



**Number:** UWF/REG-3.017  
**Title:** Student Education Records  
**Responsible**  
**Department:** Registrar’s Office and Office of the General Counsel

## **I. Purpose**

Section 1002.225, Florida Statutes, requires state educational institutions to comply with the Family Educational Rights and Privacy Act of 1974 (“FERPA”), codified at 20 U.S.C. §1232g, and the federal regulations issued pursuant thereto at 34 C.F.R. Part 99. FERPA provides certain rights to university students concerning their education records, as that term is defined by FERPA. Those rights are more fully described in FERPA and in the related federal regulations, and they are summarized in section III of this regulation

## **II. Definitions**

- A. Student’s “education records” are comprised of any written information or recorded data maintained by the University, or by an entity acting on behalf of the University, that is directly related to a student who is or has been in attendance at the University.
- B. A student is deemed to be "in attendance" at UWF when she or he registers for classes the first time. Thereafter, a student is deemed to be "in attendance" during all periods of enrollment, including between semesters, during University holidays, and during periods of suspension. These designations of “in attendance” are for the limited purposes of the application of FERPA rights at the University of West Florida only.
- C. In accordance with Section 1006.52, Florida Statutes, records of applicants as defined therein are included in the term “education records.”

## **III. Education Records**

- A. The following is a non-exhaustive list of categories of education 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. Career Services – Director, Career Services.
  - 4. Continuing Education Records – Director, Continuing Education.

5. Disciplinary Records – Vice President for Student Affairs.
6. Financial Aid Records – Director, Student Financial Aid.
7. Housing Records – Director, University Housing.
8. Student Activities (including Athletics) -Vice President for Student Affairs

B. The following are categories of records that are not education records as defined by FERPA and this regulation:

1. Sole Possession Records - Records maintained by individual University personnel that are solely in their possession and are not accessible or revealed to others.
2. Law Enforcement Records - Records maintained by University police that are for law enforcement purposes.
3. Employment Records - Records maintained by University employees that relate solely to the student as an employee and are not available for any other purpose.
4. Treatment Records - Records maintained by University medical or psychological personnel that are solely for treatment and/or counseling purposes.
5. Alumni Records - Records maintained by University personnel which contain only information relating to persons after they have graduated from the University.
6. Peer Graded Records - Grades on peer-graded papers before they are collected and recorded by a teacher, instructor, or professor.

#### **IV. Student Rights**

The rights provided by FERPA can be summarized into three categories. A student has a right:

- A. of privacy in his or her education records, subject to exemptions provided by law;
- B. of access to his or her student education records, such that students who are or have been in attendance at the University are permitted to inspect and review their education records; and
- C. to challenge the content of his or her education records. Students may challenge the accuracy of their education 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 education records a statement commenting upon the contents of the records.

#### **V. Florida Public Records Law**

Section 1006.52, Florida Statutes, makes student education 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.

#### **VI. Directory Information**

Although students have a right of privacy in their education records, FERPA permits the

University to disclose to the general public any information from education records that is designated as “directory information.”

- A. The following student information is designated as directory information by the University and may be released by the University without consent:
  - 1. Name (legal and preferred);
  - 2. Address (local and permanent);
  - 3. Enrollment Status (undergraduate or graduate, full-time or part-time);
  - 4. E-mail Address (UWF assigned);
  - 5. Telephone number (current local and permanent);
  - 6. Major field of study;
  - 7. Participation in officially recognized activities and sports, including the birthdate, place of birth, weight and height of members of University athletic teams;
  - 8. Dates of attendance at UWF;
  - 9. Degree(s) earned at UWF;
  - 10. University recognized Degrees, Certificates, Thesis/Dissertation Titles, Awards and Honors received (including Dean’s List and President’s List);
  - 11. Grade classification (Freshman, Sophomore, Junior, Senior or Graduate Student); and
  - 12. Most recent previous educational agency or institution attended.
  
- B. Opt-Out Provision: Students may refuse to permit the designation of their information as directory information. After electing to withhold directory information electronically or in writing to the Office of the Registrar, this information will no longer be released as directory information and will only be released with the student’s written consent, pursuant to an applicable FERPA exemption, or if the opt-out provision is revoked by the student.

## **VII. Disclosure of Education Records**

FERPA also permits the University to release a student’s education records without the prior consent of the student under certain circumstances. Those circumstances are summarized as follows:

- A. The disclosure is to other school officials who have legitimate educational interests;
- B. The disclosure is to officials of another school, school system, college or university where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student’s enrollment or transfer;
- C. The disclosure is to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary, or state and local educational authorities;
- D. The disclosure is in connection with financial aid for which the student has applied or received;
- E. The disclosure is to state and local authorities to whom this information is specifically allowed to be reported;
- F. The disclosure is to organizations conducting studies for educational agencies;

- G. The disclosure is to accrediting organizations to carry out their accrediting functions;
- H. The disclosure is to parents of a dependent student, as defined by the IRS;
- I. The disclosure is to comply with a judicial order or subpoena;
- J. The disclosure is in connection with a health or safety emergency;
- K. The disclosure is information designated as “directory information”;
- L. The disclosure is to the parent of a student who is not an eligible student or to the student;
- M. The disclosure includes only the final results of the disciplinary proceeding with respect to an alleged crime or offense, regardless of whether the institution concluded a violation was committed, and is to the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense;
- N. The disclosure is in connection with a disciplinary proceeding and it is determined that the student is an alleged perpetrator of a crime of violence or non-forcible sex offense; the student has committed a violation of the institution’s rules or policies with respect to the allegation made against him or her; and the institution does not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student;
- O. The disclosure is to a parent of a student at the university regarding the student’s violation of any federal, state, or local law, or of any rule or policy of the university governing the use or possession of alcohol or a controlled substance; or
- P. The disclosure concerns sex offenders, and the information was provided to the university under applicable federal statutes and guidelines.

### **VIII. Legitimate Educational Interest**

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, research, or support staff position (including law enforcement personnel, health staff and student workers); a person or company with whom the University has contracted with 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; a student serving on an official committee (such as a disciplinary or grievance committee); or an individual, including volunteers, assisting another official in performing his or her tasks.
2. A legitimate educational interest exists if a University official needs to review a student education record in order to fulfill his or her professional responsibilities for the University.

The following criteria shall be considered when determining the legitimacy of a University official’s access to student records:

- a. Whether the official is seeking the information within the context of the responsibilities that he or she has been assigned.
- b. Whether 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. Whether the information requested is relevant and necessary to the accomplishment of some task or to make a determination within the scope of University operations.
- d. Whether the task is determined to be consistent with the purposes for which the data are maintained.

## **IX. Complaints**

Students may file complaints concerning an alleged failure by the University to comply with the requirements of FERPA with the Student Privacy Policy Office, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202-8520.

**Effective Date:** June 16, 2022

**Authority:** 20 U.S.C. §1232g; 34 CFR Part 99; §1002.225, Fla. Stat.; Florida Board of Governors Regulation 1.001

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