

2.1.12 Student Records

As a result of interpersonal relationships developed among students, faculty and administrators, information about attitudes, beliefs and political associations of students is often acquired by College instructors, advisors, counselors and administrators. The students' right to privacy dictates that this information be considered confidential. The College, however, must maintain written records of student performance in order for the faculty and administration to better understand individual students and to assist them in achieving their educational, vocational and personal goals.

Each College office, which collects and disseminates information concerning students, must maintain the confidentiality of those records in their possession as specified in this policy and the Federal Family Educational Rights and Privacy Act of 1974, as amended, and its implementing federal regulations. Each office shall designate the person or persons authorized to disseminate information and establish procedures covering the issuance of information from said office.

In order to protect students from improper disclosure of private information, the following guidelines have been established relative to the collection and dissemination of information from student records and represents Flagler College policy.

I. Confidentiality of Records

- A. All procedures and policies relative to student records shall be formulated with due regard for the student's right to privacy, freedom of association and expression, intellectual liberty and freedom to learn in addition to the requirements of the Federal Family Educational Rights and Privacy Act of 1974, as amended, and its implementing federal regulations.
- B. Records (in handwriting, print, tape, film, computer, electronic, or other medium) shall be kept to meet the needs of the College and the student's goals.
- C. Separate files shall be maintained as follows:
 1. Academic, supporting document, and general educational records;
 2. Disciplinary records;
 3. Medical records;
 4. Financial aid records;
 5. Student personnel records;
 6. Tuition and fee payment records.
- D. Except as it may be relevant for education, counseling, statistical and research purposes to the educational process, no record shall be made naming the students in relation to the following information except upon the expressed written consent of the student.
 1. Race;
 2. Sex;
 3. Religion;
 4. Political or social views;
 5. Membership in organizations other than honorary, service, athletic or professional directly related to the educational process.

All persons handling student records shall be instructed concerning the confidential nature of such records and shall be informed of their professional responsibilities regarding confidentiality.

- E. No entry shall be made in any student record without actual notice to the student with the following exceptions:
 - 1. Recording and publication of grade reports and academic actions, and announcements of honors shall be deemed actual notice;
 - 2. Documents requesting action by the student or writings which, by necessity, must be entered in a student's record because of counseling or other situations developed through student initiation or participation shall be deemed actual notice;
 - 3. Student correspondence to the file.
- F. Information in College files which is not public record shall be made available to persons or organizations who have no College responsibility for the student only with the prior written consent of the student involved.
 - 1. Record-keeping personnel may have access to confidential student records and files as necessary in their job function and in accordance with the policy on Confidentiality of Student Records.
 - 2. Persons with administrative assignment may have access to student confidential records and files for internal educational purposes, including necessary administrative and statistical purposes, after prior approval of the custodian.
- G. Records on a student which are created and maintained by a physician, psychologist or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are created or maintained, or used only in connection with the provision of treatment to the student, are not available to anyone other than persons providing such treatment; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice and/or released in connection with an emergency to appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons. Financial records of the parents of the student or any information contained therein is limited to professional staff in the performance of their assigned responsibilities.
- H. No one having access to confidential student records may disclose information beyond that listed in 1 and 2 below:
 - 1. The following "directory information" may be given in response to general inquiries in the discretion of certain administrative officers: student's name, address (both local, including e-mail address, and permanent), telephone listing (both local and permanent), date and place of birth, major field of study, dates of registered attendance, enrollment status, photographs, major field of study, degrees and awards received, date of graduation and the most previous educational agency or institution attended by the student, participation in officially recognized activities and sports, and weight and height of members of athletic teams, as well as information included in public information news releases. Students may request this information be withheld by completing the Request for Non-disclosure of Information form, which is available in the Office of the Registrar.

2. Other than information listed in H.1, the College may not release personally-identifiable information without the written consent of the student to any party other than the following:
 - a. Other College officials;
 - b. Officials of other institutions in which the student intends to enroll, conditioned upon the student being notified and receiving a copy of such records, if requested, and further allowing the student an opportunity to challenge the contents of the records;
 - c. Authorized representatives of the Comptroller General of the United States, U.S. Department of Education
 - d. In connection with a student's application for, or receipt of, financial aid;
 - e. Bona fide educational research organizations which will not use personal identification;
 - f. Accrediting organizations in order to carry out their accrediting functions;
 - g. In order for the parent(s) to have access to a student's records without written permission from the student, the parent(s) must certify in writing that the student is economically dependent upon the parent(s) as defined by Section 152 of the Internal Revenue Code of 1954. Such written certification is to be included in the student's record;
 - h. Potential employers may be given the above information if the potential employer presents proper credentials and offers proof that the student for whom the inquiry is being made has given permission for such information to be released to the potential employer;
 - i. Records shall be released in compliance with a court order or lawfully issued subpoena, upon condition that the student is notified of all such orders in advance of compliance by the College. Notification may be prohibited if the College receives a federal grand jury subpoena or any other subpoena which states that the student should not be notified;
 - j. The College may release information to appropriate persons in connection with a health or safety emergency if the knowledge of such information is necessary to protect the health or safety of a student or other persons;
 - k. The College will be required to disclose to an alleged victim (or next of kin), the final results of any College due process proceeding dealing with a crime of violence (as that term is defined in § 16 of Title 18, United States Code) or a nonforcible sex offense upon the victim's (or next of kin) written request;
 - l. To Veterans Administration Officials pursuant to 38 USC 3690 (c).

II. Academic Records

The Office of the Registrar has established additional guidelines within the limits of this policy. The Registrar is careful to follow procedures that protect the confidentiality of admissions, academic and permanent records, and other information.

A student shall have the right to inspect the permanent record of his grades by requesting a copy of his transcript or examining them in the Registrar's Office. Students access their final grades through the College's Web portal.

III. Departmental Records and Others

Various departments within the College may have policies that are more specific than the general College policy. Departmental policies on the confidentiality of records must conform to the guidelines of the general College policy.

IV. Disciplinary Records

Records of all misconduct reports, investigations and disciplinary actions are maintained in the Offices of the Dean of Student Services and are transmitted to the Office of the Registrar as necessary.

If a requesting agency asks the reason(s) for the disciplinary action, the College will not divulge any information regarding the case without the student's written permission unless it is required to do so by law. Publicity concerning disciplinary matters is limited to a statement of the violation and disciplinary action taken without release of names.

The College's use of disciplinary records is at the discretion of the Dean of Student Services who may, based on legitimate educational interest, inform other administrators of the student's status when necessary to the discharge of their duties.

While student disciplinary records are generally not released for use outside Flagler College unless authorized in writing by the student or required by law, the College reserves the right, as defined in the Higher Education Reauthorization Amendments of 2008, to disclose the results of a disciplinary hearing when a student is found to be in violation of College policies related to violence or a non-forcible sex offense and to notify parents/guardians of students under the age of 21 determined to have violated federal, state, or local law, or campus regulations regarding the use or possession of alcohol or a controlled substance.

V. Health Records

The Student Health Service releases health records to offices or agencies outside the College only with a signed authorization from the student or in the event of an emergency.

VI. Access to Records

The College shall provide students access to their records, subject only to reasonable regulation as to time, place and supervision, by contacting the appropriate office (see sections II through VII), with the following exceptions:

1. Financial records of the parents of the student submitted in connection with an application for, or receipt of, financial aid, or any information contained therein;
2. Confidential letters and statements of recommendation, which were placed in the education records prior to January 1, 1975, if such letters or statements are not used for purposes other than for which they were specifically intended;
3. Any and all documents to which access has been waived by the student;
4. Any and all records excluded from the FERPA definition of educational records:
 - a. A personal record kept by a faculty or staff member if it is kept in the sole possession of the maker of the record, is not accessible or revealed to any other person except a temporary substitute for the maker of the record and is not used for purposes other than a memory or reference tool;

- b. Records created and maintained by the Flagler College Security Department for law enforcement purposes;
 - c. An employment record of an individual whose employment is not contingent on the fact that he or she is a student;
 - d. Records made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional if the records are used only for treatment of a student and made available only to those persons providing the treatment;
 - e. Alumni records which contain information about a student after he or she is no longer in attendance at the College and which do not relate to the person as a student
5. Any and all records connected with an application to attend Flagler College if that application was denied, or accepted and the applicant never enrolled (FERPA rights are provided only to applicants upon actual acceptance and subsequent enrollment);
 6. Those records that contain information on more than one student.

A student may obtain copies of his or her records at a cost not to exceed the actual cost to the College. The student is entitled to a response from the College to reasonable requests for explanations and interpretations of his records and to an opportunity for a hearing to challenge the contents of those records (see paragraph VII below).

All requests for student records, whether granted or not, must be made in writing in a form that becomes part of the student record. This does not apply to requests for directory-type information. The College is precluded from destroying those records classified as permanent records, if not otherwise precluded by law.

Withholding Information: There may be conditions such as financial obligations, violations of non-academic regulations, etc., under which the College will withhold transcripts, certifications, or other information about a student. The Registrar's Office notifies the student of a hold placed on the student's record and directs the student to the office that placed the hold.

VII. Challenges to the Content of Records

The College shall provide current and former students an opportunity for a hearing to challenge the content of such student's education records in order to insure that the records are not inaccurate, misleading or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein, and insert into such records a written explanation of the student respecting the content of such records.

The College will attempt to settle a dispute with the student regarding the content of the student's education records through informal meetings with the student. Upon the request of the College or the student, a formal hearing may be held following these guidelines:

1. The hearing shall be conducted and decided within a reasonable period of time following the request for the hearing. The student shall be notified as to the time and place of any hearing;
2. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised;

3. The College shall be afforded the opportunity to present testimonial and/or documentary evidence in response to any evidence presented by the student;
4. The hearing shall be conducted, and the decision rendered, by a College official or other party who does not have a direct interest in the outcome of the hearing. The appropriate vice president or director with oversight over the record in question shall appoint such official or other party;
5. The decision shall be rendered in writing within a reasonable period of time after the conclusion of the hearing;
6. The record of the hearing and decision shall be preserved in the student's file.

VIII. Waiver of Rights

Waivers of rights to access of records cannot be required for admissions, financial aid or other College services.

IX. Student Right to File a Complaint

Students have the right to file written complaints with the Office of the Secretary of the U. S. Department of Education concerning the College's alleged failure to comply with FERPA or the regulations promulgated therein. The address is:

Family Policy Compliance Office

U.S. Department of Education
600 Independence Avenue, SW
Washington, D.C. 20202-4605
(202) 260-3887

X. Annual Notification of Student Rights under FERPA

Annually, Flagler College informs students of their rights pursuant to the Family Educational Rights and Privacy Act (FERPA) of 1974 (20 U.S.C. 1232g and 34 C.F.R., 99.1-99.67) by publishing the Privacy of Student Records Statement below in both the *Student Handbook* and *College Catalog*.

Recommended by: Offices of Academic Affairs and Student Affairs

Approvals: Replaces APS 104; revised by Stephens Strategy; approved August 12, 2013

Documents compliance with SACSCOC principle: 3.9.2 and complies with FERPA regulations and the Higher Education Opportunity Act of 2009

Also published in: College Catalog and Student Handbook