

	<b>Florida Gulf Coast University</b> Policy Manual	<b>Policy: 3.006</b> <i>FKA Policy: 3.21</i> Approved: June 29, 2004
	<b>Title</b> Education Records Policy	<b>Responsible Executives:</b> Provost; and Vice President for Administrative Services  <b>Responsible Office:</b> Office of the Registrar

**POLICY STATEMENT**

The Family Educational Rights and Privacy Act of 1974 (FERPA) provides students with several important rights and privileges relating to their education records maintained by Florida Gulf Coast University (FGCU). This education records policy and related procedures offer a general overview of FERPA and provide guidance to University employees with respect to handling education records.

**REASON FOR POLICY**

Florida Gulf Coast University maintains education records and is responsible for their custody, maintenance, disposal, release and alteration. Improper management of education records exposes the University to significant risk and penalties to include the risk of having all federal funds withdrawn from the institution. The reason for the policy is to ensure FGCU's compliance with FERPA.

**WHO SHOULD READ THIS POLICY**

All faculty, staff and students of the University

**PROCEDURES**

Florida Gulf Coast University's records relating to students fall into two categories: Education records and other information. FERPA provides students with several important rights and privileges relating to their education records at FGCU and imposes certain obligations upon the University and its employees, representatives and agents. Below, the University sets forth its records management procedures:

Roles of the Registrar, Director of Institutional Research and Analysis, and Director of International Services

The Registrar is designated as the education records custodian and FERPA compliance officer for the University. The Director of Institutional Research and Analysis is designated as the University's data administrator and officer responsible for electronic reporting of general student information, data and records to state and federal agencies and officials. The Director of International Services is designated as the officer responsible for reporting to state and federal agencies and officials for matters relating to international students.

Student Rights under FERPA

In accordance with FERPA, FGCU shall afford each student the following rights with respect to his or her education records:

- The right to inspect and review his or her education records within forty-five (45) days of a request to do so;
- The right to request an amendment of the student's education records to ensure that the records are not inaccurate, misleading or otherwise in violation of the student's privacy or other rights;
- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent;
- The right to file a complaint alleging a violation of FERPA with the Family Policy Compliance Office of the United States Department of Education; and
- The right to obtain a copy of FGCU's student records policy.

Disclosure of Public or Directory Information

Notwithstanding the above, the University may, at its discretion, disclose certain classes of education records without a student's consent. This public information is referred to as "directory information" and is of a nature that disclosure would not result in harm or an invasion of privacy. The University designates the following classes of education records as "directory information":

- Student full name
- Telephone listings
- Major/field of study

- Enrollment status
- Class status
- Dates of attendance
- Degrees received and dates of conferral
- Honors and awards received
- Most recent educational institution attended prior to FGCU
- Participation in officially recognized activities and sports
- Participation in intramural events
- Weight and height for athletic team members
- University email address

Student's Request for Nondisclosure of Directory Information

A student may elect to block the disclosure of his or her "directory information." To do so, the student must make a formal written request of the Registrar. The student's request remains valid throughout the student's academic career with the University, unless subsequently revoked in writing by the student.

Upon receiving a request for non-disclosure of directory information, the University will not release any directory information about the student without the student's prior written consent, except to the extent otherwise authorized or required by FERPA or other laws.

Procedure for Disclosure of Directory Information

Prior to releasing directory information to parties external to the University, University officials are required to verify with the Registrar that the student has not submitted a request for non-disclosure of his or her directory information.

Annual Notice to Students of FERPA Rights

The Registrar shall annually inform students of the above-mentioned student rights under FERPA by publishing a notice in the FGCU Catalog and in other appropriate locations. The annual notice also shall prescribe the procedures whereby a student may make a formal request for non-disclosure of directory information, exercise the right to inspect and review education records, request an amendment of education records and obtain a copy of the University's education records policy.

Additional Disclosures Not Requiring a Student's Consent

In addition to permitting disclosures of directory information as described above, FERPA allows the University to disclose education records without the student's prior written consent in the following circumstances:

1. To University officials with a legitimate educational interest in accessing the information;
2. To another educational institution where the student seeks or intends to enroll;
3. To authorized representatives of the Attorney General of the United States, the Comptroller General of the United States, the Secretary of Education of the United States, or state and local education officials who require information to audit or enforce legal conditions related to programs at the University that are supported by federal or state funds;
4. To persons or organizations providing financial aid to a student or to which a student has applied for financial aid, if the purpose is to determine eligibility, amount or conditions of aid, or to enforce the terms of the aid;
5. To state or local officials in compliance with state laws adopted prior to November 19, 1974;
6. To an individual or organization conducting a study (collectively "consultants") to develop, validate or administer tests, student aid programs, or improve instruction for, or on behalf of, the University or other lawfully authorized education officials of the State of Florida;<sup>1</sup>
7. To accrediting organizations to carry out accrediting functions;
8. To parents of a dependent student as defined by the Internal Revenue Code. The University will exercise this option only upon submission and verification of evidence proving such dependency;

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<sup>1</sup> Care must be taken to ensure that consultants will not re-disclose the personally identifiable information of students and that the consultants promptly and appropriately destroy such information upon conclusion of the study. Contracts between the University and such consultants shall contain a provision requiring appropriate records confidentiality and destruction procedures.

9. To comply with a lawfully issued subpoena or order of a court of competent jurisdiction;<sup>2</sup>
10. To inform the victim of a violent crime committed by a student of the disciplinary proceeding outcome under the FGCU Student Code of Conduct; and
11. To appropriate medical or government authorities in a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or others.

Procedures for  
Disclosure of  
Non-Directory  
Education Records

FGCU has a duty to record and maintain a record of each release of personally identifiable information from a student's education records, except when the request for information is received from the respective student, when the request is from a University official with a legitimate educational interest or when the request is for directory information. The Registrar shall maintain a record of the names of external parties to whom education records have been released. This record shall be kept with the education record.

When providing requested records, the Registrar shall advise external parties that the information may be used only for the purpose for which it was requested and that the information cannot be re-disclosed to any other individual or organization. A student may obtain a copy of any records that the University disclosed to external parties upon the student's written request.

University employees are required to coordinate all requests for disclosure of education records through the Registrar, except when such request is made for directory information, by a University official with a legitimate educational interest or by a student for his or her own education records. As mentioned above, University employees must confirm with the Registrar that a student has not requested the non-disclosure of directory information prior to releasing such information to parties external to the University.

Notwithstanding the above, the Director of Institutional Research and Analysis and the Director of International Services shall

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<sup>2</sup> In advance of compliance with a subpoena or court order, the University will make a reasonable effort to notify the student unless the document states that providing prior notice would compromise the confidentiality of an investigation or other legal proceeding such as a grand jury.

release student information and records to state and federal officials as necessary to fulfill the University's reporting obligations. They are not required to coordinate such reports through the Registrar.

Right of the University to Deny Access to Education Records

The University reserves the right to deny a student access to the following education records:

1. The financial statements of the student's parents;
2. Letters and statements of recommendation for which the student has waived in writing his or her right of access; or
3. Other records that are excluded from the FERPA definition of education records and are not public records under Florida's Public Records Law, Chapter 119, Florida Statutes.

Education Records Relating to Multiple Students

When an education record contains information about more than one student, a student may inspect and review only the records or portions of the records that relate to the student. Prior to disclosure, the portions of records containing personally identifiable information relating to other students must be redacted.

Copies of Education Records

The University shall provide a student with copies of his or her education records upon payment of the appropriate copying fee. However, the University reserves the right to deny a student copies of transcripts or other education records where the student has an unpaid financial obligation to the University, where there is an unresolved disciplinary action against the student or where the education record requested is an exam or set of standardized test questions.

Secure Record-Handling Requirements

Employees or students having access to student education records are required to:

1. Make every effort to ensure the privacy of students;
2. Access education records only as required to perform assigned duties;

3. Store education records under secure conditions;
4. Refuse to discuss the contents of education records with other University employees unless there is a legitimate educational interest attached to the discussion;
5. Destroy documents, disks or other records containing education records in a confidential manner and pursuant to destruction and retention policies;
6. Disclose directory information to external parties only upon verifying with the Registrar that the student has not submitted a request for non-disclosure of directory information;
7. Disclose non-directory education records to external parties only if authorized approval is given;
8. With respect to records contained in electronic or computer databases, the following must be observed:
  - A. Employees who are given access to the student information system will be assigned an account and password;
  - B. In all transactions, employees shall use their own account;
  - C. Employees will ensure that computer passwords remain confidential and must report suspected cases of leaked passwords immediately to the Registrar and the Director of Information Systems;
  - D. Each employee given an account is held responsible for transactions which occur using that account;
  - E. To the extent practicable, transactions on the student information system shall be logged by account;
  - F. Employees are responsible for changing passwords periodically and whenever they feel it is necessary to preserve security;
  - G. Employees shall not leave unattended computers that are actively logged onto student information systems or

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that contain student information;

- H. Employees shall ensure that records displayed on computer terminal screens cannot be observed by unauthorized personnel; and
- I. Employees shall observe the University's computer use policies.

Disposal of  
Education Records

Education records should be retained only so long as valid and useful or for the period of time required by State of Florida or University record retention policies, whichever is longer. Education records must be disposed of properly through an appropriate means of confidential disposal.

Additional FERPA  
Information

General information and links regarding FERPA are available from the website of the Family Compliance Office of the United States Department of Education at <http://www.ed.gov/policy/gen/guid/fpco/index.html>.

Further information with respect to FGCU's implementation of FERPA may be found on the Registrar's website at <http://enrollment.fgcu.edu/registration/>. This website also contains a listing of the categories, locations and custodians of student records on the FGCU Campus.

Questions regarding specific situations should be directed to the Office of the Registrar.

**DEFINITION OF TERMS**

**Attendance** - An individual is considered “in attendance” at FGCU upon acceptance as a member of an incoming class or upon acceptance as a non-degree seeking student. Applicants for admission to the University who are denied acceptance or, if accepted, choose not to attend are not considered to have been “in attendance”. The period of time during which a student is working under a work-study program is considered “in attendance”.

**Director of Institutional Research and Analysis** - Refers to the Director or designee assigned by the Director to oversee or carryout a particular function.

**Director of International Services** - Refers to the Director or designee assigned by the Director to oversee or carryout a particular function.

**Directory Information** - Information contained in a student’s education record that would not be considered harmful or an invasion of privacy if disclosed. FGCU has designated the following types of student information as directory: Student full name, telephone listings, major/field of study, participation in officially recognized activities and sports, participation in intramural events, dates of attendance, degrees received, most recent educational institution attended prior to FGCU, weight and height for athletic team members, honors and awards received, class status, enrollment status and University email addresses.

**Disclosure** – To permit access to or the release, transfer, or other communication of personally identifiable information contained in education records to any party, by any means, including but not limited to oral, written or electronic means.

**Education Record**– Any personally identifiable records maintained by the University or an agent or representative of the University that are directly related to a student and recorded in any medium, including but not limited to handwriting, electronic, print, computer media, video or audio tapes and disks, film, microfilm, and microfiche. Examples of education records include but are not limited to grades, test scores, courses taken, disciplinary records, social security number and names of parents.

FERPA expressly excludes certain types of University records relating to a student from the definition of “education records”, and the University’s ability to disclose such records would fall within the parameters of Florida’s Public Records Law, Chapter 119, Florida Statutes, and other state or federal laws: The following records are not considered education records

1. Personal Records or Notes - records of instructional, supervisory, administrative, and certain educational personnel that are in the sole possession of the maker thereof, and are not accessible or revealed to any other individual except a substitute who performs on a temporary basis the duties of the individual who made the records. An example of this type of record would be the “personal notes” of an employee kept for the employee’s own personal use in remembering certain matters and not shared with others.
2. Law Enforcement Records - records maintained by the FGCU Police Department that were created by the Department for a law enforcement purpose.
3. Employment Records - records relating to individuals who are employed by FGCU and that are made and maintained in the normal course of business, relate exclusively to individuals in their capacity as employees, and are not available for any other purpose. In contrast, records related to individuals whose employment is contingent upon being a student, such as work-study employment records, are “education records”.
4. Student Code of Conduct Records - The vast majority of records related to the FGCU student conduct process constitute education records. However, the final results or outcome of a campus disciplinary proceeding may be communicated to a victim of violence committed by a student.
5. Medical Records - records relating to a student that are:
  - A. created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, acting in his/her professional capacity or assisting in a paraprofessional capacity;

- B. used solely in connection with the provision of treatment to the student; and
  - C. not disclosed to anyone other than individuals providing such treatment.
6. Records created after the student is no longer in attendance at FGCU - records that contain information about an individual after he or she no longer is a student such as alumni records.

**External parties** - An entity or individual who is not an employee of FGCU that has submitted a request for the disclosure of education records. A student who has submitted a request to review or inspect his or her own education records is not an external party.

**FERPA** -The Family Education and Privacy Rights Act of 1974, 20 U.S.C. §1232g and its implementing regulations in 34 CFR Part 99, and Section 1002.22, Florida Statutes.

**Legitimate Educational Interest** - A University official has an educational interest if the official is:

- Performing a task outlined in the official's position description or contract;
- Performing a task related to the student's education;
- Performing a task related to the discipline of a student;
- Providing a service or benefit for the student such as health care, counseling, student job placement or financial aid; or
- Maintaining the safety and security of the campus.

**Registrar** - Refers to the University Registrar or a designee assigned by the Registrar to oversee or carryout a particular function.

**Student** - An individual who is or has been in attendance at FGCU and about whom the University maintains education records.

**Student Record** – Any personally identifiable information or data relating to a student and collected, recorded, or maintained in any medium including but not limited to handwriting, electronic, print, computer media, video or audio tapes and disks, film, microfilm, and microfiche. Student records include education records and other types of records relating to students.

**University Officials** – A University official includes a person employed by the University as a member of the faculty or staff, members of the FGCU Board of Trustees, or a person under contract to the University to perform a task such as a consultant, attorney or auditor. Student or community members of University committees also are included in the definition of University officials as are student employees assisting a University official in performing his or her tasks. Inter-institutional disclosures may be made between FGCU and entities that administer or participate in joint programs or activities and that further a legitimate educational interest because such disclosures are considered made to “University officials”.

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<b>HISTORY</b>	This is the first policy to address the subject matter.
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<b>APPENDICES</b>	There are no appendices.
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<b>APPROVED:</b>	<u>s:/ William C. Merwin</u> President	<u>June 29, 2004</u> Date
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