

6Hx19-6.11 PRIVACY OF STUDENT RECORDS

The purpose of this Board Rule is to establish the Board's policy regarding privacy of student records.

The College shall insure the privacy of student records, following state and federal law governing such privacy. The President shall establish College procedures to insure the privacy of student records. The College shall notify current students, at least annually, through the College Catalog/Student Handbook, of their rights under state and federal law.

(1) ACCESS TO STUDENT RECORDS.

The College will give each current and former student an opportunity to examine his or her personal educational records upon receipt of a written request signed by the student. This examination will be arranged as soon as mutually convenient, but no more than 45 days from the submission of the request by the student. The record will be examined in the presence of the person responsible for maintaining the record, or a designated representative, and the student will not be permitted to remove material from the file. The student will be provided a copy of any items desired upon payment of the copy charge approved by the District Board of Trustees. Each such examination will be entered on the individual access log kept with each file containing student educational records.

(2) LIMITATIONS ON STUDENT ACCESS.

A current or former student will not be granted access to the following:

- (a) Any financial records of parents that have been furnished to the College.
- (b) Records of supervisory, administrative, and educational personnel employed by the College that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute.
- (c) Data or information relating to another student.

(3) STUDENT RIGHTS OF EXPLANATION.

A current or former student is entitled to a response from the institution for reasonable requests for explanation and interpretation of the records. The student may ask for this information at any time and, upon specific request, may receive the response in writing.

(4) STUDENT RIGHTS OF CHALLENGE AND HEARING.

A current or former student has the right to challenge the content of educational records to ensure that the record is not inaccurate, misleading, or otherwise in violation of privacy or other rights, and to provide an opportunity for the correction or deletion of any such data or to insert into the records a written explanation concerning the content of the records.

Every effort will be made to resolve discrepancies on content through informal meetings and discussions. In the event informal methods do not resolve a problem, a student is entitled to an opportunity for a formal hearing, following the grievance processes established by the President.

(5) LIMITATION ON STUDENT RIGHT OF CHALLENGE.

All materials contained in the student record are subject to challenge except the basis on which instructor grades were awarded. However, improper recording of grades is subject to challenge.

(6) RIGHTS RESERVED BY THE COLLEGE.

Pursuant to State and Federal law the College retains the right to:

- (a) Release Directory Information. Directory information is defined as the name, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, full- or part-time status, degrees and awards received, and the most recent educational institution attended by the student. In the absence of written notice by a student to withhold any or all information included in the definition of "directory information," the College reserves the right to release any of this information as it may consider desirable.
- (b) Release of Information in Emergency. The College reserves the right to release information from educational records if the knowledge of such information by other parties is necessary to protect the health or safety of a student or other persons. This information will be released only in an emergency and after consideration by College officials of the seriousness of the emergency, the need for the information by third parties to deal with the emergency, and the extent to which time is of the essence.
- (c) Make Internal Distribution of Selected Records. The College reserves the

right for College officials and instructors to use information from student records internally for educational purposes.

- (d) Permit Access by Third Parties. The College may provide information to other educational institutions upon written consent of the student, and subject to the opportunity for a hearing by the student to challenge the content of records being transferred. A copy of this material will be furnished the student upon written request, and at his/her expense for reproduction.

Educational records are open for legitimate use to officials of the Federal Government and of the State Government where such information is specifically required to be reported or disclosed pursuant to state or federal law. Student information may also be made available to organizations conducting studies for educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, provided that the personal identification of students cannot be determined by persons outside such organizations and provided that the information will be destroyed when no longer needed.

- (e) Educational Partners. The College is permitted, by State or Federal laws to furnish information to other educational entities, such as universities, state educational authorities, student financial aid agencies, etc. Confidential information provided under this authority is considered confidential and is required by applicable law to be treated as such by the receiving entity. Information furnished under this section will be accompanied by notice requiring the recipient to maintain and protect the confidentiality of the information furnished.
- (f) Retire Unneeded Records. The College reserves the right to consolidate student records and to destroy records when no longer needed for educational purposes or when retention is not required by state or federal law. The College shall maintain a permanent index of records destroyed. No record will be destroyed during any pending request for explanation or for challenge or hearing, or for 60 days after completion of such action.
- (g) Charge for the Cost of Reproduction. Copies of records and transcripts furnished to a student will be subject to a copy charge or a transcript charge as established by the District Board of Trustees.
- (h) Release Statistical Information. The College may compile and release statistical data where individual students are not personally identifiable.

- (i) Release Information Pursuant to Judicial Order or Subpoena. The College may release student educational records pursuant to a judicial order or lawfully issued subpoena. The College shall attempt to give prior notice to the student whose records will be released pursuant to this paragraph.

(7) LIMITATIONS ON RELEASE BY THE COLLEGE.

The College shall not permit access to or release of personally identifiable information about students except in response to a specific written and dated request by the student, or as reserved to College discretion as indicated in Paragraph 6. In accordance with law, any information released to a party other than the student will be accompanied by a written statement that the party receiving the material is prohibited from further release to any other party without the written consent of the student.

Rule Adopted: 8/25/75; 8/16/76; 11/19/79; 6/23/86; 2/22/88; 2/24/98; 11/16/99;
*5/20/03; 1/20/09

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Legal Authority:

General Authority: Florida Statutes: 1001.64; 1001.65; 1002

Other References: 20 U.S.C. § 1232g; 34 CFR Part 99

Law Implemented: Florida Statutes: 1001.64(1)(2)(4)(8)(43)(44);
1001.65(1)(16)(25); 1002.22;

Proposer: Katherine M. Johnson, President

*Emergency Approval