

**SOUTH FLORIDA STATE COLLEGE
ADMINISTRATIVE PROCEDURES**

PROCEDURE NO. 2154

TITLE: STUDENT RECORDS – SECURITY, CONFIDENTIALITY, INTEGRITY AND DESTRUCTION

BASED ON POLICY: 2.15 SAFEKEEPING, REPRODUCTION, AND DESTRUCTION OF RECORDS

OFFICE OF PRIMARY RESPONSIBILITY: VICE PRESIDENT FOR ACADEMIC AFFAIRS AND STUDENT SERVICES/STUDENT SERVICES

I. Purpose:

To protect the security, privacy, confidentiality, and integrity of all student education records pursuant to Part 99 of Title 34 of the Code of Federal Regulations, the Family Educational Rights and Privacy Act (FERPA), and section 1002, Florida Statutes

II. Procedure:

A. Primary rights of students

1. Right to inspect and review education records
2. Right to seek to amend education records
3. Right to have some control over the disclosure of information from education records

B. Definitions

1. Student - any person who is attending or who has attended South Florida State College (SFSC)
2. Student education records - any record (e.g., handwriting, print, tapes, film, or other medium) maintained by SFSC or an agent of the College which is directly related to a student, except:
 - a. Sole possession records - those maintained by an administrator, member of the SFSC District Board of Trustees, faculty, or staff provided that only the maker of the record has access to them

- b. Employment records provided employment is not contingent upon enrollment and provided the record is used only in relation to the individual's employment
 - c. Medical records made and maintained in connection with treatment and disclosed only to individuals providing treatment
 - d. Alumni records that only contain information about an individual who is no longer a student
3. Personally identifiable information includes, but is not limited to:
- a. The student's name
 - b. Name of the student's parents or other family members
 - c. Address of the student or student's family
 - d. A personal identifier, such as a social security number (SSN) or generated identification number (GID)
 - e. A list of personal characteristics, photographs, or other information that would make the student's identity easily traceable

C. Annual notification required

Students are notified of their FERPA rights by annual publication in the SFSC Catalog and in the Student Handbook, both of which are available on the College website.

D. Procedure to inspect education records

1. A student must submit a written request to inspect and review his/her education records to the SFSC registrar. The request shall identify as precisely as possible the record or records he/she wishes to inspect.
2. Inspection and review of education records shall take place in the Student Services building on the Highlands Campus or other campus/center locations. If the requester cannot come to one of these locations, he/she may request that copies be made and mailed. There are no fees for copying and mailing of documents.
3. The registrar shall make arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in 30 days or less from the receipt of the request. Proper identification such as a valid driver's license or government issued photo identification must be presented before inspection is allowed. The request for access or release shall be retained in the student's file.

E. Refusal to provide copies

While SFSC cannot deny students access to their education records, the College may deny students a copy of such records if:

1. The student has an unpaid financial obligation to the College.
2. There is an unresolved disciplinary action against him/her.

F. Disclosure of student records

SFSC will disclose personally identifiable information from the student's education records only with the written consent of the student.

Exception – SFSC may disclose educational records to school officials who have a legitimate educational need to know. School officials are defined as:

1. A person employed by the College in an administrative, supervisory, academic, or support staff position or a work-study student in the office where the education record is maintained
2. A person appointed to the SFSC District Board of Trustees
3. A person employed by or under contract to the College to perform a specific task, such as the College attorney, auditor, or consultant
4. A student serving as a student representative on a College committee

Each of these school officials shall be properly informed of his/her responsibility to protect the rights and confidentiality of student education records before access is given.

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

1. Performing a task specified in his/her position description or contract
2. Performing a task related to a student's education
3. Performing a task related to the discipline of a student
4. Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid

Exception—SFSC may disclose educational records to the following:

1. Upon request to officials of another school in which a student seeks or intends to enroll

2. To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs
3. In connection with a student's request for, or receipt of, financial aid as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid
4. If required by a state law requiring disclosure adopted before Nov. 19, 1994
5. To organizations conducting certain studies for or on behalf of the College
6. To accrediting organizations to carry out their functions
7. To comply with a judicial order or a lawfully issued subpoena, SFSC shall make a reasonable attempt to notify the student before responding to a judicial order or lawfully issued subpoena when there is no signed release with the order or subpoena
8. To appropriate parties in a health or safety emergency
9. For directory information as identified by SFSC. (See II.H)
10. To an alleged victim of a crime of violence the results of the disciplinary proceeding conducted by the College against the alleged perpetrator

G. Record of requests for disclosure

SFSC maintains a record of all requests for and/or disclosure of information from a student's education records except for requests from a school official, and a party seeking directory information. This record will indicate the name of the party making the request, any additional party to whom it may be disclosed, and the legitimate interest the party had in requesting or obtaining the information. This record becomes a part of the student's education record.

H. Directory information

The SFSC administration may release information classified as directory information without the student's written permission. The following information has been classified as directory information:

1. Name
2. Dates of attendance
3. Academic program
4. Honors received (president's and vice president's list, cum laude, etc.)

5. Degree received and date conferred
6. Lists of prospective graduates
7. Participation in officially recognized activities and sports
8. Weight and height of members of athletic teams

The College may disclose any of these items without prior written consent, unless the student has requested non-release of directory information.

I. Non-release of directory information

A student may request non-release of directory information at time of registration each term. He/she may also make this request during the term in the Registrar's Office or at one of the other SFSC locations. Once requested, non-release shall be maintained until the student requests that it is removed.

J. Limited access records

Limited access records include all information not specifically identified as directory information. This encompasses records of admission, enrollment, personal counseling, disciplinary action, finance, financial aid, health, placement, and testing.

The registrar is authorized to release limited access records under the conditions outlined below:

1. Student request

- a. A student may authorize release of limited access information by signing a written request (i.e., personal letter or request form generated either by SFSC or any other organization)
- b. A copy of the request will be retained by the custodian of the record

2. Request of SFSC Faculty/Administrative Staff - SFSC

Information is released on a "educational need-to-know" basis

3. Court subpoena

- a. Information will be released upon receipt of a subpoena presented by a court of competent jurisdiction.
- b. Prior to release of the information, the custodian will attempt to notify the student of the information requested by the court. (Note: The College is not required to give a student prior notice when responding

to a federal grand jury subpoena or other law enforcement subpoena that requires that the student not be informed of the existence of the subpoena.)

4. State of Florida public college/university

Limited access records will be released to another public college or university in the state of Florida upon written or electronic request.

5. Emergency

Information may be released to proper authorities when needed to protect the life, health, safety, or welfare of a student or other person.

K. Amendment of education records

A student has the right to request to have an education record corrected that he/she believe is inaccurate, misleading, or in violation of his/her privacy rights. The following are procedures for correction of these records:

1. A student must submit a written request to the SFSC registrar to amend a record. He/she should identify the part of the record he/she wants changed and specify why he/she believes it is inaccurate, misleading, or in violation of his/her privacy or other rights.
2. SFSC may or may not comply with the request. The registrar will notify the student of the decision. If the College decides not to comply, the registrar will advise the student of their right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of his/her rights.
3. Upon request, SFSC will arrange for a hearing, and notify the student, reasonably in advance, of the date, place, and time of the hearing.
4. The hearing will be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the institution. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend his/her education record. The student may be assisted by one or more individuals, including an attorney.
5. SFSC 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.
6. If SFSC decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the student that he/she has a right to place a statement in the record

commenting on the challenge information and/or a statement setting forth reasons for disagreeing with the decision.

7. The statement will be maintained as a part of the student's education records as long as the contested portion is maintained. If SFSC discloses the contested portion of the record, it must also disclose the statement.
8. If SFSC 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.

L. Right to file a complaint

If a student feels that his/her right to privacy under FERPA has been violated, he/she may file a complaint with the U.S. Department of Education. The complaint must be filed within 180 days of the date of the alleged violation or of the date that the student knew or reasonably should have known of it. To file a complaint, the student should contact:

Family Policy Compliance Office
US Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605
202-260-3877

M. Security of student records

1. Physical Security - Paper storage is held behind locked doors with access to authorized employees only. In addition, paper documents relating to student records are scanned into the imaging program of the student information system (SIS).
2. Electronic Security - The SFSC SIS is Banner®, an electronic data storage system that limits users' access based on employees' job functions and assigned duties. Records in Banner® are protected by a comprehensive password-driven security system, and each individual requesting access to Banner® must first sign a Banner® Request for Access Form indicating agreement with compliance, conditions, and terms. Security within Banner® is determined by the supervisor as well as the stakeholders and Information Technology (IT) who grant access based on the individual's role within the College after evaluating the request and determining whether access should be granted.
3. Disaster Plan for student record recovery - The College has a disaster plan for record retrieval within the SIS that copies and clones data from production on a separate server to serve as a back-up in the instance of hardware or software failure or disaster. Back-ups are sent off-site daily so that a local disaster will not affect recovery of data. In the case of a

larger incident, SFSC IT maintains and tests a disaster recovery plan that outlines a strategy for restoring SFSC's systems. The College has a secondary database and forms server located in another physical location to serve as a disaster recovery system for the Banner® administrative software in the event the production database and/or forms server suffers a catastrophic failure or becomes irreparably damaged.

4. Faculty and Staff training to maintain confidentiality, integrity, and security of student records – The College requires all faculty and staff to undergo Family Education Rights and Privacy Act (FERPA) training so that they can understand and carry out their commitments to confidentiality, integrity, and security of student records. Employees with access to student records are trained internally on the safety and security of student records.
5. Destruction of student records - The College follows the records destruction schedule.

HISTORY: Last Revised: 4/27/20

Adopted: 9/1/92

Reviewed: -

Revised: 12/1/94, 2/6/02, 12/13/06, 3/17/09, 7/10/12, 8/6/13, 4/27/20