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(1) Introduction. The policies and procedures outlined in this Regulation are designed to implement the provisions of the Family Educational Rights and Privacy Act ["FERPA," 20 U. S. C. §1232g], and Florida Statutes Sections 1002.22 and 1006.52, pursuant to which the University of South Florida is obligated to inform students and parents of their rights to review and inspect education records, to challenge and seek to amend education records, to control disclosure of education records, and to complain to the FERPA Office or to Florida Circuit Court concerning alleged violations by the University of South Florida of any of such rights. The University of South Florida has placed the responsibility for administration of this Regulation with its FERPA Coordinator who is the University Registrar.

(2) Definitions. The following definitions of terms apply to the construction of this Regulation:

(a) Student-An individual who is registered for an on-or-off campus program leading to the award of academic credit from the University. "Student" does not include individuals participating in the Common Learning Network, Language Institute, Gifted programs, Speech and Hearing Clinics and non-credit Continuing Education programs.

(b) Education records-Those records which are maintained by the University and employees/agents of the University which contain information directly related to a student. "Record," as used herein, includes any information or data recorded in any medium, including but not limited to handwriting, print, magnetic tapes and disks, film, microfilm, and microfiche. "Agents," as used herein, means any individual who, pursuant to express or implied authorization, represents and acts for the University. The following types of records are expressly exempt from the definition of "education records":

1. Sole possession records-Personal record of University employees/agents which meets the following test:

- a. It was created by the University employee/agent as a personal memory aid; and
- b. It is in the sole possession of the University employee/agent who created it; and
- c. The information contained in it has never been revealed or accessible to any other person, including the student, except the University employee's/agent's "temporary substitute." "Temporary substitute," as used herein, means an individual who performs on a temporary basis the duties of the University employee/agent.

2. Employment records-Records which are used only in relation to an individual's employment by the University. However, the following are education records rather than employment records:

- a. Records relating to a student's employment by the University if the position in which the student is employed depends on his/her status as a student.
- b. Records relating to a student's employment by the University if the student receives a grade or credit based on his/her performance as an employee.

3. Pre-attendance records-Records relating to an individual's application for admission to the University of South Florida prior to his/her actual attendance as an enrolled student in the program for which application was made. This includes records relating to an application for admission to one of the colleges within the University prior to the individual's actual attendance as an enrolled student in that college.

4. Alumni records - Records created and maintained on an individual as an alumnus/alumna of the University of South Florida.

5. Law enforcement records-Records created and maintained by the University Police which are used solely for law enforcement purposes, are maintained apart from education records, and are not disclosed to individuals other than law enforcement officials of the same jurisdiction; provided that, in addition, no member of the University Police shall have access to education records except where this Regulation authorizes release without the student's prior written consent.

6. Health records-Records of the University's Student Health Services and Counseling Center for Human Development which are used only for the provision of medical, psychiatric, or psychological treatment and which are kept separate from education records.

(c) Personal identifier - Any data or information that relates a record to an individual. This includes the individual's name, the name of the individual's parents, or other family members, the individual's address, the individual's social security number and any other number or symbol which

identifies the individual, a list of the individual's personal characteristics, or any other information which would make the individual's identity known and can be used to label a record as the individual's record.

(3) Annual Notification.

(a) The University will publish annually in the graduate and undergraduate catalogs a notice of student rights under FERPA and Florida Statutes Sections 1002.22 and 1006.52.

(b) The notice will include, but not be limited to, the following:

1. The right of the student to inspect and review his/her education records.
2. The intent of the University to limit the disclosure of information contained in a student's education records to the following circumstances:

a. With the student's prior written consent; or
b. As an item of directory information which the student has not refused to permit the University to disclose; or,

c. Under the FERPA and Florida Statutes provisions which allow the University to disclose information without the student's prior written consent.

3. The right of a student to request the University to amend any part of his/her education record which he/she believes to be inaccurate, misleading, or in violation of his/her privacy or other rights; and, should the University deny the student's request, the right of the student to a hearing to present evidence that the record is inaccurate, misleading, or in violation of his/her privacy or other rights.

4. The right to report violations of FERPA to the Family Policy Compliance Office of the U.S. Department of Education, and to bring an action in Florida Circuit Court for violations of Florida Statutes Section 1002.22.

5. The locations where copies of this Regulation are available to students.

(4) Locations of Education Records.

(a) Admission records are located in the Office of Admissions, Student Services Building, and the custodian for such records is the Director of Admissions, University of South Florida, SVC 1036, 4202 Fowler Avenue, Tampa, Florida 33620.

(b) Cumulative academic records are located in the Office of the Registrar, Student Services Building, and the custodian for such records is the University Registrar, University of South Florida, SVC 1034, 4202 Fowler Avenue, Tampa, Florida 33620-6950.

(c) Medical records are located in Student Health Services, and the custodian for such records is the Director, Student Health Services, SHS 100, 4202 Fowler Avenue, Tampa, Florida 33620.

(d) Psychological/Psychiatric counseling records are located in the Counseling Center for Human Development, Student Services Building, and the custodian for such records is the Director, Counseling Center for Human Development, University of South Florida, SVC 2125, 4202 Fowler Avenue, Tampa, Florida 33620.

(e) Student employment records are located in the Student Employment Office, Student Services Building, and the custodian for such records is the Director, Student Employment, University of South Florida, SVC 1037, 4202 Fowler Avenue, Tampa, Florida 33620.

(f) Financial aid records are located in the Financial Aid Office, Student Services Building, and the custodian for such records is the Director, Financial Aid Office, University of South Florida, SVC 1102, 4202 Fowler Avenue, Tampa, Florida 33620.

(g) Financial records are located in the Division of Finance and Accounting, Administration Building, and the custodian for such records is the University Controller, Division of Finance and Accounting, University of South Florida, ADM 147, 4202 Fowler Avenue, Tampa, Florida 33620.

(h) Cooperative education and placement records are located in the Career Resource Center, Student Services Building, and the custodian for such records is the Director, Career Development Services, University of South Florida, SVC 2088, 4202 Fowler Avenue, Tampa, Florida 33620.

(i) College records are located in the college dean's office and/or departmental offices of each college or department and in the faculty offices at each college or department and the custodian for such records is the appropriate dean, department chairperson, professor, instructor or lecturer.

(j) Disciplinary records are located in the Office of Student Affairs, Administration Building, and the custodian for such records is the Associate Vice President for Student Affairs and Dean of Students, University of South Florida, ADM 151, 4202 Fowler Avenue, Tampa, Florida 33620.

(k) Continuing Education records are located in the Office of the Registrar, Student Services Building, and the custodian for such records is the University Registrar, University of South Florida, SVC 1034, 4202 Fowler Avenue, Tampa, Florida 33620-6950.

(l) All records relating to students enrolled in the University's College of Medicine are located in the appropriate College of Medicine office, and the custodian for such records is the Office of Student Affairs, College of Medicine, University of South Florida, MDC 4, 12901 Bruce B. Downs, Tampa, Florida 33612.

(m) Records relating to students enrolled in the New College program of the University are located in the appropriate New College office, and the custodian for such records is the Provost, New College, University of South Florida, 5700 North Tamiami Trail, Sarasota, Florida 34243.

(n) Occasional records, student education records not included in the types or systems listed above, such as copies of correspondence in offices not listed, etc., the FERPA Coordinator will collect such records, direct the student to their location, or otherwise make them available for inspection and review.

(5) Procedure to Inspect Education Records.

(a) Students who wish to inspect and review their education records should submit a written request to the appropriate record custodian or to the FERPA Coordinator. The request should identify as accurately as possible the specific records the student wishes to inspect and review. It may identify records according to the types listed in subsection (4) of this Regulation, as records located at specific places, or as records under the custodianship of specific University employees/agents identified by title. Records listed in this Regulation as "occasional records" should be identified in terms which will make it possible for the FERPA Coordinator to locate them and make them available for the student to inspect and review.

(b) The FERPA Coordinator or the record custodian shall either permit the student to immediately inspect and review his/her education records or advise the student when and where the records will be available for inspection and review. Access to education records requested in compliance with this Regulation shall be granted within a reasonable period of time, but in no case more than thirty (30) calendar days after the FERPA Coordinator or the record custodian receives the student's written request. The FERPA Coordinator or the record custodian or his/her designee shall have the right to be present while the student inspects and reviews the records. Upon reasonable request, the University shall furnish the student with an explanation or interpretation of his/her record.

(c) Upon reasonable request and demonstration to the FERPA Coordinator that the failure to provide the student with copies of the requested education records will effectively deny the student the right to inspect and review such records, the University will arrange for the student to obtain copies of such records. In the event that the student has an unpaid financial obligation to the University, he/she shall not be entitled to transcripts or copies of education records.

(d) When records contain personally identifiable information about more than one student, a student may inspect only that information which relates to him/her.

(e) The University reserves the right to refuse to permit a student to inspect and review the following education records:

1. The financial records of the parents of the student or any information contained therein.
2. Statements and letters of recommendation prepared by University officials or submitted with the student's application for admission which were placed in the student's records before January 1, 1975 or for which the student has waived his/her right of access in writing; provided, however, that if such statements and letters of recommendation have been used for any purpose other than that for which they were originally prepared, the student may inspect and review them.
3. Those records which are excluded from the definition of "education records" under this Regulation.

(6) Copies of Education Records.

(a) Fees. The University will charge the following fees for copies of education records:

1. University of South Florida official transcripts-\$10.00.
2. FERPA required copies of education records -the fee for FERPA required copies of education records shall be Ten Cents (\$.10) per page, which reflects actual copying costs but does not include the cost of search and retrieval. Copies of education records are required by FERPA under the following circumstances:

a. A failure to provide such copies would effectively deny the student the right to inspect and review his/her records; or

b. The University has disclosed information from the student's education records under authority of the student's prior written consent and the student requests a copy of the information disclosed; or

c. The student requests copies of records the University has disclosed to other schools where the student seeks or intends to enroll.

3. Copies (not signed and certified) of education records will be available to students when administratively possible, even though not required by FERPA, at a copying cost of One Dollar (\$1.00) per page plus the actual cost of search, retrieval, and mailing.

(b) When administrative costs of collecting fees exceed the amount which would be received, the FERPA Coordinator shall be authorized to waive such fees.

(c) The University reserves the right to deny transcripts or copies of records not required by FERPA in any of the following situations:

1. The student has an unpaid financial obligation to the University of South Florida.

2. There is an unresolved disciplinary action against the student.
3. There is an unresolved litigation between the student and the University of South Florida.

(7) Directory Information.

(a) Designation of directory information. The University hereby designates the following described personally identifiable information contained in a student's education record as "directory information" in order that the University may, at its discretion, disclose the information without a student's further prior written consent:

1. The student's name.
2. The student's local and permanent addresses.
3. The student's local and permanent telephone listing.
4. Date and Place of Birth.
5. The student's classification and major field of study.
6. The student's participation in officially recognized activities and sports.
7. The weight and height of members of athletic teams.
8. The student's dates of attendance, part-time or full-time status, degrees and awards received, and most recent previous educational agency or institution attended.
9. The student's photographic image.
10. Other similar information.

(b) Student's refusal to permit disclosure of "directory information." The University will publish in the Schedule of Classes for each academic term the above list, or a revised list, of the items of information it proposes to designate as "directory information." Students must notify the FERPA Coordinator in writing if they refuse to permit the University to disclose directory information about themselves; such notification must be received by the FERPA Coordinator no later than the end of the second week of classes of the academic term or the student will be deemed to have waived his/her right of refusal until the next academic term. When the FERPA Coordinator receives a student's refusal to permit the University to disclose "directory information" about that student, the FERPA Coordinator will notify the appropriate records custodians of the student's action. The records custodians will not make any further disclosures of directory information about that student without the student's prior written consent except to the extent authorized by FERPA and the Florida Statutes.

(c) Publication of directory information in the University Directory. The University of South Florida proposes to publish for each academic year a University Directory which will contain certain

items of directory information respecting students who are registered during the Fall Semester of such academic year. Students registering during the Fall Semester must notify the FERPA Coordinator in writing of their refusal to permit the University to disclose or publish directory information in the University Directory; such notification must be received by the FERPA Coordinator no later than the end of the second week of classes of the Fall Semester or the student will be deemed to have waived his/her right of refusal with respect to the University Directory until Semester One of the next academic year.

(d) Requests for directory information. All requests for directory information about students should be referred to the FERPA Coordinator.

(8) Use of Education Records. All custodians of a student's education records and other University employees/agents will follow a strict policy that information contained in a student's education record is confidential and may not be disclosed to third parties without the student's prior written consent except as otherwise provided in this section.

(a) University officials shall have access to student education records for legitimate educational purposes.

1. "University official," as used herein, means:

a. A person currently serving as a member of the Florida Board of Regents.

b. A person under contract to the Florida Board of Regents/University of South Florida or the Florida Department of Administration in any faculty or staff position at the University of South Florida.

c. A person employed by the Florida Board of Regents as a temporary substitute for a staff member or faculty member at the University of South Florida for the period of his/her performance as a substitute.

d. A person employed by the Florida Board of Regents or under contract to the Florida Board of Regents to perform a special administrative task for the University of South Florida. Such persons may be employed as secretaries, clerks, attorneys, auditors, and consultants. They shall be considered to be University officials for the period of their performance as an employee or contractor.

2. "Legitimate educational purpose," as used herein, means a University official's need to know in order to:

a. Perform an administrative task outlined in the official's position description or contract; or

b. Perform a supervisory or instructional task directly related to the student's education; or

c. Perform a service or benefit for the student such as health care, counseling, student job placement, or student financial aid.

(b) Under the following circumstances, University officials may make disclosures of personally identifiable information contained in the student's education records without the student's consent:

1. To another college or university where the student seeks or intends to enroll.
2. To certain federal and state officials who require information in order to audit or enforce legal conditions related to programs at the University supported by federal or state funds.
3. To parties who provide or may provide financial aid to the student in order to:
 - a. Establish the student's eligibility for the financial aid;
 - b. Determine the amount of financial aid;
 - c. Establish the conditions for the receipt of the financial aid; or
 - d. Enforce the terms of the agreement between the provider and the receiver of the financial aid.
4. To state or local officials in compliance with state law adopted prior to November 19, 1974.
5. To an individual or organization under written agreement or contract with the University of South Florida or the Florida Board of Regents for the purpose of conducting a study on the University's behalf for the development of tests, the administration of student aid, or the improvement of instruction.
6. To accrediting organizations to carry out their accrediting functions.
7. To parents of a student if the parents claim the student as a dependent under the Internal Revenue Code of 1954. The University will exercise this option only on the condition that evidence of such dependency is furnished to the FERPA Coordinator.
8. To comply with a lawfully issued subpoena or judicial order of a court of competent jurisdiction. The University will make a reasonable effort to notify the student before it makes a disclosure under this provision.
9. The result of a disciplinary proceeding may be released to the victim of the student's crime of violence.
10. All requests for disclosure under the nine (9) circumstances listed above, where the University may disclose personally identifiable information without the student's prior consent to third parties other than its own officials, will be referred to the FERPA Coordinator or appropriate records custodian.

(c) University officials are authorized to make necessary disclosures from student education records, without the student's prior consent in a health or safety emergency if the University official deems:

1. The disclosure to be warranted by the seriousness of the threat to the health or safety of the student or other persons; and
2. The information disclosed is necessary and needed to meet the emergency; and
3. The persons to whom the information is disclosed are qualified and in a position to deal with the emergency; and
4. Time is an important and limiting factor in dealing with the emergency.

(d) University officials may not disclose personally identifiable information contained in a student's education record, except directory information or under the circumstances listed above, except with the student's prior written consent. The written consent must include the following:

1. A specification of the information the student consents to be disclosed;
2. The person or organization or the class of persons or organizations to whom the disclosure may be made; and
3. The date of the consent.

(e) The student may obtain a copy of any records the University discloses pursuant to the student's prior written consent.

(f) The University will not release information contained in a student's education records, except directory information, to any third parties except its own officials, unless those third parties agree that they will not redisclose the information without the student's prior written consent.

(9) Records of Requests for Access and Disclosures Made from Education Records.

(a) All requests for disclosures of information contained in a student's education record or for access to the record made by persons other than University officials or the student or those requests accompanied by the student's prior written consent will be submitted to the FERPA Coordinator or appropriate records custodian. The FERPA Coordinator or appropriate records custodian will approve or disapprove all such requests for access and disclosures and, except for requests for directory information, he/she will maintain a record of these actions.

(b) This record of requests/disclosures shall include the following information:

1. The name of the person or agency that made the request.
2. The interest the person or agency had in the information.
3. The date the person or agency made the request.

4. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

(c) The University will maintain this record of requests/disclosures as long as it maintains the student's education record.

(10) Procedures to Request Amendment of and Challenge Education Records.

(a) Students have the right to, in accordance with this Regulation, request amendment of and challenge the content of their education records.(b) Definitions.

1. The term "incorrect" is used herein to describe a record that is inaccurate, misleading, or in violation of the privacy or other rights of students. A record is not "incorrect," for purposes of this Regulation, where the requestor wishes to challenge the evaluation reflected by the grade an instructor assigns for a course.

2. The term "requestor" is used herein to describe a student or former student who is requesting the University to amend a record.

(c) Students who believe that their education records contain information which is incorrect should informally discuss the problem with the record custodian. If the record custodian finds the information is incorrect because of an obvious error, and it is a simple matter to amend it to the satisfaction of the requestor, the record custodian may make the amendment.

(d) If the record custodian cannot amend the record to the requestor's satisfaction or if the record does not appear to be obviously incorrect, the record custodian will:

1. Provide the requestor a copy of the questioned record at no cost; and

2. Ask the requestor to initiate and provide the record custodian a written request for the amendment; such written request must identify the information which the requestor believes is incorrect, must state why such information is incorrect, and must be dated and signed by the requestor.

(e) The record custodian will send the request, together with a written explanation of his/her refusal to amend the record to the requestor's satisfaction, to the FERPA Coordinator. The FERPA Coordinator will examine the request, discuss it with appropriate University officials, including the person who initiated the record, the University General Counsel, and other persons who might have an interest in the questioned record. At the conclusion of this investigation, the FERPA Coordinator will summarize his/her findings, make a recommendation for the University's action, and deliver the request, the record custodian's written explanation, his/her summary of findings, and his/her recommendation to the University President.

(f) The University President will instruct the FERPA Coordinator whether the record should or should not be amended in accordance with the request. If the University President's decision is to amend the record, the FERPA Coordinator will advise the record custodian to make the amendment. The record custodian will advise the requestor in writing when he/she has amended the record and invite the requestor to inspect the record.

(g) If the University President's decision is that the record is correct and should not be amended, the FERPA Coordinator will prepare and send the requestor a letter stating the decision. This letter will also inform the requestor that the requestor has a right to a hearing pursuant to the Florida Administrative Procedures Act to challenge the University's decision not to amend.

(h) In the event the education records are not amended to the requestor's satisfaction, the requestor shall have the right to place with the education records a written statement explaining, commenting upon, or disagreeing with information contained in the education records. This statement shall be maintained as part of the student's education record for as long as the University maintains the questioned part of the record. Whenever the questioned part of the record is disclosed, the student's written statement shall also be disclosed.

(11) Right of Waiver of Access - The University may request a waiver of access to evaluations and letters of recommendation related to admissions, employment applications and receipt of honors. While such a waiver may be requested, requests for waivers do not constitute a precondition for admission, financial aid, or any services or benefits. Upon request, students who have waived access to such items can receive a listing of all individuals providing confidential recommendations or evaluations.

Authority: Art. IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001; 1002.22, 1006.52 FS. History—New 4-19-83, Formerly 6C4-2.021,F.A.C. Amended 3-15-92, 1-7-93.