

**UNIVERSITY OF WEST FLORIDA
NOTICE OF PROPOSED AMENDMENT TO REGULATION**

REGULATION TITLE: UWF/REG-3.017 Student Educational Records

SUMMARY: The purpose of the regulation amendment is to update the definition of student educational records to comport with federal law, to update the “opt out” provision as an all-or-none designation and provide fuller description of how and when employees may access and disclose student data in the course of performing administrative responsibilities.

AUTHORITY: Board of Governors Regulation 1.001; Section 1002.225 Florida Statutes; 20 U.S.C. 1232g.

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT:

Ann Dziadon, University Registrar

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: James Felder, Associate General Counsel, jfelder@uwf.edu, Phone (850) 474-3420; FAX (850) 857-6058; Bld. 10/Rm 114; 11000 University Parkway; Pensacola, FL 32514-5750. Any comments regarding the proposed regulation amendment must be sent in writing to the contact person on or before June 7, 2014 to receive full consideration.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE: May 8, 2014

THE DATE THIS NOTICE WAS PUBLISHED IN “@UWF”: May 8, 2014

THE FULL TEXT OF THE PROPOSED AMENDMENT TO THIS REGULATION IS SET FORTH BELOW:

University of West Florida Regulations
UWF/REG-3.017 Student Educational Records.

- (1) Section 1002.225, Florida Statutes, requires state educational institutions to comply with the Family Educational Rights and Privacy Act (FERPA) codified at 20 U.S.C. s 1232g, and the federal regulations issued pursuant thereto at 34 C.F.R. Part 99. FERPA provides certain rights to university students concerning their student educational records. Those rights are more fully described in FERPA and in the related federal regulations, and are summarized in section (3) of this regulation.
- (2) Student educational records comprise any written information or recorded data maintained by the University, or by an entity acting on behalf of the University, which is directly related to a student who ~~has applied for admission or who~~ is or has been in attendance at the University.
 - (a) The following is a non-exhaustive list of categories of educational records along with the University custodian who maintains the records:
 1. Academic Records (Departmental) – Faculty Chairpersons and Deans.
 2. Academic Records (Permanent) – University Registrar.
 3. Cooperative Educational and Placement Records – Director, Cooperative Education and Placement.
 4. Disciplinary Records – Vice President for Student Affairs.
 5. Financial Aid Records – Director, Student Financial Aid.
 6. Housing Records – Director, University Housing.
 7. Student Activities (including Athletics) -Vice President for Student Affairs
 - (b) The following are some categories of records which FERPA defines as not constituting student educational records (for a complete list see 20 U.S.C. s 1232g). These categories of records are not subject to this regulation:
 1. Records maintained by individual University personnel which are solely in their possession and are not revealed to others.
 2. Records maintained by University police which are for law enforcement purposes.
 3. Records maintained by University employees which relate solely to the student as an employee and are not available for any other purpose.
 4. Records maintained by University medical or psychological personnel which are solely for treatment and/or counseling purposes.
 5. Records maintained by University personnel which contain only information relating to persons after they are no longer students.

- (3) The rights provided by FERPA can be summarized into three categories. A student has a right:
- (a) of privacy in his or her student educational records, subject to exemptions provided by law.
 - (b) of access to his or her student educational records. Students who are or have been in attendance are permitted to inspect and review their student educational records.
 - (c) to challenge the content of his or her student educational record. Students may challenge the accuracy of their educational records and request the University to amend them. If the request is refused, students will be so informed and advised of the right to a hearing. Students may place in their educational records a statement commenting upon the contents of the records.
- (4) Section 1006.52, Florida Statutes, makes student educational records, as defined by FERPA and the federal regulations issued pursuant thereto, and applicant records, confidential and exempt from disclosure under Chapter 119, the Florida public records law.
- (5) Although students have a right of privacy in their student educational records, FERPA permits the University to disclose to the general public any information from student educational records which is designated as “directory information.”
- (a) The following student data is defined at UWF as University directory information.
 - 1.Name
 - 2.Local address
 - 3.Permanent Address
 - 4.E-mail Address
 - 5.Current Telephone number
 - 6.Major field of study
 - 7.Participation in officially recognized activities and sports
 - 8.Dates of attendance at UWF
 - 9.Degree(s) earned at UWF
 10. Awards and Honors received (including Dean’s List and President’s List)
 11. Grade classification (Freshman, Sophomore, Junior, Senior or Graduate Student)
 - (b) Opt Out Provision: Students may refuse to permit the designation of ~~any or all categories of~~ their information as directory information. Once this is done in writing or on-line through the Registrar’s office, ~~such~~ this information will no longer be released as directory information and will only be released with the student’s consent, through an applicable FERPA exemption, or if the opt out provision is revoked by the student.

(6) FERPA also permits the University to release a student's educational records (in addition to those which are designated as directory information) under certain other circumstances.

(a) These are set forth in 20 U.S.C. s 1232g.—~~Some of these instances~~ and include, but are not limited to:

1. Written consent by the student
2. In a health or safety emergency
3. Upon subpoena or court order
4. To school officials with legitimate educational interests in the records

(b) Legitimate educational interest. In accordance with FERPA, the University may disclose personally identifiable information from the education records of a student without written consent by the student to appropriate University officials, including faculty and staff, who have been determined to have a legitimate educational interest in viewing such records.

1. A University official is a person employed by the University in an administrative, supervisor, academic or research or support staff position (including law enforcement personnel, health staff and student workers); a person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee (such as a disciplinary or grievance committee), or an individual assisting another official in performing his or her tasks.

2. A Legitimate Educational Interest exists if a University official needs to review a student educational record in order to fulfill his or her professional responsibilities for the University. The following criteria shall be taken into account in determining the legitimacy of a University official's access to student records:

- a. The official is seeking the information within the context of the responsibilities that he or she has been assigned;
- b. The information sought will be used within the context of official University business and not for purposes extraneous to the official's area of responsibility or to the University;
- c. The information requested is relevant and necessary to the accomplishment of some task or to making a determination within the scope of University operations;
- d. The task is determined to be consistent with the purposes for which the data are maintained.

(7) Students may file complaints concerning an alleged failure by the University to comply with the requirements of FERPA with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202-5920.

