

# PROCEDURE

<b>SUBJECT</b>	<b>PROCEDURE: STUDENT RECORDS</b>	<b>PAGE</b>
		<b>P4.37-1</b>
<b>LEGAL AUTHORITY</b>	<b>P6Hx23-4.37</b>	<b>7/17/12 Revision #12-7</b>

## P6Hx23-4.37 PROCEDURE: STUDENT RECORDS

### I. Definitions:

- A. A "Student" is any person for whom the College maintains educational records or personally identifiable information, but does not include a person who has not been in attendance at the College.
- B. "Student Records" means any and all official records, files, and data directly related to students which are created, maintained, and used by the College, including all material that is incorporated into each student's permanent record and intended for College use or to be available to parties outside the College for legitimate educational or research purposes. However, the term "student records" shall not include:
  - 1. Records of instructional personnel in the sole possession of the maker thereof and which are not accessible or revealed to any other individual except a substitute;
  - 2. Employment records;
  - 3. Directory information or
  - 4. Records created and maintained solely by Campus Security for law enforcement and security purposes.
- C. The protection of student records under the Family Education Rights and Privacy Act (FERPA) begins at the point the student enrolls for classes at SPC, whereupon a student is considered "in attendance" whether instruction is in person or by paper correspondence, videoconference, satellite, Internet, or through other electronic information and telecommunication technologies for students who are not physically present in the classroom.
- D. "Directory Information" shall include:
  - 1. Names and dates of attendance of students;
  - 2. Names of recipients of degrees conferred or to be conferred;

# PROCEDURE

<b>SUBJECT</b>	<b>PROCEDURE: STUDENT RECORDS</b>	<b>PAGE</b>
		<b>P4.37-2</b>
<b>LEGAL AUTHORITY</b>	<b>P6Hx23-4.37</b>	<b>7/17/12 Revision #12-7</b>

3. Names of recipients of honors or special awards; and
4. Weight and height of athletic team members.
5. Student addresses for use by the College's Foundation and Alumni Association upon review by the President's Cabinet and the approval of the President.
6. See Section V.D. 8 for additional information related to armed forces and the disclosure of student recruiting information.
7. Student addresses, of students who have applied for graduation, may be provided to Florida public universities and independent colleges and universities of Florida.
8. Student addresses upon the request of a local, State or Federal law enforcement agency.

## II. Student's Request for Non-Release of Directory Information

A student may request in writing that all or a portion of such directory information not be released. Where a student makes such a request the directive that directory information not be released will continue beyond the period of attendance and graduation unless revoked. However, directory information gathered after attendance, such as records related to student alumni information, may be released in the absence of a specific request to not release. Notification of a student's rights, as well as procedures related to non-disclosure, shall be provided on an annual basis.

## III. Rights of Students, Parents, and Guardians

The rights involved in student records (e.g., right of access and right of privacy) are normally the rights of the student only. Once a student turns 18 or is enrolled in a post-secondary program, parents no longer have these rights unless: (1) the student gives written consent to release information to the parent; or (2) the parent provides evidence that the parent claims the student as a dependent as defined in Section 152 of the Internal Revenue Code.

# PROCEDURE

<b>SUBJECT</b>	<b>PROCEDURE: STUDENT RECORDS</b>	<b>PAGE</b>
		<b>P4.37-3</b>
<b>LEGAL AUTHORITY</b>	<b>P6Hx23-4.37</b>	<b>7/17/12 Revision #12-7</b>

Dependency claims using Section 152 of the Internal Revenue Code shall be directed to the director of Admissions and Records.

The rights of a student include:

A. Right of Access

1. A student has the right, upon request directed to the College registrar, to be provided with a list of the types of records, directly relating to the student, maintained by the College and with a copy of this Rule.
2. A student has the right, upon request, to be shown any record relating to the student maintained by the College, except the financial records of a parent. The student's request shall be granted within 30 days after receipt of such request.
3. Copies of any record requested under this provision shall be furnished within 30 days, and the student may be assessed a fee for duplication pursuant to Rule 6Hx23-5.171.

B. Right to Waive Access to Confidential Letters or Statements

A student or a person applying for admission may waive the right of access to letters or statements of recommendation or evaluation, except that such waiver shall apply to recommendations or evaluations only if:

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

Such waivers shall not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from the College.

C. Right to Challenge and Hearing

# PROCEDURE

<b>SUBJECT</b>	<b>PROCEDURE: STUDENT RECORDS</b>	<b>PAGE</b>
		<b>P4.37-4</b>
<b>LEGAL AUTHORITY</b>	<b>P6Hx23-4.37</b>	<b>7/17/12 Revision #12-7</b>

A student has the right to challenge the content of any report to which the student is granted access under this Rule, in order to ensure that the record is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student and to provide an opportunity for the correction of inappropriate information.

1. Any challenge to a student record shall be considered a student grievance and shall be handled in accordance with Rule 6Hx23-4.36. Pursuant to this right, a student may challenge a grade only on the grounds it was inaccurately recorded, not as a challenge to the awarding of that grade.
  2. A student who feels that the decision rendered through the grievance resolution is unacceptable, may submit explanatory statements for inclusion in the student's records.
- D. Right of Privacy and Disclosure of Personally Identifiable Information in Student Records
1. A student may provide written consent to release personally identifiable information which identifies the party or class of parties to whom disclosure may be made and what information may be released. Such documentation shall be maintained by the College.
  2. A student has a right of privacy with respect to the records maintained by the College on the student. The College shall not permit the release of personally identifiable records of a student, other than directory information, without the written consent of the student, to any individual, agency, or organization, except the following:
    - a. Officials of other educational institutions in which the student seeks to enroll or is enrolled so long as the purpose of disclosure is related to enrollment or transfer of enrollment. Student records disclosed may include updated or corrected information, as well as disciplinary records where it is related to a student's enrollment or transfer, and a copy of such records or reports shall be furnished to the student upon request;

# PROCEDURE

<b>SUBJECT</b>	<b>PROCEDURE: STUDENT RECORDS</b>	<b>PAGE</b>
		<b>P4.37-5</b>
<b>LEGAL AUTHORITY</b>	<b>P6Hx23-4.37</b>	<b>7/17/12 Revision #12-7</b>

- b. In connection with a student's application for, or receipt of, financial aid;
- c. Accrediting organizations, in order to carry out their accrediting functions;
- d. Individuals or organizations conducting studies for the College for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if such studies do not permit the personal identification of students and if such information is destroyed after its use;
- e. In an emergency, where there is determined to be an articulable and significant threat to the health and safety of a student or other individuals given the totality of the circumstance, information found in student records may be disclosed to any person whose knowledge is deemed necessary in that situation. Parents may be considered the appropriate persons to receive protected information in a health and safety emergency. A record must be created and maintained outlining the basis for the disclosure, as well as the information disclosed and the names of persons receiving the disclosure;
- f. In compliance with a judicial order from a court of competent jurisdiction or to the attorney of record pursuant to a lawfully issued subpoena, upon the condition that notification of the order or subpoena is sent to the student's last known address in advance of compliance therewith;
- g. The State Auditor General in connection with his/her official functions;
- h. Other federal, state and local governmental officials as required by law; and
- i. In connection with personally identifiable information received under a community notification program about a student who is required by law to register as a sex offender.

# PROCEDURE

<b>SUBJECT</b>	<b>PROCEDURE: STUDENT RECORDS</b>	<b>PAGE</b>
		<b>P4.37-6</b>
<b>LEGAL AUTHORITY</b>	<b>P6Hx23-4.37</b>	<b>7/17/12</b> <b>Revision #12-7</b>

3. All requests for release of information from the records of a student shall be incorporated into the student's records.
4. All information transferred to a third party under a.-i. above will bear the following statement: "The attached information has been forwarded to you with the understanding that it will not be released to other parties. The Family Educational Rights and Privacy Act of 1974 prohibits release of this information without the student's written consent. Please return this material to us if you are unable to comply with this condition of release."
5. College officials shall have access to all student records for legitimate educational purposes. Officials shall include employees, contractors, consultants, volunteers, or other parties to whom the institution has outsourced institutional services or functions provided the party: (a) performs an institutional service or function for which the College would otherwise use employees; (b) is under the direct control of the College with respect to the use and maintenance of student records; and (c) is subject to the College's policy governing the use and re-disclosure of information from student records.
6. In the case where a student is under the age of 21 and such student was found to have violated the College's Code of Conduct relating to alcohol and/or a controlled substance, and where it is also a violation of federal, state or local law, and where it has been determined that the student's behavior demonstrates a health or safety risk to him or herself, or to others, the College may release to the student's parent(s) those portions of student records that relate to the violation.
7. Directory information may be released to the general public, upon request, unless a student has requested in writing that such information not be released.
8. In addition to directory information, the United States armed forces may be furnished with student recruitment information which shall include the dates of birth, addresses, telephone

# PROCEDURE

<b>SUBJECT</b>	<b>PROCEDURE: STUDENT RECORDS</b>	<b>PAGE</b>
		<b>P4.37-7</b>
<b>LEGAL AUTHORITY</b>	<b>P6Hx23-4.37</b>	<b>7/17/12 Revision #12-7</b>

listings, levels of education, prior military experience, major fields of study, most previous educational institution enrollment, and degrees and awards of enrolled students. Student recruitment information which is included in directory information of former students may be released to a military recruiter. Where a student has requested a non-release of directory information, student recruitment information shall not be released.

9. College employees who have access to student records must report any improper requests for access to student records to their supervisors.

## E. Security of Records

The President shall develop and publish procedures for the security of all student records.

## F. Notification to Students

Annually, the student handbook shall inform the students of

1. Their rights as set forth in this Rule.
2. The location and availability of this Rule.

## G. Request for Records

Requests for information on currently enrolled students shall be directed or referred to associate provosts or their designee, Admissions staff on each campus, or Central Records.

1. Directory information may be provided at the discretion of the campus associate provost or designee, or the vice president of Academic and Student Affairs, or Admissions staff on each campus, where a student file does not indicate that he or she has opted to block the release of directory information.
2. Information may be released outside the College where there is a written authorization for its release utilizing the College's Consent to Release form or other such

# PROCEDURE

<b>SUBJECT</b>	<b>PROCEDURE: STUDENT RECORDS</b>	<b>PAGE</b>
		<b>P4.37-8</b>
<b>LEGAL AUTHORITY</b>	<b>P6Hx23-4.37</b>	<b>7/17/12 Revision #12-7</b>

documentation as may provide evidence of authorization to release, or where information is deemed releasable under the provisions of D.(2) of Section V, herein. Documentation of the release of student records under this provision must be maintained in the student's file and indicate what information has been released, to whom and the date of release.

3. Subpoenas and court orders for student records, issued by a court of competent jurisdiction, shall be served on the campus associate provost, provost or designee, college registrar, vice president of Academic and Student Affairs, who shall forward the request to the General Counsel's Office for review and processing. Said subpoenas and court orders may also be served directly on the Office of the General Counsel.
- H. Requests for information on former students are processed according to the information requested and are directed or referred to Central Records.
- I. The following College staff members and/or their designee(s) have authority to release information from student records to sources outside the College upon receipt of written authorization from the student and/or in accordance with the law:

President  
 Senior Vice President of Academic and Student Affairs  
 Vice President of Academic and Student Affairs  
 Vice President of Baccalaureate Programs & University Partnerships  
 Provosts, Associate Provosts and Site Executive Officers  
 St. Petersburg Collegiate High School Principal  
 Campus Coordinator of Admissions/Registration  
 Managers, MySPC Answer Place (MAPS)  
 Associate Vice President of Enrollment Management  
 Associate Vice President of Financial Assistance Services  
 Director of Admissions and Records  
 Director of Financial Assistance Services  
 General Counsel  
 Director of Athletics  
 Director and Assistant Director of Institutional Advancement



# PROCEDURE

<b>SUBJECT</b>	<b>PROCEDURE: STUDENT RECORDS</b>	<b>PAGE</b>
		<b>P4.37-9</b>
<b>LEGAL AUTHORITY</b>	<b>P6Hx23-4.37</b>	<b>7/17/12 Revision #12-7</b>

Note: The foregoing list is subject to modification as positions are added, changed, or deleted.

It shall be the responsibility of the custodian of records to prepare and maintain records relating to the release of student record information.

## J. Retention and Destruction of Records

Student records shall be retained for the period(s) set forth in the General Records Schedule for Community College Records promulgated by the Department of State, Division of Library and Information Services, Records Management Program, provided, however, the student's application for admission, high school and college transcripts, evaluations of transcripts, student's grade history and diploma shall be maintained as a permanent record and retained permanently in a form permitted by law. The Office of Admissions and Records is responsible for the policies and oversight of operations regarding retention and destruction of student records.

### History:

Amended 5/31/83, 4/20/84, 8/14/84, 10/23/90. Effective 10/30/90; 5/18/99. Filed - 5/18/99. Effective - 5/18/99; 7/27/04. Filed - 7/27/04. Effective - 8/6/04; 9/15/09. Filed - 9/15/09. Repealed Effective - 9/15/09; Re adopted - 7/17/12. Effective - 7/17/12.