

NOTICE OF REGULATION REPEAL

May 8, 2008

DEPARTMENT OF EDUCATION

Division of Universities
University of North Florida

REGULATION TITLE:

Student Records - Accessing

REGULATION NO.:

6C9-3.015

SUMMARY:

The repeal is being undertaken in order to establish and implement a policy that is current and in accordance with present University practice and procedure.

FULL TEXT:

The full text of the regulation for repeal is attached.

AUTHORITY:

Resolution of the Florida Board of Governors dated January 7, 2003

UNIVERSITY OFFICIAL INITIATING THE REPEALED REGULATION:

Victoria Buonomo Lane, University Registrar

INDIVIDUAL TO BE CONTACTED REGARDING THE REPEALED REGULATION:

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Any comments regarding the repeal of the regulation must be sent in writing to the contact person on or before May 29, 2008, to receive full consideration.

6C9-3.015 Student Records – Accessing.

(1) Introduction. The policies and procedures outlined in this rule are designed to implement the provisions of the Family Educational Rights and Privacy Act (“FERPA”) as detailed in Part 99 of Title 34 of the Code of Federal Regulations, Sections 228.093 and 240.237, F. S., and Board of Regent’s Rule 6C-6.015, F.A.C.

(2) Definitions. The following definitions of terms apply to the construction of this rule:

(a) Student – an individual who is registered for an on or off campus program leading to the award of academic credit from the University. “Student” does not include individuals participating in the common Learning Network, Language Institute, Gifted programs, Speech and Hearing Clinics and non-credit Continuing Education programs.

(b) Education records – those official records which are created, maintained, and used by the University and employees/agents of the University, which contain information directly related to a student.

1. “Record,” as used herein, includes any information or data recorded in any medium, including but not limited to electronic data, handwriting, print, tapes, film, microfilm, and microfiche.

2. “Agents,” as used herein, means any individual who, pursuant to express or implied authorization, represents and acts for the University.

(c) The following types of records are expressly exempt from the definition of “education records”:

1. Sole possession records – personal record of University employees/agents which meets the following test:

a. It was created by the University employee/agent as a personal memory aid; and

b. It is in the sole possession of the University employee/agent who created it; and

c. The information contained in it has never been revealed or accessible to any other person except for a temporary substitute for the employee/agent. “Temporary substitute,” as used herein, means an individual who performs on a temporary basis the duties of the University employee/agent.

2. Employment records – records made and maintained by the University which relate exclusively to a student in his/her capacity as an employee and which are not available for use for any other purpose. However, the following are education records rather than employment records:

a. Records relating to a student’s employment by the University if the position in which the student is employed depends on his/her status as a student.

b. Records relating to a student’s employment by the University if the student receives a grade or credit based on his/her performance as an employee.

3. Pre-attendance records – records relating to an individual’s application for admission to the University of North Florida prior to his/her actual attendance as an enrolled student in the program for which application was made. This includes records relating to an application for admission to one of the colleges within the University prior to the individual’s actual attendance as an enrolled student in that college.

4. Alumni records – records created and maintained on an individual as an alumnus/alumna of the University of North Florida.

5. Law enforcement records – records created and maintained by the University’s Division of Public Safety (including the Department of Traffic Services) which are used solely for law enforcement purposes, are maintained apart from education records, and are not disclosed to individuals other than law enforcement officials of the same jurisdiction in the exercise of that jurisdiction;

6. Health records – records of the University’s Student Health Service which are used only for the provision of medical, nursing, immunizations, psychiatric and psychological treatment, which are kept separate from education records, and which are available only to University physicians, psychiatrists, psychologists, and nurses or other recognized professionals providing treatment; provided, however, that such health records may be disclosed in health and safety emergencies. Students may have access to their files only after they have produced a picture I.D. such as a driver’s license and signed a release stating what records are being requested. In addition, a student may designate a physician or other appropriate professional as his/her agent for purposes of review. Student Health Services will only release medical records if a student mails or faxes a written release which must include their name, social security number and signature.

7. Career Development records – records created and maintained by Career Development which are used for the purposes of employment and recruitment and disclosed only by permission of the student whose name and identification are presented on the documents. “Employment packet” for Education students requires written consent from the student. Students completing the Career Development “registration desk” for purposes of on-campus recruiting and resume referrals record permission on a candidate

information screen which will release or suppress their information from being obtained from the Career Development data base. These records are maintained for one year and are purged (if not updated) from that date. Students may have access to these files but are restricted from removing original information from Career Development.

8. Personal Counseling records – records created and maintained by Personal Counseling which are used solely for the provision of mental health services and in compliance with the requirements of the Sections 490.0148 and 491.0148, F.S., prescribing minimum record keeping requirements. Records are maintained apart from education records, and are not disclosed to any individual without a written waiver by the student or student’s authorized representative or by issuance of a court order or subpoena.

9. Other information, files, or other data which do not permit the personal identification of a student.

(d) Personal identifier – any data or information that relates a record to an individual. This includes the individual’s name, the name of the individual’s parents, or other family members, the individual’s address, the individual’s social security number and any other number or symbol which identifies the individual, a list of the individual’s personal characteristics, or any other information which would make the individual’s identity known and can be used to label a record as the individual’s record.

(e) Directory Information – includes the student’s name, address, telephone number if it is a listed number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(3) The University shall provide notification annually to students of their rights relating to education records, including the right to file complaints, the procedures to be followed in order to exercise such rights, the types of information entered in the education records maintained by the University, and the University’s policy to support the law. Notifications are published in the University catalog, the Student Handbook, the Fall semester class schedule, and as a brochure available in the Office of Records & Registration.

(4) Policies and Procedures for Access and Release. Personally identifiable information contained in student education records shall be released, or open for inspection only to the student, or parents of dependent students as defined in Section 152 of the Internal Revenue Code of 1986. “Personally identifiable” means that the data or information includes the name of the student, the student’s parent, or other family member, the address of the student, a personal identifier such as the student’s social security number or a student number, a list of personal characteristics which would make the student’s identity easily traceable or other information which would make the student’s identity traceable. The custodian of the records shall require the student, or parents of the student when applicable, requesting access to or release of the records to present proper identification such as a valid driver’s license or passport. The request must be in writing and signed by the person seeking access or release. A copy of the request for access or release shall be retained in the student’s file. The custodian shall have thirty (30) days in which to comply with the request. When the record includes information on more than one student, the custodian shall release, or permit access to only that part of the record which relates to the student who is the subject of the request. Students requesting the release to others of personally identifiable information contained in the student’s education records must provide the custodian of such records with a signed, written request specifying the information to be released, the purpose(s) for such release, and the person or organization to whom such information shall be released. A copy of all requests for access and release shall be retained by the custodian of the records and shall be available for inspection and review by the student or a parent. The University reserves the right to deny a request for copies of education records made by a student or a parent when there is a financial obligation to the University which has not been satisfied or when there is an unresolved disciplinary action pending against the student.

(5) The University will charge the following fees for furnishing copies of student records and reports, or any material included therein:

(a) Copies of official transcripts – The first 5 copies are free and each additional copy is \$5.00. Charge for unofficial transcripts is the same charge as for any other educational record. The University may charge actual administrative costs incurred for search, retrieval and mailing.

(b) Copies of all other educational records – Fifteen cents (\$.15) per page for copying, plus any administrative costs incurred for search, retrieval and mailing.

(6) Categories and Custodians of Records. Responsibility for custody of all student records belongs to the vice president or designated University official in charge of the area in which the records are maintained. The following categories of student records are maintained by the University and are kept under the supervision and control of the designated custodian(s):

(a) Cumulative Academic Records are maintained by the Director of Records and Registration.

(b) Law Enforcement Records are maintained by the Director, University Public Safety.

- (c) Placement Records are maintained by the Director, Career Development.
 - (d) Continuing Education Records are maintained by Dean of Continuing Education.
 - (e) Housing records are maintained by the Director of University Housing.
 - (f) Disciplinary Records are maintained in the Office of the Vice President for Student Affairs.
 - (g) Personal Non-Academic Counseling records are maintained by the Director, Personal Counseling.
 - (h) Student Financial Aid records are maintained by the Director, Student Financial Aid.
 - (i) International Student Records are maintained in the:
 1. Division of Academic Affairs, Office of International Programs, and
 2. Division of Student Affairs, Office of Minority and International Student Affairs.
 - (j) Academic Advisement records are maintained in each college in the appropriate academic advisement office. Additionally, academic advisement records may be maintained by departments for students who are majoring in fields of study taught by the department.
 - (k) Cooperative Education records are maintained by the Director of Experiential Learning.
 - (l) Employment records are maintained by the Director, Office of Human Resources.
- (7) Use of Education Records. All custodians of a student's education records and other University employees/agents will follow a strict policy that information contained in a student's education record is confidential and may not be disclosed to third parties without the student's prior written consent except as otherwise provided in this section.
- (a) University officials shall have access to student education records for legitimate educational purposes.
 1. "University official," as used herein, means:
 - a. A person currently serving as a member of the Florida Board of Regents.
 - b. A person under contract to the Florida Board of Regents/University of North Florida or the Florida Department of Administration in any faculty or staff position at the University of North Florida.
 - c. A person employed by the Florida Board of Regents as a temporary substitute for a staff member or faculty member at the University of North Florida for the period of his/her performance as a substitute.
 - d. A person employed by the Florida Board of Regents or the Department of Administration or under contract to the Florida Board of Regents to perform a special administrative task for the University of North Florida. Such persons may be employed as secretaries, clerks, attorneys, auditors, and consultants. They shall be considered to be University officials for the period of their performance as an employee or contractor.
 2. "Legitimate educational purpose," as used herein, means a University official's need to know in order to:
 - a. Perform an administrative task outlined in the official's position description or contract; or
 - b. Perform a supervisory or instructional task directly related to the student's education; or
 - c. Perform a service or benefit for the student such as health care, counseling, student job placement, or student financial aid.
 - (b) The Records Custodian may, following the review and approval of the Director, Records and Registration, make disclosures of personally identifiable information in the student's education records without the consent of the student to the following persons or organizations:
 1. To another college or university where the student seeks or intends to enroll.
 2. To certain federal and state officials who require information in order to audit or enforce legal conditions related to programs at the University supported by federal or state funds.
 3. To parties who provide or may provide financial aid to the student in order to:
 - a. Establish the student's eligibility for financial aid;
 - b. Determine the amount of financial aid;
 - c. Establish the conditions for the receipt of the financial aid; or
 - d. Enforce the terms of the agreement between the provider and the receiver of the financial aid.
 4. To state or local officials in compliance with state law adopted prior to November 14, 1974.
 5. To an individual or organization under written agreement or contract with the University of North Florida or the Florida Board of Regents for the purpose of conducting a study on the University's behalf for the development of tests, the administration of student aid, or the improvement of instruction.
 6. To accrediting organizations to carry out their accrediting functions.
 7. To parents of a student if the parents claim the student as a dependent under the Internal Revenue Code of 1954. The

University will provide such information only on the condition that evidence of such dependency is furnished.

8. To comply with a judicial order of a court of competent jurisdiction. The University will make a reasonable effort to notify the student before it makes a disclosure under this provision.

9. To comply with a lawfully issued subpoena. The University will make a reasonable effort to notify the student before it makes a disclosure under this provision.

10. To credit bureaus, in connection with an agreement for financial aid which the student has executed. Such information may only be disclosed to the extent necessary to enforce the terms and conditions of the financial aid agreement.

(c) University officials are authorized to make necessary disclosures from student education records, without the student's prior consent, in a health or safety emergency, if the University official deems:

1. The disclosure to be warranted by the seriousness of the threat to the health or safety of the student or other persons; and
2. The information disclosed is necessary and needed to meet the emergency; and
3. The persons to whom the information is disclosed are qualified and in a position to deal with the emergency; and
4. Time is an important and limiting factor in dealing with the emergency.

(d) University officials may only disclose personally identifiable information contained in a student's education record as outlined in this rule or upon the student's prior written consent. The written consent must include the following:

1. A specification of the information the student consents to be disclosed;
2. The person or organization or the class of persons or organizations to whom the disclosure may be made; and
3. The date of the consent and, if appropriate, a date when the consent is to be terminated; and
4. The student's signature.

(e) The student may obtain a copy of any records the University discloses pursuant to the student's prior written consent.

(8) Challenges to the Content of Records.

(a) Current and former students are entitled to a response from the University to reasonable requests for explanation and interpretation of their records and to an opportunity for a hearing to challenge the contents of their educational records in order to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained, and to insert into such records a written explanation by the student regarding the content of such records. The University will attempt to settle a dispute with the student regarding the content of the student's educational records through informal meetings with the student.

(b) Any challenge to a student's record that cannot be resolved in the office maintaining the record shall be processed through the student grievance procedure. Student Grievance Procedure information may be obtained from the Office of the Vice President for Student Affairs.

(c) If, as a result of a hearing, the University decides that the information is not accurate, is misleading, or is otherwise in violation of the privacy or other rights of the student, it shall inform the student of the right to place in the educational record of the student a statement commenting upon the information in the educational record and/or setting forth any reasons for disagreeing with the decision of the Institution.

Specific Authority 240.227(1), 240.237 FS. Law Implemented 228.093, 240.237 FS. History--New 5-13-93.