

POLICY: 6Hx28:7B-02



Responsible Executive:
Vice President, Student Affairs

Policy Contact: Assistant Vice
President, Admissions & Records

Specific Authority: 1001.64 and 1002.22, F.S.
Law Implemented: 1001.64 and 1002.22, F.S.;
Family Educational Rights and Privacy Act of
1974, Sec. 438, Pub. L. 90-247, Title IV, as
amended, 88 Stat. 571-574 (20 USC 1232g);
34 CFR Part 99, Sec. 99.6

Effective Date: 12-20-2005

Student Records

Policy Statement:

Valencia College is committed to protecting the privacy and access rights of its students by adhering to the Family Educational Rights and Privacy Act (FERPA) of 1974, (20 U.S.C. 1232g and 34 C.F.R., 99.1-99.67) and formulating institutional policies and procedures that govern the maintenance of student records in accordance to Section 1002.22, F.S. with regard to their College Officers. Administrators, faculty, staff and student workers shall respect the rights of students and appropriately maintain the confidentiality of student educational records.

Procedures:

I. Federal Student Records Law

Annually, Valencia College informs students of the Family Educational Rights and Privacy Act (FERPA) of 1974. (20 U.S.C. 1232g and 34 C.F.R., 99.1-99.67) This Act, with which the institution endeavors to fully comply, was designed to protect the privacy of educational records, and to establish the right of students to inspect and review their non-privileged educational records. The Act also provides guidelines for the correction of inaccurate or misleading data through informal and formal hearings. Students have the right to file complaints with the Family Policy Compliance Office, U.S. Department of Education, concerning alleged failures by the institution to comply with the Act. An informal complaint may be filed within the institution by contacting the Office of the Vice President for Student affairs. This College policy statement explains in detail the procedures to be used by the institution for compliance with the provisions of the Act.

Questions concerning the Family Educational Rights and Privacy Act may be referred to the Office of the Vice President for Student Affairs, the Office of the Registrar or the Office of Policy and General Counsel.

II. Definitions

- A. A student is any person who attends or has attended the College.
- B. Education records are any records (in handwriting, print, tapes, film, computer or other medium) maintained by Valencia College or an agent of the College which are directly related to a student except:
 - 1. A personal record kept by a faculty or staff member if it is kept in the sole possession of the maker of the record, is not accessible or revealed to any other person except a temporary substitute for the maker of the record, and is not used for purposes other than a memory or reference tool.
 - 2. Records created and maintained by Valencia College Law Enforcement Unit for law enforcement purposes.
 - 3. An employment record of an individual whose employment is not contingent on the fact that he or she is a student.
 - 4. Alumni records which contain information about a student after he or she is no longer in attendance at the College and which do not relate to the person as a student.

III. The student records maintained by the College are classified as follows:

- A. Official Academic Records are maintained in the Office of the Registrar. They include admission applications Official Transcripts, Graduation Application, Residency Statement, Re-Enrollment Form, Equivalency Diploma (GED), Correspondence with student, Credit by Exam Documentation, Grade Changes, Official Transcripts of National Test Scores; the records of grades and credits received in courses at Valencia College or accepted by Valencia College from another institution; and other documents directly relating to academic progress and status.
- B. Disciplinary Records are maintained under the authority of the Campus President and Dean of Students for each Valencia College campus. They include information about the investigation, adjudication and imposition of sanctions by the College against a student for breach of the College's code of student conduct or other written policies.
- C. Financial Records are maintained by the Business Office. Financial aid application records, including tax forms, are maintained by the Financial Aid Office.

- D. Employment Records of students receiving financial aid consist of work study authorizations and are maintained by the Financial Aid Office. Non-work-study employment records of students are maintained by Office of Human Resources.
- E. Medical Records are maintained by the Office of Students with Disabilities for students who have disclosed a disability and have provided the College with appropriate documentation. This documentation may include medical, learning, or psychiatric evaluations. All documentation provided to the Office for Students with Disabilities will remain strictly confidential. No information, except as provided by law, will be released to anyone, including parents without the student's written consent.
- F. Employment Records of students who are Valencia College employees but whose employment is not related to their academic status and not a part of student financial aid are maintained by the Vice President of Human Resources and Diversity, but are not directly affected by the provision of these guidelines.
- G. Electronic Student Educational Records maintained on the SCT-Banner (ATLAS) are fully covered by this policy. Users of the SCT-Banner (ATLAS) are considered custodians of those student records to which they have access. Records should not be accessed by the user unless a legitimate educational interest exists or some other provision of the policy authorizing release applies.

IV. Student Access to Records

- A. Access - Students who are attending or have attended the College are to be accorded the rights of access to their records as specified by the Code with the exception of:
 - 1. Financial records of the parents of the student
 - 2. Confidential letters of evaluation which have been placed in the records before January 1, 1975. Beginning January 1, 1975, the law allows the student to waive his rights of access if the letters have to do with admission, employment, or honors if the letters are used only for those purposes and the student is told, on his request, the names of all letter writers. When confidential recommendations are collected in cases where the student has waived his or her access, the confidential statements (only) of such recommendations should be destroyed as soon as they are used for the purpose for which they were specifically intended.
- B. Limitations on Access - The College shall provide a form "Student Consent to Release Educational Records Form," for use when a student waives his or her right of access to confidential recommendations respecting admission to an institution, application for employment, or the receipt of an honor or honorary recognition. The student will be given the opportunity to sign the "Student Consent to Release Educational Records Form" only as the need for confidential recommendations arises.

C. Procedures for Granting Access - The president authorizes the custodians of records to establish definite procedures for granting a student access to his or her record. Such procedures will be clearly described in appropriate college publications.

1. Student inspection of records is granted only upon written request, presented in person with appropriate photo identification, and must be made in the presence of designated personnel of the office maintaining the records. All requests shall be granted as soon as practicable, but in no event later than 45 days after the date of request. No documents or files may be altered or removed once a request has been filed.
2. A student may receive a copy of any and all records to which he or she has lawful access, except when a hold has been placed on his or her record pending the payment of debts owed to the College.

V. Release of Information

Valencia College will disclose "directory information" from a student's education records unless a confidential hold has been placed upon released of the information by the student. Valencia will disclose information from a student's educational records only with written consent of the student records may be disclosed without consent when the disclosure is:

A. To school officials who have a legitimate educational interest in the records.

1. A school official is:

- a. A person employed by the College in an administrative, supervisory, academic or research, or support staff position, including health or medical staff.
- b. A person elected to the Board of Trustees.
- c. A person employed by or under contract to the College to perform a special task, such as an attorney or auditor.
- d. A person who is employed by Valencia College.
- e. A student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks.

2. A school official has a legitimate educational interest if the official is:

- a. Performing a task that is specified in his or her position description or contract agreement.
- b. Performing a task related to a student's education.

- c. Performing a task related to the discipline of a student.
 - d. Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement or financial aid.
 - e. Maintaining the safety and security of the campus.
- B. To officials of another school, upon request, in which a student seeks or intends to enroll. The student shall receive notification of the disclosure unless the student initiated the disclosure.
- C. Subject to the conditions set forth in 34 CFR 99.35 authorized representatives of the Comptroller General of the United States, the Secretary of the U.S. Department of Education, authorized representatives of the attorney general for law enforcement purposes (investigation or enforcement of federal legal requirements of federally supported education programs), or state and local educational authorities.
- D. School officials or lending institutions, in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:
 - 1. determine eligibility for the aid;
 - 2. determine the amount of the aid;
 - 3. determine the conditions for the aid; or
 - 4. enforce the terms and conditions of the aid.
- E. State and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to state statute.
- F. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.
- G. Accrediting organizations in order to carry out their accrediting functions.
- H. Parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954. The parent must provide a copy of their most recent federal income tax return establishing the student's dependency. Full rights under the act shall be given to either parent, unless the institution has been provided with evidence that

there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes those rights. VALENCIA COLLEGE does not have an obligation to disclose any financial information about one parent to another. If a parent claims a student as a dependent and does not want his/her financial information disclosed to his/her spouse or former spouse, the parent may make that request to the institution.

- I. In connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or others.
- J. To comply with a judicial order or lawfully issued subpoena, provided the College makes a reasonable effort to notify the student of the order or subpoena in advance of compliance. Notification may be prohibited if the College receives a federal grand jury subpoena or any other subpoena which states that the student should not be notified. The Office of Policy and General Counsel shall be consulted prior to release of the record. See below for further details on the College's policy in dealing with subpoenas.
- K. To Veterans Administration Officials pursuant to 38 USC 3690 (c).
- L. Information the College has designated as "**directory information**," unless a hold has been placed upon release of the information by the student.
 - 1. The following data is considered to be directory information and may be given to an inquirer, either in person, by mail or by telephone, and may be otherwise made public: name of student; date of registered attendance; major field of study; degrees, honors, and awards received. If the inquiry is made in person or by mail, a student's date and place of birth and signature may be confirmed.
 - 2. This information will be made available and communicated to presently enrolled students through the college publications. An individual student currently enrolled may request that such directory information not be disclosed by completing the nondisclosure form which is available electronically and in paper form, and submitting the form to the Answer Center. Former students who do not want directory information disclosed should make such a request in writing to the registrar.
- M. To the court those records that are necessary to defend the institution when a student initiates legal action against the institution.
 - 1. Personal information shall be transferred to a third party only on the condition that such a party will not permit any other party to have access to such information without the written consent of the student. In all instances where written consent is required, written consent must specify the records that may be disclosed, state the purpose of the disclosure, and identify the parties or class of parties to whom disclosure may be made.

VI. Challenge Hearings

- A. If, upon inspection and review of his or her record, the student believes that the record is inaccurate, misleading or otherwise in violation of his or her privacy rights, he or she may ask that the record be changed or may insert a statement in the file. Any disagreement should be resolved informally, if possible.
- B. The Registrar, upon consultation with the appropriate college officials, may authorize a correction in a record within the academic file of a student. Similar responsibility is exercised by the Vice President of Student Services, the Dean of Students, the Director of Financial Aid, the respective Academic Dean, and the Vice President of Organizational Development and Human Resources.
- C. Should the request for a change be denied the student will be notified of the College's decision and advised of the right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's privacy rights. The student has 30 days to appeal the decision to the campus president and ask for a hearing. On behalf of the president of the College, the campus president shall refer the appeal to an appointed committee. The committee will include one officer of administration other than the one who has denied the request, two faculty members, and two students. Valencia College will notify the student, reasonably in advance, of the date, place and time of the hearing. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney. The College will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. The decision of the hearing committee shall be final, except that administrative recourse to the president of the College always remains open.
- D. If the College decides that the information is inaccurate, misleading or in violation of the student's right of privacy, it will amend the record and notify the student, in writing, that the record has been amended. The challenge to be considered in such hearing may extend only to the material in the respective College file; it may extend to the correct recording of a grade but not to the appropriateness of the grade. If the College decides that the challenged information is not inaccurate, misleading or in violation of the student's right of privacy, it will notify the student of the right to place in the record a statement commenting on the challenged information and a statement setting forth reasons for disagreeing with the decision. Such a statement shall become a part of the educational record and will be disclosed with it.

VII. Addition to Records

- A. No entry may be made to a student's official records and no document or entry may be placed in such records without written notice to the student by the responsible administrative officials mentioned above.
- B. Notification of grades, written communication to a student of school or departmental evaluation and announcement of honors, however, constitute adequate notice. A document or entry supplied by or at the request of the student may be placed in the student's record without additional notice to him/her. In the case of student records maintained in deans' offices and departmental offices, additions other than those mentioned in the preceding paragraph require the permission of the registrar, who is responsible for notification of the student.

VIII. Record-keeping Requirements

Valencia College will maintain a record of requests for and/or disclosures of information from a student's education records. The record will indicate the name of the party making the request and what records, if any, were received, the legitimate interest in the records, any additional party to whom it may be re-disclosed, and the legitimate interest the additional party had in requesting or obtaining the information. The record may be reviewed by the student. This recordkeeping is not required if the request was from, or the disclosure was to:

- A. the student;
- B. a school official determined to have a legitimate educational interest;
- C. a party with written consent from the student;
- D. a party seeking directory information; or
- E. a federal grand jury or law enforcement agency pursuant to a subpoena that by its terms requires nondisclosure.

IX. Destruction of Academic Records - Valencia College has established, in accordance with the guidelines of the Florida Public Records Act (Chapter 119, Florida Statutes), standard "life spans" for the different types of student records maintained.

- A. The following documents pertaining to student information will be maintained in hard copy for three years by the Office of Admissions/Records. After this three-year period, these records will be archived and the hard copy will be destroyed. The archived record is maintained permanently for further reference.
 - 1. Most recent application
 - 2. Valencia academic record (standardized transcript)
 - 3. Transcripts (includes transient form(s), academic credits earned by non-traditional means, high school transcripts and transcript evaluations, dual enrollment and early admission forms)

4. Residency statements
 5. Attendance records
 6. Instructors' final grade reports
 7. Student's final grade reports
 8. Withdrawal form(s) and supporting documents
- B. The following documents pertaining to student information are maintained in hard copy for a "life span" of three years and then destroyed:
1. Grade change forms
 2. Graduation applications and supporting documents
 3. Transcript requests
- C. Once a student reaches the age of eighteen (18) or is enrolled in a postsecondary program, parents no longer have any rights under the FERPA unless (1) the student gives written consent to release the information to the student's parents, or (2) the parents provide evidence that the student is a dependent of the parents as defined in section 152 of the Internal Revenue Code of 1954.

Related Documents/Policies:

None

Policy History:

Adopted 12-11-74; Amended 12-15-76; Amended 1-19-83; Formerly 6Hx28:10-11; Amended 11-18-92; Amended 12-20-05; Formerly 6Hx28:10-09

Procedure History:

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