



## Florida Agricultural and Mechanical University Board of Trustees Policy

<b>Board of Trustees Policy Number:</b> 2017-02	<b>Date of Adoption:</b> September 15, 2017 <b>Date of Revision:</b>
--	---

<b>Subject</b>	<b>Student Education Records</b>
<b>Authority</b>	Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 CFR Part 99; §§ 1002.225 and 1006.52, Fla. Stat., FAMU Regulation 10.129
<b>Applicability</b>	This policy pertains to all University colleges, departments, units, employees, faculty, adjuncts, students, and staff.

### I. Policy Statement

The Family Educational Rights and Privacy Act (“FERPA”) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. In addition, Sections 1002.225 and 1006.52 of the Florida Statutes, provide certain rights to students concerning the privacy of their education records, and further make student records and applicant records confidential and exempt from disclosure under the Public Records Law.

FERPA gives students, or the parents of a dependent student as defined by the Internal Revenue Service, the right to: review and inspect their education records; challenge and seek to amend education records that the student believes are inaccurate or misleading; consent to disclosures of personally identifiable information contained in their educational records, except to the extent that FERPA allows disclosures without consent; and file a complaint with the U.S. Department of Education concerning alleged violations by FAMU of any such rights.

### II. Definitions

**Applicant Records** – Any record in any medium that is maintained by FAMU or by a party acting on behalf of the University that is directly related to an applicant for admission to the University who has not been in attendance at the University.

**Attendance** shall commence upon formal enrollment for college-credit courses approved and scheduled by the University.

**Directory Information** – Pursuant to FERPA requirements, specified personally identifiable student information, designated by law as “directory information,” may be published or released to third parties by FAMU without prior consent of a student, unless the student files a written request with the FAMU Office of the Registrar for nondisclosure or a privacy hold. FAMU has designated the following as directory information:

- Name
- Telephone number
- Major and Minor field of study
- Enrollment status
- School and/or College
- Address
- Date and Place of Birth
- Dates of attendance
- Classification
- Degrees, honors, and awards received

- Most recent educational institution attended
- Graduate and Research Assistants and Associates; and Teacher Assistants and Associates
- Participation in officially recognized activities and sports, and Weight and height of athletes
- Student Images, including photographs, videos, or any other media containing a student's image or likeness

The following information is not considered student directory information and may not be released or disclosed in any way: social security numbers, student identification numbers, ethnicity/national origins, grades, and grade point averages, except to school officials with a legitimate interest, or to a third party with a signed and dated consent/release from the student or former student.

**Education Records or Student Records** – Any records directly related to a student and maintained by the University and employees/agents of the University that contain personally identifiable information. Such records consist of any information or data recorded in any medium, including but not limited to handwriting, print, magnetic tapes and disks, film, microfilm and microfiche. Education records are designated as limited access records.

**Legitimate Educational Interest** – Legitimate educational interest means a University official has a need to access education records for the purpose of performing an appropriate educational, research or administrative function for the University on a need to know basis.

**Personally Identifiable Information** – Data or information that includes, without limitation, the name of the student, student's parents, or other family members; the student's address; a personal identifier such as a social security number or any generated student number; or a list of personal characteristics or other information that would allow the student's identity to be traced.

**Privacy Hold** – The eligible student's right to restrict the disclosure of directory information.

**School Officials (University Officials)** – An agent of the University, BOT or BOG in an administrative, supervisory, academic, research or support staff position; members of university committees, boards and/or councils; and persons under contract with the University to perform a special task, such as an attorney or auditor.

**Student** – This term refers to an individual who is or has been in attendance at FAMU and whose education records are maintained by the University. "Student" does not include an individual who is or has been enrolled in non-credit and/or continuing education programs.

**Eligible Student** – Once a student reaches 18 years of age or attends a postsecondary institution, he or she becomes an "eligible student," and all rights formerly given to parents under FERPA transfer to the student.

**Enrolled Student** – For the purpose of this document, this term refers to a student who has satisfied all the institution's requirements for attendance in a course offered for academic credit at the institution and is statistically represented in federal, state and/or local reports maintained by the educational institution.

### III. Policies and Procedures for Access and Release

**A. Compliance.** All custodians of student education records and all University employees, faculty, administration, staff, and agents, shall comply with state and federal law, and University

regulations and policies, and maintain the confidentiality of the information contained in those records. Except as otherwise provided by state or federal law, such information shall not be disclosed without the prior written consent of the student.

Additionally, all employees who manage or have direct or indirect access to student education records *are responsible for all security procedures* established by the University, colleges, and departments. Such practices include, without limitation, the following:

1. Maintain confidentiality of student records at all times;
2. Do not disclose student records to any non-University employee;
3. Do not disclose student records to unauthorized personnel;
4. Do not give access of student records to anyone without proper written authorization from the student;
5. Do not give out any passwords to computers/work stations, iRattler or Blackboard accounts; and
6. Do not leave student records out in the open where unauthorized personnel can access the records.

**B. Access without Consent.**

1. University Official, with a legitimate educational interest, may have access to personally identifiable information without the student's prior consent.
2. Directory information may be published or released to third parties by FAMU without prior consent of a student, unless the student has filed a written request with the FAMU Office of the Registrar for a privacy hold.
3. The University may release records to other institutions without notification to the student, when the student is applying for admission.
4. In accordance with FERPA, it is FAMU's policy that the privacy interests associated with an individual's student records expire with the individual's death.

**C. Privacy Hold.** An enrolled student, or the parents of a dependent student, may elect a privacy hold, which restricts the University from releasing/disclosing of the student's directory information. A privacy hold precludes the release of all directory information to all including the release to students' families, prospective employers, the news media, and honor societies.

The student must notify the Office of the Registrar in writing if he/she refuses to permit the University to disclose directory information. The University will not make any further disclosures of directory information about the student without the student's, or the parents' of a dependent student, prior written consent except to the extent authorized by FERPA or other State or Federal laws.

**D. Notice.** FAMU annually publishes a notice of primary rights for enrolled students.

**E. Inspection, Review, and Amendment.** To request the inspection, review, or amendment of student record, the student, or parent of a dependent student, shall provide a written request to the Registrar that identifies the records requested and/or the proposed amendment, with as much specificity as reasonably possible. For record reviews, the Registrar will make arrangements for access and notify the eligible student, or parent of a dependent student, of the time and place where the records may be inspected. Fees may be charged for copies.

**F. Hearing.** For proposed amendments to the student record, FAMU will notify the eligible student, or parent of a dependent student, of the decision and advise of the right to a hearing regarding the request for an amendment.

1. The Registrar shall hold the hearing within a reasonable time; however, no later than sixty (60) days after it has received the request for the hearing from the parent or eligible student.
2. The Registrar shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
3. The hearing may be conducted by any individual, including an official of the Registrar's Office, who does not have a direct interest in the outcome of the hearing.
4. The University shall give the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised under § 99.21. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
5. The University shall make its decision in writing within a reasonable period of time after the hearing; however, no later than forty-five (45) days from the date of the hearing.
6. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

#### **IV. General Information**

**A. Public Records Exemption.** A student's education records, as defined in the Family Educational Rights and Privacy Act, and applicant records are confidential and exempt from Section 119.07(1), of the Florida Statutes, and Section 24(a), Art. I of the State Constitution.

**B. FERPA Compliance Officer.** The University Registrar has been designated as the FERPA Compliance Officer for the University. Further information about FAMU's policy and procedures with respect to the privacy of student records may be obtained from the Office of the Registrar.

**C. U.S. Department of Education.** If a student believes the University has not maintained the confidentiality of their educational record as required by law, the student may file a complaint by contacting the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202-5901.

**D. Subpoenas.** Subpoenas for student records are properly served to either the University Registrar's Office or the Office of the General Counsel.

**E. Non-Compliance.** Failure to comply with federal and state law, and University policies to include this policy, will be grounds for disciplinary action under applicable University regulations and collective bargaining agreements.