

Florida Gulf Coast University

Student Records Management Manual Introduction to Student Records

What is a Student? and What are Student Records?

A **student** is an individual who is registered for a university credit course or program.

A **student record**, also known as an education record, contains information directly related to a student, which means that the record is personally identifiable. Personal identifiers that relate a record to a student include student name, student ID/social security number, student address, parent/family member names, and a list of personal characteristics.

Student/education records are maintained in multiple media including handwriting, print, microfilm/fiche, computer's main memory, magnetic tape, cassette, disk or diskette.

Student/education records may be presented by the student, submitted on behalf of the student, or created by the University. These records are used to assist offices in their support of basic institutional objectives and to document student progress and achievement in the educational process of the University.

The majority of FGCU student/education records fall into seven categories:

- ⇒ **Admissions Records**
- ⇒ **Cumulative Academic Records**
- ⇒ **Financial Aid Records**
- ⇒ **Student Employment Records**
- ⇒ **College/Academic Advising Records**
- ⇒ **Financial Records**
- ⇒ **Disciplinary Records**

These records with their locations and custodians are listed in the section, "Where are FGCU Student Records?"

While almost all student records maintained by the University are considered to be educational records, those listed below are specifically **excluded**.

Memory aid records in sole possession of the maker that are not accessible to or shared with anyone else;
University Police records maintained solely for law enforcement purposes;
University employment records if employment is not dependent on student and does not result in academic credit or a grade;
Records created by a physician; psychologist or similar paraprofessional to be used only for providing treatment to a student;
Alumni records if they contain only information related to an individual after the individual is no longer a student.

What is FERPA?

FERPA is the acronym for the Family Educational Rights and Privacy Act of 1974, as amended. FERPA is also known as the “Buckley Amendment.” The American Association of Collegiate Registrars and Admissions Officers (AACRAO) summarizes the purpose of FERPA in the AACRAO Guide for Postsecondary Institutions for Implementation of the Family Educational Rights and Privacy Act of 1974 as Amended (1995). It states:

The purpose of the Family Educational Rights and Privacy Act is to afford certain rights to students concerning their educational records. The primary rights afforded are the right to inspect and review the educational records, the right to seek to have the records amended and the right to have some control over the disclosure of information from the records.

Educational institutions and agencies are required to conform to fair information practices. This means that persons who are subjects of data systems (i.e., students at an institution) must:

be informed of the existence of such systems,
have identified for them what data about them are on record,
be given assurances that such data are used only for intended purposes,
be given the opportunity to request an amendment or correction to their record and,
be certain that those responsible for data systems take reasonable precautions to prevent misuse of the data.

Although the Act does not require it, those responsible for data systems are obliged to consider properly disposing of, or destroying, information when the conditions under which that information was collected no longer exists and there are no legal restrictions preventing such disposal.

Responsibility for administering the Act has been assigned to the Family Policy Compliance Office within the Department of Education. This office reviews and investigates complaints and attempts to bring about compliance through voluntary means. The penalty for noncompliance with Federal regulations can be withdrawal of Department of Education funds from the institution, but action to terminate funding generally will be taken only if compliance cannot be secured by voluntary means.

Student records provisions of FERPA are further amplified by state statute (Sub. Par 228.093 and 240.237), Board of Regents Rule (6C-5.015,FAC) and the FGCU Student Records Policy.

The Essence of FERPA

FERPA deals specifically with the education records of students, affording them certain rights with respect to those records. For purposes of definition: education records are those records which are (1) directly related to a student and (2) maintained by an institution or a party acting for the institution.

FERPA gives students who reach the age of 18 or who attend a postsecondary institution the right to inspect and review their own education records. Furthermore, students have other rights including the right to request amendment of records and to have some control over the disclosure of personally identifiable information from these records. Institutions may grant a student more rights than those guaranteed in the Act.

FERPA applies to all schools that receive funding under most programs administered by the Secretary of Education. Most postsecondary institutions, both public and private, generally receive such funding and must, therefore, comply with FERPA.

Institutions must annually notify students currently in attendance of their rights by any means that are reasonable, such as publication of a notice in the student handbook, catalog, or student newspaper. The regulations do not specify the means to be used. Schools are not required by FERPA to notify former students of their FERPA rights.

Institutions may not disclose information contained in education records without the student's **written** consent except under conditions specified in the Act. An institution is not required to disclose information from a student's records to the parents of dependent students but may exercise its discretion to do so. It is the responsibility of an institution to ensure that information is not improperly disclosed to the parents of students.

To Whose Records Does the Act Apply

FERPA applies to the education records of persons who are or have been in attendance in postsecondary institutions, including students in cooperative and correspondence study programs.

Conflict with State Law

It should be noted that FERPA may be more permissive than the privacy and public information laws of some states. FERPA should not be interpreted to reduce the stringency of such State laws. They counsel common sense, good judgment, perspective, and integrity for compliance by postsecondary institutions in the implementation of the Act.

In order to comply with all provisions of FERPA, including its regulations and disclosure provisions, an institution must take three basic steps:

1. Have a written institutional policy and procedures on how the institution complies with FERPA;
2. Must notify students of their privacy rights under FERPA. Two types of notification must be given: (1) annual notification to current students of their rights and (2) public disclosure of the institution's categories of personally identifiable information the institution has designated as "Directory Information."
3. Provide students access to review and request an amendment to their records.

Florida Gulf Coast University's Policy and Procedures for Compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA).

This document in its entirety constitutes Florida Gulf Coast University's commitment to compliance with FERPA. This document is Florida Gulf Coast University's written institutional policy in regards to FERPA. The Office of Registration and Records is responsible for insuring the confidentiality of all student records and has been designated by the Florida Gulf Coast University as the Official Student Records Custodian. The Compliance Officer for Florida Gulf Coast University is the Director of Registration and Records and all issues and questions regarding FERPA compliance should be directed to him/her. Formal compliance failure complaints should be directed to: The Family Policy Compliance Office, U.S. Department of Education, 600 Independence Avenue, SW, Washington, DC, 20202-4605 , (203) 260-3887, FAX (202) 260-9001.

Student Notification of their Rights

Florida Gulf Coast University will notify students annually through the publication of their rights in the University Catalog, Student Handbook, and Schedule of Classes. This publication will contain the University's Definition of Directory Information, policy and procedures for Request to Prevent Disclosure of Directory Information, policy and procedures for Student Inspection of Records and the policy and procedures to Request an Amendment to Student Records.

Policy and Procedures for Student Inspection of Her/His Record

Policy

Florida Gulf Coast University will provide services to students and former students to inspect and review their own student record upon request. This service will provide copies of records and an interpretation and explanation of the record, if requested.. Limitations on this service are as follows. Florida Gulf Coast University will not allow students to inspect or review:

- ◆ financial information submitted by parents;
- ◆ confidential letters and statements of recommendation to which the student has waived his or her right to inspect and review and that are related to her/his admission, application for employment or job placement, or receipt of honors;
- ◆ Educational records that contain information about more than one student. However, in such cases the institution will permit access to that part of the record which pertains only to the inquiring student.

Florida Gulf Coast University does not require students to waive any of their rights to review any part of their student record. If, however, a student should waive any or part of her/his rights to review confidential letters and statements of recommendation under FERPA, the right of waiver will be subject to the following conditions:

- ◆ waivers shall not be required at this institution;
- ◆ no service or benefit will be denied students who do not supply waivers;
- ◆ that the document(s) to which the student has waived the right to review is(are) used only for the purposes for which it was originally collected;
- ◆ that all waivers for right to review be in writing and signed by the student. The student may later revoke the waiver but they will not have access to those documents that were collected when the waiver was in force.

Florida Gulf Coast University shall comply with the requirements for retention and destruction as set forth by the State of Florida, General Records Schedule for Universities and Community Colleges (Schedule GS5). However, if a student has requested access to their student records, the request of the student shall supersede the records retention schedule and they will not be destroyed until the conflict/request is resolved/fulfilled.

Procedure

In order to review his/her education record, he/she must go to the Office of Registration and Records and fill out a Student Request to Inspect and Review Education Records Form. A review date will be scheduled (FERPA requires the review to be within a maximum of 45 days of the date of the student's request) within 5 working days of receipt of the signed request, except for the first two weeks of a semester when it will be within 10 working days. On the Scheduled Review Date the student must bring a photo identification card before the review will be allowed.

Policy and Procedures for Student Request for Amendment of His/Her Record.

Policy

Florida Gulf Coast University shall provide all students the opportunity to challenge the contents of their educational records they feel to be inaccurate, misleading, or otherwise in violation of their privacy or other rights. Each request shall be examined by the custodian of the record(s) involved and the student shall be informed within 30 days of his/her request of the decision. If the decision is in agreement with the student's request, the appropriate record(s) shall be amended and the student notified in writing. If the decision is not in agreement with the student's request, the student will be notified of the decision and will be informed of her/his right to a formal hearing on the matter.

If a request for a formal hearing is received, the student will be informed of the time, date and place of the hearing at least 5 working days before the hearing. The Student Records Hearing Committee will consist of at least three university officials with no interest in the outcome of the hearing. Students will be afforded ample opportunity to present their arguments and evidence of their claim. The student will be allowed to be assisted and/or represented by anyone they deem necessary to explain and defend their claim. If the student wishes to be represented by an attorney, she/he may do so at her/his own expense. The decisions of the hearings will be in writing and based solely on the evidence presented at the hearing. It will contain a summary of the evidence, the reasons for the decision and will be sent to all individuals with a legitimate educational interest.

If the decision is favorable to the student, he/she will be notified of the amendment of the record in writing. Correction and/or amendment of the record will be processed within 10 working days of the decision of the hearing committee. All University offices and individuals with a legitimate educational interest in the decision will also be informed in writing.

If the decision is not favorable to the student, she/he will be notified of such in writing, citing the reasons for the decision. This notification will also include the following statement:

“You have the right to place a statement in your educational record explaining your reasons for disagreeing with the decision of the Student Records Hearing Committee. This statement will be maintained in your student record for as long as your record is held by Florida Gulf Coast University. The statement will also be disclosed to any authorized party requesting to review your record.”

All University offices and individuals with a legitimate educational interest in the decision will also be informed in writing of the decision.

Procedure

Students requesting an amendment/correction to their student (educational) record should go to the Office of Registration and Records and fill out a Request for Amendment/Correction of Education Records Form. Any supplemental evidence to support the request should be attached. The Records Custodian shall research the request and notify the student in writing within 30 days of the decision.

Students requesting a formal hearing for amendment/correction to their student (educational) records should go to the Office of Registration and Records and fill out a Student Request for Formal Hearing Form. A Hearing Committee will be formed and the student notified in writing of the members of the committee, the place, date, and time of the hearing. This notification will be made at least five days before the hearing convenes.

Types, Location, and University Officials Responsible for Types of Records

Florida Gulf Coast University's student records are listed below by category, with location and custodian.

Category	Location	Custodian
Admissions Records*	Office of Admissions	Director of Admissions
Cumulative Academic Records	Office of Registration & Records	University Registrar
Financial Aid Records	Office of Financial Aid	Director of Financial Aid
College/Academic Advising ** Records	University Counseling Center (P.A.C.)	Director, University Counseling Student
Employment Records ***	Human Resources	Coordinator of Student Employment
Financial Records	Cashier's Office	Controller
Disciplinary Records	Office of Dean of Student Services	Dean of Student Services

* Admissions records become part of the student's cumulative academic record once the student is enrolled in classes.

** Excludes records maintained for providing treatment to the student.

*** Excludes records of University employment that have no relationship to student status.

Statement of Confidentiality

Policy

Florida Gulf Coast University is committed to safeguarding student (education) records. This institution shall not release personally identifiable information to a third party without the written consent of the student. The written consent must specify the records to be released, the purpose of the disclosure, identify the party or class of parties to whom disclosure may be made, and must contain the student's signature and date. Florida Gulf Coast University will release information designated as "Directory Information" and student record information to the following:

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- ◆ Authorized representatives of State or Federal supported programs for evaluation and audit.;
- ◆ State and Local officials to whom disclosure is specifically required by State Statute;
- ◆ Veterans Administration officials for students receiving educational assistance;
- ◆ Accreditation agencies carrying out their accrediting functions;
- ◆ Florida Gulf Coast University officials who have a legitimate educational interest;
- ◆ Organizations providing financial aid to the student;
- ◆ Organizations conducting studies for education agencies or institutions to develop, validate, and administer predictive tests, to administer student aid programs, or to improve instruction;
- ◆ Parents of a student who have established that student's status as a dependent according to Internal Revenue Code of 1954, Section 152;
- ◆ Persons in compliance with a judicial order or a lawfully issued subpoena;
- ◆ To persons in an emergency, if the knowledge of information, in fact, is necessary to protect the health or safety of students or other persons;
- ◆ To an alleged victim of crime of violence, any results of any institutional disciplinary proceedings against the alleged perpetrator of that crime with respect to that crime;

Designation of Florida Gulf Coast University's Directory (Public) Information

The following types of data are considered Directory Information:

- ◆ Student's full name
- ◆ Student's address
- ◆ Student's telephone listing
- ◆ Date and place of birth
- ◆ Major field of study
- ◆ Participation in officially recognized activities and sports
- ◆ Intramural events
- ◆ Dates of attendance
- ◆ Degrees and awards received
- ◆ Most recent educational institution attended before FGCU
- ◆ Standing at most recent educational institution attended before FGCU

Employee Code of Responsibility for Student Records Information

1. Information provided to you to conduct official University business may not be used for other purposes, or be passed on by you to any other user.
2. You are responsible for the security of all data to which you have access. This may involve establishing policies/procedures regarding access security to computerized files, keeping disks or printouts in locked cabinets, periodically updating passwords, and ensuring that terminals are properly signed off when not in use.
3. You are responsible for distinguishing between public, directory, and confidential information. For guidance read sections on "Student Records Policy" and "Release of Student Information" in the Student Records Manual. Confidential information regarding students or staff may not be released in any personally identifiable format without permission of the individual. If you are in doubt, refer the individual you are trying to help to the office responsible for maintaining the information requested. Individual directory information may be released unless a student has requested otherwise. Always check the "Privacy Flag" in the student's files before releasing directory information. Any public information may be displayed in either individual or aggregated format.
4. For consistency, *official* university counts of students, employees and other items are developed and maintained by the Office of Institutional Research, Planning and Evaluation. It is your responsibility to use these official counts on all surveys, news release, grant proposals or other documents. Having access to University files should not result in the use of alternate counts.

Glossary

Attendance - Includes but is not limited to (1) attendance - in person or by correspondence study (program) and (2) the period during which a person is working under a work-study (cooperative) program.

Directory Information - May include such student information as the student's name, address, telephone number, date and place of birth, major fields of study, participation in officially recognized activities and sports, weight and height of athletic team members, photograph, dates of attendance, degrees and awards received, most recent educational institution attended, and other similar information as defined by the institution which would not generally be considered harmful to the student, or an invasion of privacy if disclosed.

Disclosure - Is defined as permitting access to or the release, transfer, or other communication of education records of the students or the personally identifiable information obtained therein to any party, orally, in writing, by electronic means, or by any other means.

Drafts - Those prepared materials which constitute mere precursors of governmental "records" and are not, in themselves, intended as final evidence of the knowledge to be recorded. Information in a form which is not intended to perpetuate, communicate, or formalize knowledge of some type; and is fully represented in the final product, is a "Draft" and not a "Public Record." Material of this nature may be disposed of at the discretion of the public agency without prior consent from the Division of Library and Information Services.

Educational Institution - Any public or private agency or institution which receives funds from any federal program under the administrative responsibility of the Secretary of Education. The term refers to the institution as a whole, including all of its components (e.g., schools or departments in a university).

Education Records - Means those records directly related to a student and maintained by the institution or by a party acting for the institution. The term "education records" does not include the following:

- records of instructional, supervisory, administrative, and certain educational personnel which 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 (as defined in the institutional personnel policy) the duties of the individual who made the records.
- records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement.
- records relating to individuals who are employed by the institution, which are made and maintained in the normal course of business, relate exclusively to individuals in their capacity as employees, and are not available for use for any other purpose. (Records of individuals in attendance at an institution who are employed as a result of their status as students are education records, e.g., work study.)

Education Records (continued)

- records relating to a student (see the definition of “eligible student”) which are (1) created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, acting in his/her professional capacity; (2) used solely in connection with the provision of treatment to the student; and (3) not disclosed to anyone other than individuals providing such treatment, so long as the records can be personally reviewed by a physician or other appropriate professional of the student’s choice.(Appropriateness may be determined by the institution.) “Treatment” in this context does not include remedial educational activities or activities which are part of the program of instruction at the institution
- Records of an institution which contain only information relating to a person after that person is no longer a student at the institution (e.g., information gathered on the accomplishments of alumni).

Eligible Student - Refers to a student who has reached the age of 18 or is attending an institution of postsecondary education. Since these guidelines are specifically for postsecondary institutions, “student” as used in this document is presumed always to refer to an eligible student.

General Records Schedule A-3 for Universities - The document used by State Universities to establish their Records Retention Schedule. It was developed by the Florida Department of State, Division of Archives, History and Records Management.

Institution of Postsecondary Education - Refers to an institution that provides education to students beyond the secondary school level; “secondary school level” means the educational level (not beyond grade 12) at which secondary education is provided.

Law Enforcement Unit Records - Means those records, files, documents, and other material that are (1) created by a law enforcement unit, (2) created for a law enforcement purpose, and (3) maintained by the law enforcement unit. Law enforcement records do not include: (1) records created by a law enforcement unit for law enforcement purpose that are maintained by a component of the educational institution other than the law enforcement unit; (2) records created and maintained by a law enforcement unit exclusively for non-law enforcement purposes such as a disciplinary action or proceeding conducted by the institution.

Legitimate Educational Interest - Mean an Educationally Related purpose which has a directly identifiable educational relationship to the student involved and underlies the request. More particularly, the following criteria shall be taken into account in determining the legitimacy of a University official’s access to student records.

- The official must seek the information within the context of the responsibilities that he or she has been assigned;
- The information sought must be used within the context of official University business and not for purposes extraneous to the official’s area of responsibility or the university;
- The information requested must be relevant and necessary to the accomplishment of some task or to making some determination within the scope of University employment;
- The task must be determined to be consistent with the purposes for which the data are maintained. Requests related to institutional research and studies are subject to this criterion.

Legitimate Educational Interest (continued)

Disclosure to a school official having a legitimate education interest does not constitute institutional authorization to transmit, share, or disclose any or all information received to a third party. AN

UNAUTHORIZED DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION FROM THE EDUCATION RECORD OF THE STUDENT IS PROHIBITED.

Parent - Includes a parent, a guardian, or an individual acting as a student's parent in the absence of a parent or a guardian.

Personally Identifiable - Means data or information which include (1) name of the student, the student's parent, or other family members; (2) the student's address; (3) a personal identifier such as a social security number or student identification number; or (4) a list of personal characteristics, or other information which would make the student's identity easily traceable.

Permanent Student Records - Student records that must be retained forever. Paper records that have permanent status are retained in their original form for an established period of time, e.g., 5 - 7 years after the student was last enrolled. They are then stored in either microfilm/fiche or digitized on optical disk. After these records are stored on another medium, they may be destroyed according to Schedule A-3.

Record - Means any information or data recorded in any medium (e.g. handwriting, print, tapes, film, microfilm, microfiche, any form of electronic data storage).

Records Destruction Request Form - The official state form for requesting approval for destruction of records, according to Schedule A-3 or by a different schedule approved by the State.

Request for Records Retention Schedule or One-Time Disposal Authorization Form - The official state form for requesting authorization for a records retention schedule outside the limits of Schedule A-3 or for a one-time disposal permit.

School Officials - Are those members of an institution who act in the student's educational interest within the limitations of their need to know. These may include faculty, administration, clerical and professional employees and other persons who manage student educational record information.

Student - Includes any individual for whom an educational institution maintains education records. The term does not include an individual who has not been in attendance at the institution. An individual who is or has been enrolled in one component unit of an institution, who applies for admission to a second unit, has no right to inspect the records accumulated by the second unit until enrolled therein.

Student Maintenance Records - Records that are retained for a period of time and then destroyed according to established plans based on Schedule A-3 or another State approved retention schedule.

Student Records Folder Materials - The records stored in student file folders in the Office of Registration and Records.