


PROCEDURE

Subject	Request for Access to Student Records Page 1 of 6	Number: 4.08.01
Source	Vice President, Student Affairs	Reference (Rule #) 6HX14-4.08
President's Approval/Date: 02/25/2014		

POLICY:

This policy is based on the Family Educational Rights and Privacy Act of 1974 as amended (commonly known as FERPA or the Buckley Amendment) and Florida Statutes Sections 1006.52 and 1002.22. This procedure applies to all current and former students including students enrolled in distance education and dual enrollment programs.

PURPOSE:

To establish a procedure protecting the privacy rights of students. This procedure provides the opportunity for the inspection of educational records, the correction of such records if warranted, and protects students from release of information without written consent.

PROCEDURE:

A student has the right to inspect records that are maintained by the College on behalf of the student. A parent (if the student is a “dependent student” of such parent as defined in Title 26 U.S.C.S. s. 152 of the Internal Revenue Code) may at the discretion of the College inspect records that are maintained by the College on behalf of the student. These records include, but are not limited to, admissions and registration records, disciplinary records, counseling records, student and family financial income records, permanent academic records or transcripts, and student placement records. The burden of proof rests with the parent to demonstrate that the student is a dependent.

State College of Florida, Manatee – Sarasota maintains three separate categories of records: (1) Directory Information Records, (2) Limited Access Records, and (3) Sole Possession Records. Records maintained by the College that relate exclusively to a student as an employee are not subject to inspection under this procedure.

A. The following SCF officials are designated as custodians for either Directory Information or Limited Access Records:

1. Applicants - The Coordinator of Educational Records is the custodian of all academic and related records prior to actual enrollment of the student.
2. Academic - The Coordinator of Educational Records is the custodian of all permanent academic records.
3. Counseling - The Director of Advising Services is the custodian of advising and assessment/testing records.
4. Disciplinary - The Vice President, Student Affairs is the custodian of all disciplinary records.
5. Financial - The Associate Vice President, Finance is the custodian of all finance records. These include all records of fees assessed by and collected by the College for each student.
6. Financial Aid - The Director of Financial Aid Services is the custodian of all records pertaining to applications for awards of financial aid to students.

B. Records may be located by contacting the appropriate custodian at the following location:

State College of Florida, Manatee – Sarasota
5840 26th Street West
Bradenton, Florida 34207
(941) 752-5000

C. Disclosure of Directory Information

When available in College records, any data labeled Directory Information may be released without the students' consent. Students wishing to prevent the disclosure of part or all of their directory information must notify the Educational Records Office by completing a Directory Disclosure/Release Authorization form no later than the last day for add/drop as published in the College academic calendar. Directory Information may be released if no request exists for the last term a student was in attendance and the student is no longer enrolled. The College does not publish a document or a directory containing directory information. State College of Florida, Manatee – Sarasota lists directory information as: student name, degree of study, participation in officially recognized FCSAA activities and sports, weight and height of members of athletic teams, terms of attendance and degrees and awards received.

D. Disclosure of Limited Access Records

Limited Access Records pertain to the permanent academic records of the student, disciplinary records, financial information, and assessment data. This category also covers all records maintained officially by SCF, which do not come under the categories of Directory Information or Sole Possession Records. The College does not release information in Limited Access Records except with the written permission of the student or parent (if the student is a

dependent student of such parent as defined in Title 26 U.S.C.S. s. 152 of the Internal Revenue Code). Exceptions to this, as provided by law, include the following:

- To other school officials, including teachers, within the College whom the College has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
- To officials of another school system or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled, if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
- To authorized representatives of the U.S. comptroller general, the U.S. attorney general, the U.S. secretary of education, or state and local educational authorities, such as a state postsecondary authority that is responsible for supervising the college's state-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of federal- or state-supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the school has designated as "directory information" under §99.37. (§99.31(a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31(a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her. (§99.31(a)(14))

- To parents of a student regarding the student's violation of any federal, state, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

E. Sole Possession Records

Records of instructional, supervisory, and administrative personnel that are in the sole possession of the maker and are not accessible or revealed to any other person except as a substitute for such persons, constitute Sole Possession Records. Examples of records of this type are: records created or maintained by a physician, psychiatrist or other recognized professional acting in his or her professional capacity, and that are created, maintained or used only in connection with the provision of treatments to students. Records that come under this category are not open to inspection by the student or parent. However, other professionals of the students' choice can review these records after the student executes a release form.

F. Third Party Disclosure

Parties to whom personally identifiable student information is released are not permitted to disclose the information to other parties without the written consent of the student. SCF notifies third parties of this requirement in writing at the time that they receive the information.

G. Student Transcript

1. An unofficial copy of a student's academic transcript is released at no charge upon request by the student, providing the student has no outstanding financial or other obligations to the College.
2. An official copy of a student's academic transcript is released and sent to anyone designated by the student by completing a Transcript Request and provided the student has no financial or other obligation to the College. The appropriate transcript request fee must also be collected before the transcript will be released.
3. The appropriate college official completes transfer clearance forms to other educational institutions or requests for references as authorized in writing by the student.

H. Right to Inspect Records and to Obtain a Copy of the Information (except Sole Possession Records)

Students and parents of dependent students as defined above are afforded the right to inspect either Directory Information Records or Limited Access Records pertaining to the student if proper identification is presented to the custodian of the records. The College shall grant access to records within thirty (30) days after receipt of the request. Additionally, students and parents have a right to be provided a copy of the records that are maintained by the College.

I. Confidential Letters or Statements

Students and parents have a right to see letters of recommendations, character references, etc. unless they waive the right of access to letters or statements of recommendation or evaluation and that such waiver shall apply to recommendations or evaluations only if:

1. The parent or student is, upon request, notified of the names of all persons submitting confidential letter or statements; and
2. Such recommendations or evaluations are used solely for the purpose for which they were specifically intended.

J. Faculty and Administrative Staff of the College

Student Limited Access Records are made available to the faculty and staff of SCF who demonstrate to the custodian of the records a need for such information. The custodian of the records maintains records of the individual who requested the record, the date of its release, and for what purpose it was released.

K. Challenge to the Content of Records

Students may request an informal conference with the custodian of a student record to challenge the content of the educational record, to ensure that the records are not inaccurate or misleading. Information in the record that is proven to be inaccurate, misleading or otherwise inappropriate may be corrected. Students who are not satisfied with the outcome of the conference may request a formal hearing through the Vice President, Student Affairs.

L. Formal Hearing

A formal hearing regarding the accuracy of information contained in the College record may be requested by the student or eligible parent. The hearing is held within a reasonable time after the request has been made, and the student and/or parent are given notice of the date, place, and time in advance of the hearing. The Vice President, Student Affairs conducts the hearing. The student and/or the parent shall be afforded a full and fair opportunity to present evidence regarding the claim that the College is maintaining inaccurate records. The student and/or parent may be assisted or represented by individuals of their choice at their own expense, including an attorney. The Vice President, Student Affairs renders a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely upon the evidence presented at the hearing and includes a summary of the evidence and the reasons for the decision. The decision of the Vice President is final.

M. Complaint Procedures

Any student or parent, who feels that their rights have been violated in regard to their rights of privacy, may pursue legal remedies available, including petitioning the following:

U.S. Department of Education
Family Policy Compliance Office
600 Independence Avenue SW
Washington, D.C. 20202-4605

This office is charged with the responsibility of investigating and conducting additional hearings into the matter if hearings are warranted. Final decisions in this matter are made in conjunction with a panel or hearing officer in collaboration with the Secretary of Health, Education and Welfare.

O. Notification

At the beginning of each academic year a copy of this procedure, in condensed form, is published in the College Catalog and the Student Handbook and Planner and is maintained continually on the SCF web page: scf.edu/FERPA. Each term prior to registration each student must acknowledge receipt and notification of FERPA policies and procedures.