization with regard to operation, membership, and financial sources. All agents should be expelled from school and deported to Taiwan.

A group of Formosan students
at the University of Minnesota

Appendix G

SUBJECT: Intelligence Summary for the Week of 2-6 Nov. 1970

The following information was obtained through contact with the Minneapolis Police Department, St. Paul Police Department, Ramsey County Sheriff's Office, Hennepin County Sheriff's Office, 113th Military Intelligence Group, Minnesota Highway Patrol, State Crime Bureau, Federal Bureau of Investigation, and the University of Minnesota Police.

A portion of the Selective Service records taken from the Worthington Selective Service office on October 29th were recovered last week in Clear Lake, 5 miles west of Jackson, Minnesota.

A rally is planned at Coffman Union on the University of Minnesota campus for the afternoon of Friday, November 6th, in support of the Black Panther Party and Indian groups. The rally supposedly was organized by Ken Burton, a student at Macalester College, who reportedly is trying to organize a Black Panther chapter in this area. Mr. Burton figured in an incident on Thursday, November 5th, in which his house was entered by search warrant by Minneapolis Police and FBI agents, and a large amount of Black Panther literature and a number of weapons were found.

Members of the Students for a Democratic Society (SDS) are planning daily demonstrations on the University of Minnesota campus during the week of November 9-13th. The demonstrations reportedly are in connection with the anticipated decision on Friday, November 13th, by the Board of Regents as to the future of ROTC activities on campus.

Macalester College students are conducting an Afro-American Culture Week from November 11th to November 16th, in connection with a Pan-African art festival. The featured speaker will be Mr. Emory Douglas, Minister of Culture of the Black Panther Party of California. In addition to speaking at Macalester he will speak at Augsburg, Gustavus Adolphus and Carlton Colleges.

Law enforcement agencies have reported receiving information that militant groups have in their possession a plastic-inclosed incendiary device which is designed to detonate three seconds after placement in the hands of a recipient. The reported intent is for the groups to use the device against police officers.

SUBJECT: Intelligence Summary for the Week of 9-13 November 1970

The following information was obtained through contact with the Minneapolis Police Department, St. Paul Police Department, Ramsey County Sheriff's Office, Hennepin County Sheriff's Office, 113th Military Intelligence Group, Minnesota Highway Patrol, State Crime Bureau, Federal Bureau of Investigation, and the University of Minnesota Police.

A rally in support of the "Minnesota 8", those persons accused of Selective Service Break-ins, in various communities, is scheduled for 2:00 P. M. on Sunday, November 15th. The rallying point is the Federal Building at 4th and Robert in St. Paul.

Mr. Emory Douglas, Minister of Culture of the Black Panther party in California, will speak at Carlton college on Friday, November 13th, at Macalester College on Saturday, November 14th, and at Gustavus Adolphus college on Sunday, November 15th. A rumor exists that Huey Newton, a national official of the Black Panther party, may arrive in the Twin Cities on Saturday, November 14th.

Minneapolis police have arrested a Ronald Lindsey Reed, wanted for bank robbery in Omaha and also a suspect in the James Sackett murder in St. Paul. On his person was found literature which indicated the possibility of the hijack of an airplane and passengers to hold as hostages in exchange for "political prisoners" and suspects in the Sackett murder case. A note indicating their demands was to be delivered through the control tower to Governor LeVander, the FBI, and other agencies. The literature also implied a plot to kidnap Governor LeVander and/or Mrs. Butler.

SUBJECT: Intelligence Summary for the Week of 19-23 Oct 1970

The following information was obtained through contact with the Minneapolis Police Department, St. Paul Police Department, Ramsey County Sheriff's Office, Hennepin County Sheriff's Office, 113th Military Intelligence Group, Minnesota Highway Patrol, State Crime Bureau, Federal Bureau of Investigation, and the University of Minnesota Police.

A peace demonstration march is scheduled in Minneapolis on October 31st. The march is to begin at 12:00 noon beginning at two points, the University of Minnesota campus and Lake Harriet, and is to terminate at Loring Park in downtown Minneapolis. The event is reportedly sponsored by the Minneapolis Peace Action Council.

A group of individuals known as the "Minnesota 8 Defense Committee" is planning a rally at the University of Minnesota campus on 30 October 1970. This group is concerned with the legal defense of the individuals involved and indicted following recent draft board breakins. Information indicates that the group plans to conduct a march from the State Capitol to the St. Paul Federal Building on the opening day of the trial of the individuals which is tentatively set for November 2, 1970. The march is scheduled to commence at 9:00 a.m.

Rumors persist regarding the possibility of approximately 150 members of the "Hells Angels" Motorcycle Club visit to the Twin Cities. Information indicates that certain members of the Hells Angels organization are interested in obtaining names of informants involved in recent arrests of motorcycle club members.

Bomb threats, bomb scares, and false bomb reports continue to be received by local and out-state police departments. The number of incidents involved has been declining.

January 11, 1971

Memo to All Personnel, Office of Admissions and Records

From: T. E. Kellogg, Director of Admissions and Records

I would like to reaffirm the fact that all persons in the office are responsible for understanding and following the January 12, 1968 policy of the Board of Regents on the release of student record information. Bureau supervisors and members of the administrative staff should have copies of the policy in their files. Each staff person should review it himself, and with those office personnel for whose work he is responsible. Additional copies are available in my office. Review of the policy and of our operating procedures should be planned on a regular basis.

As a reminder, the following points summarize the general operating procedures of the Office of Admissions and Records as regards the release of information under the Board of Regents' policy:

1. Only the following items about a student's record are considered public information:
 - his address
 - the date of his enrollment
 - the date of his enrollment termination
 - his University degree, if any

Such information may be made available without a student's release by office personnel so authorized by their supervisors.

2. The transcript bureau is authorized to release transcripts to the student himself if properly identified and to others only with the student's written permission.
3. All requests for individual student record information from sources external to the University which are not explicitly covered by items 1 and 2 should be referred to Mr. Fisher's office for handling, under the Board of Regents' policy. (Mr. Hammel in Saint Paul).
4. Authorized Admissions and Records bureau personnel under the direction of bureau supervisors may release academic record information to University student personnel officers and to persons on their staff they designate, for administrative and service functions.
5. All requests for individual student record information from University personnel, not included in item 4, should be referred to the appropriate administrative staff member in the Office of Admissions and Records who will handle the request under the Board of Regents' policy.

January 11, 1971

Student's Record Memo - Page Two

6. Under no circumstances is a student's file to be given to any person not an Admissions and Record staff member - with or without written release. Office staff members should seek access to student files only as required in performing their assigned duties.
7. All requests for student record data for research purposes (from internal or external sources) should be referred to Dr. Preus or Dr. Pazandak. Also all requests for data which will be retrieved by computer processing should be similarly referred. These requests will be handled according to the Board of Regents' policy.
8. Only Admission and Records staff members are normally allowed in the working areas of the office. Others must have the permission of the appropriate administrative officer on each occasion. Access to the working area should be permitted only for authorized activities which cannot be performed elsewhere.
9. All situations not covered by this memo, and all unusual or doubtful circumstances should be brought to my attention promptly.

March 18, 1968

Appendix I

To: All Record Bureaus

Recently the Board of Regents issued a policy statement regarding the release of information concerning students. This action does not materially change the general policy which we have followed. Please review this policy with personnel under your direction.

General Policy Regarding Issue of Record Information

Public Information which is routinely published

- a. Address Book
 1. Name
 2. Fact of attendance
 3. Dates of attendance
 4. Classification, freshman, sophomore, etc.
 5. Home town
 6. Address, telephone number

- b. Commencement Program
 1. Degree
 2. Major
 3. With or without honors

Above information, because public, may be issued by phone, in person, or by letter without question.

Confidential information may be issued to

- a. Parents
- b. Present or prospective employers
- c. Other institutions the student may be attending or applying for membership, admission
- d. Professional organizations to which the student is applying for membership
- e. State licensure boards to which the student is applying for licensure, etc.

Above inquiries answered if made in writing, specifying the reason for the request. Confidential data made available to identifiable persons specified above. F. B. I. agents and Department of Protection and Investigation agents when identified are privileged to full access to all information without questions. Military security agents are also entitled to full information upon identification. U. S. Probation Officers - O. K.

Any questions regarding the release of information should be referred to your supervisor.

W. Donald Beatty
Recorder

General Policy Regarding Issue of Record Information

Public Information which is routinely published

- a. Address Book
 1. Name
 2. Fact of attendance
 3. Dates of attendance
 4. Classification, freshman, sophomore, etc.
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- c. Other institutions the student may be attending or applying for membership, admission.
- d. Professional organizations to which the student is applying for membership.
- e. State licensure boards to which the student is applying for licensure, etc.

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Confidential data made available to identifiable persons specified above.

F. B. I. agents and Department of Protection and Investigation agents when identified are privileged to full access to all information without questions. Military security agents are also entitled to full information upon identification. U. S. Probation Officers - O. K.

Release of Information
Policy Statement
of
the College of Liberal Arts

There is an implicit and justifiable assumption on the part of a student that the University as custodian of personal data and information about him will preserve its confidential nature and protect such information against improper disclosure. This general statement, affirmed by the Board of Regents on January 12, 1968, has been extended in practice by the College of Liberal Arts for many years. This is a formal and explicit statement of these practices:

The privacy and confidentiality of all student records shall be preserved. Official student academic records, supporting documents, and other student files shall be maintained only by members of the College staff employed for that purpose. Separate files shall be maintained of the following: 1) academic records, 2) supporting documents and general educational records, 3) materials designated by the student as available to outside agencies.

There are different policies for release of information within and outside the University. No information in any student file may be released to anyone outside the University except with prior explicit consent of the student concerned or as stated below:

Outside the University

1. Any legitimate inquirer may be given the school and division of enrollment, periods of enrollment, degrees awarded, major field, and honors.
2. Properly identified officials from federal, state, and local government agencies may be given upon express request, in addition to the information in 1, the name and address of a minor student's parent or guardian.
3. Information specifically placed in a separate informational file by the student for release outside the University may be released to any inquirer the student designates.
4. Information requested by legislative or judicial subpoena may be released only upon determination by the University and its legal counsel and the student and his attorney that such information would not be discriminatory or tend to degrade the student and is properly subject to subpoena. In the event the University or the student contests the subpoena unsuccessfully in court, the information must be released under legal compulsion.
5. Scores for those tests which CLA requires for admission may be released to another school to which the student has applied.

Within the University

1. College Office files are not available to other than College Office personnel. Instructors or advisers wishing further information about a student are encouraged to contact the Directors of Upper and Lower Division, the Senior Advisers, the Scholastic Committee Representatives, and the Coordinator of Freshman Advising.
2. Departmental faculty advisers will be sent only a student advisee's transcript, his probationary status, the Lower Division Personal Inventory, the Sophomore Program Plan, and notification of the availability of admission test scores and high school grades. For Upper Division students the adviser will also receive the Upper Division application form and the Cumulative Record form.
3. When the professional judgment of a College office faculty staff member deems it in the best interest of an individual student, information may be released to a campus agency concerned with that student if the agency's release of information policies are congruent with those of CLA as outlined above.