

Canada lags while Americans pass disclosure law

MONTREAL (CUP) - Colleges and universities throughout the United States are adopting strategies ranging from the destruction of documents to Congressional lobbying in order to escape the consequences of legislation that would give students complete access to their personal files.

The law, which became effective last week, denies federal funds to any school that refuses to allow parents, or students over 18, to examine their file. It also requires the schools to correct errors found in the file, and prevents the dissemination of the information in the file without the permission of the individual.

Most Canadian universities do not allow students access to personal files. For example, students at Loyola campus of Concordia University do not have the right to examine their complete file to check its accuracy, as certain parts of it are classed as confidential by the records office.

Loyola's records office claim that this is necessary because some of the material, such as letters of recommendation, was intended to be confidential when it was put in the file.

American universities are also using this defense, and claiming that people will no longer be willing to write candid letters of recommendation. Some officials say this will lead to a greater reliance upon quantitative data, such as test scores and high school marks, as the criteria for admission to university.

Colleges and universities in America are working to have the implementation of the legislation postponed to give them time to lobby for changes in the bill.

Many have publicly expressed their dissatisfaction, and others are working more actively for a delay. The University of Chicago has sent two faculty members to Washington to lobby against the bill.

Most institutions seem to be working on the assumption that they will win a postponement, but contingency plans have been prepared by some colleges.

"If postponement doesn't work out, then we will immediately turn to legal counsel," said Kelsey Murdoch, assistant to the president at Brown University.

University officials are claiming that the bill was aimed at lower levels of education, where abuses

of the individual's right to privacy have been more frequent. Elementary and high schools have been known to make files containing unsubstantiated allegations about the student and his family available to outside agencies, while keeping the information secret from the student and his parents.

However, a spokesman for James Buckley, the Conservative-Republican senator who sponsored the law has denied this.

"It was our initial thought that all educational institutions receiving federal funds should have this condition for receiving aid," he said.

Student groups in the U.S. have supported the move to open files. The Student American Medical Association "has complained bitterly about the excessive power that the professors in medical school have. The professors can make unfavourable comments in the students records, but the students don't know it and don't know what they are doing wrong," the spokesman said.

While some senators have indicated that they will introduce legislation to have the implementation of the bill postponed, Buckley has said he will not accept any delay, although he is planning to clarify some aspects of the bill with amendments.

He has indicated that it may be possible to allow students to waive their right to see such document as letters of recommendation, although he is wary of the danger of blanket waivers that would destroy the intent of the law.

The impact of the bill, which has been described as "the enactment of long overdue civil rights" is having a great deal of impact in the U.S. Harvard University has begun to remove confidential letters from the files of 16,000 students, and Yale has said they are waiting for a court test of the law before giving students access to the letters of recommendation.

The United Federation of Teachers has supported the need for the bill, but complained of problems in implementing it. They are particularly concerned with the problem of judging any claims that the material is inaccurate.

"If a professor's evaluation, filed with the student's department, says that the student shows little creativity in his written work, must the institution offer a hearing on the issue of the student's

creativity?" asks Albert Shanker, president of the United Federation of Teachers.

Buckley has blamed the Department of Health, Education, and Welfare for this problem, saying they have refused to fulfill

their obligation to draft the guidelines for use of the law.

In the past Loyola's records office has justified the secret files by saying they operated according to policies drafted by the American

Association of Collegiate Registrars and Admissions Officers. It is

not known if they will change in their practice if the law becomes accepted in the U.S.

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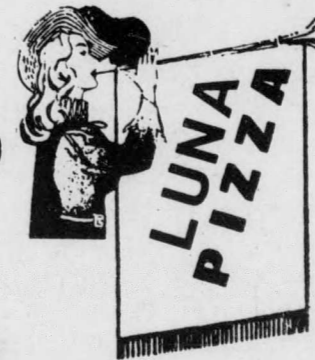
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