

VALENCIA COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY AND PROCEDURE

Number: 6Hx28:10-09

Title: Student Records

Specific Authority: 240.319 FS., 6A-14.0247 FAC.

Law

Implemented: 228.093, 229.781, 240.319, 240.323 FS.; 6A-14.0247, 6A-14.051 FAC.; Family Educational Rights and Privacy Act of 1974, Sec. 438, Pub. L. 90-247, Title IV, as amended, 88 Stat. 571-574 (20 USC 1232g); 34 CFR Part 99, Sec. 99.6

Policy:

The College maintains such information in its files for each student as is considered essential and appropriate to college operation and student welfare. The College adheres to all federal and state laws and rules and regulations pertaining to the privacy rights of parents and students.

Procedure:

I. General Procedures

The following procedures are hereby adopted by the college to insure compliance with the provisions of Statute 20, United States Code, section 1232g.

A. Directory Information - Directory information may be unconditionally released to the general public without the consent of the student unless he has specifically asked that his prior consent be obtained. Directory information at Valencia Community College includes the following:

1. Student's name
2. Address
3. Telephone listing
4. Race
5. Sex
6. Date and place of birth
7. Major field of study
8. Participation in officially recognized activities and sports
9. Weight and height of members of athletic teams
10. Dates of attendance
11. Degrees and awards received
12. Most recent previous educational agency or institution attended

Students not wishing the dissemination of "directory information" without prior consent must complete the appropriate form in the office of admissions and records on the home campus within the first five (5) days after the first class day of each session. The request must be made for each session.

B. Educational Records - Valencia Community College considers the term "educational records" to include those records, files, documents, and other materials containing information directly relating to a student which are maintained by the College or by a person acting as custodian of the records for the College. Any records which are not available to institutional personnel are non-institutional records and, accordingly, the provisions of the Code would not apply. Such non-institutional records would include faculty notes on students, psychiatric records, and evaluations, and employment records not connected with a student's educational program.

C. Employment Records - If the employment records of a student who is employed by Valencia Community College are kept with other educational records on the student, then the provisions of the Code apply. If, however, the student-employee's employment records are kept only with the employment records of other employees, the provisions of the Code do not apply.

D. Definition of Student - Valencia Community College recognizes a "student" to be any person on whom it maintains educational records or personally identifiable information, but does not include a person who has not been in attendance at the college.

The term "student" applies to currently attending students as well as those formerly enrolled.

E. Guidelines Concerning "Parent" - The responsibility for identifying the natural parent(s), adoptive parent(s), or legal guardian(s) of a student rests with the student. Valencia Community College will accept as a student's parent(s) or legal guardian(s) the person(s) identified by the student as such.

Once a student reaches the age of eighteen (18) or is enrolled in a postsecondary program, parents no longer have any rights under the Code unless (1) the student gives written consent to release the information to the student's parents, or (2) the parents provide evidence that the student is a dependent of the parents as defined in section 152 of the Internal Revenue Code of 1954.

F. Notification by Educational Institutions - Valencia Community College will notify the student of the rights accorded him or her by the Code through such channels as the college catalog, the student handbook, and leaflets disseminated by the office of admissions and records. In addition, a complete copy of the Code will be available in the Learning Resources Center on both the East and West Campuses.

G. Waivers - A student or person applying for admission to Valencia Community College cannot be required to waive any of the rights accorded him or her by the Code as a condition of admission to, receipt of financial assistance from, or receipt of any other service benefits from the College.

II. Access To Records

A. Access - Students who are attending or have attended the College are to be accorded the rights of access to their records as specified by the Code with the exception of:

1. Financial records of the parents of the student
2. Confidential letters of evaluation which have been placed in the records before January 1, 1975. Beginning January 1, 1975, the law allows the student to waive his rights of access if the letters have to do with admission, employment, or honors if the letters are used only for those purposes and the student is told, on his request, the names of all letter writers. When confidential recommendations are collected in cases where the student has waived his or her access, the confidential statements (only) of such recommendations should be destroyed as soon as they are used for the purpose for which they were specifically intended.

B. Limitations on Access - The College shall provide a waiver form for use when a student waives his or her right of access to confidential recommendations respecting admission to an institution, application for employment, or the receipt of an honor or honorary recognition. The student will be given the opportunity to sign such a waiver only as the need for confidential recommendations arises.

C. Access Rights - The custodians of records, as appointed by the president, will have the responsibility of collecting and maintaining lists of the types of educational records directly relating to students which are maintained by the institution. Upon request by the student, the applicable custodian of records will insure that all of the access rights of the student specified by the Code will be accorded the student.

D. Destruction of Records - Valencia Community College has established, in accordance with the guidelines of the Florida Public Records Act (Chapter 119, Florida Statutes), standard "life spans" for the different types of student records maintained.

The following documents pertaining to student information will be maintained in hard copy for three years by the office of admissions and records. After this three-year period, these records will be microfilmed and the hard copy will be destroyed. The microfilm record is maintained permanently for further reference.

Most recent application

Valencia academic record (standardized transcript)

Transcripts (includes transient form(s), academic credits earned by non-traditional means, high school transcripts and transcript evaluations, dual enrollment and early admission forms)

Residency affidavits

Attendance records

Instructors' final grade reports

Student's final grade reports

Withdrawal form(s) and supporting documents

The following documents pertaining to student information are maintained in hard copy for a "life span" of three years and then destroyed:

Student schedules

Grade change forms

Graduation applications and supporting documents

Transcript requests

E. Procedures for Granting Access - The president authorizes the custodians of records to establish definite procedures for granting a student access to his or her record. Such procedures will be clearly described in appropriate college publications.

III. Challenges To The Content of Records

Custodians of student records shall maintain an accurate record of all specific challenges by anyone to the individual records of students, including the persons making the request, type of request made, action taken, any special circumstances involved, results when action was required, and the final disposition of any challenge to the records.

A. Right to a Hearing - Upon written request, the custodians of records shall accord the student the opportunity to challenge his educational record. The student shall also be accorded the opportunity to include explanatory information in his or her record. The College reserves the right to monitor the form of such materials to be inserted in the student's official records. A student may challenge a grade only on the grounds that it was inaccurately recorded, not that it was lower than the instructor ought to have awarded.

B. Informal Proceedings - Any informal solution of disputes between the

College and a student over the student's records should be documented by the institutional official involved.

C. Formal Proceedings - If the student wishes to appeal after an informal hearing, he or she shall make the request in writing to the vice president for planning, research and development. The vice president shall forward the written request to the chair of the Student Administrative Appeals Committee for action. In each instance the College will guarantee the student due process. All proceedings shall be documented by the College. Procedures to be followed in a formal appeal will be published in appropriate college publications. (See Policy 6Hx28:10-15 Student Rights of Appeal of Administrative Decisions.)

IV. Release of Personally Identifiable Records

A. Access Without Student Consent -

1. Faculty and officials of the College who have a legitimate interest in the student's records and demonstrate a need to know, should be permitted to look over the records of any student. The custodians of records will make the determination of such interest.
2. The College may transfer information to other institutions in which the student intends to enroll. If he wishes, the student must be given a copy of the record and an opportunity to challenge it.
3. Public officials, such as the Comptroller General of the United States, enumerated in the Code
4. In connection with a student's application for, or receipt of, financial aid
5. State and local officials to whom state law in effect on November 19, 1974, required information to be reported
6. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted
7. Accrediting organizations in order to carry out their functions
8. Parents or dependent students who certify that the student is economically dependent upon them as defined by Section 152 of the Internal Revenue Code of 1954
9. In compliance with judicial order or pursuant to any lawfully issued subpoena. Reasonable attempts to notify students before compliance with subpoenas of student records must be made. Attempts to notify the student should be documented.

B. Content of Consent - The College will use a form for obtaining the student's consent to release the student's records.

C. Release of Information for Health or Safety Emergencies - Valencia Community College may release information from educational records to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health and safety of a student or other person. The Code spells out the following factors to be considered

when making a decision on this matter:

1. The seriousness of the threat to the health or safety of the student or other persons;
2. The need for such records to meet the emergency;
3. Whether the persons to whom such records are released are in a position to deal with the emergency; and
4. The extent to which time is of the essence in dealing with the emergency.

The above statement will be strictly construed.

D. Release to Federal and State Officials - Where personally identifiable student records are released to federal and state agencies, the copies of such records must include the statement (rubber stamp) that it is unlawful to make the records available to third parties, and further that such records must be destroyed after being used for the purpose for which they were intended.

E. Record of Access - Only "outsiders" who request or obtain file access must explain their reasons. It shall be the responsibility of the custodians of records to prepare and maintain the record of what outsiders obtained access and for what reasons.

V. General Administrative Procedures Governing Student Records

A. Upon request in writing, through the mail or in person, a student shall be entitled to an official transcript of his academic record. NOTE: Phone calls will not be honored for transcripts.

B. Documents submitted by or for the student in support of his application for admission or for transfer credit should not be returned to the student nor sent elsewhere at his request. For example, a transcript from another college or a high school record will not be sent to a third institution.

C. The official folder of a student will not be sent outside the records office except in circumstances specifically authorized by the custodians of records.

D. The College may withhold the release of information requested by a student or others, including the release of a transcript, if the student has failed to satisfy indebtedness to the College. Such indebtedness would include unpaid loans, overpayments related to financial aid library fines, and failure to return library books or any other college equipment or property.

E. If a student has failed to complete his admission conditions, such as furnishing a transcript or other pertinent papers, the College may withhold the release of any requested information.

F. Unusual requests for information or apparent emergencies should be referred to the appropriate campus provost.

G. All college personnel releasing directory information should be aware that the law entitles the student to have this information withheld at his request. The custodians of records will maintain a list of students who want such information withheld. Directory information should not be released without checking for clearance.

VI. Custodian of Records

The president has designated the following persons as the official custodians of the types of records indicated:

Academic - director of admissions and records

Admissions - director of admissions and records

Computer Files - vice president for planning, research, and development

Disciplinary Records - appropriate campus provost

Financial - vice president for administration

Financial Aids - director of student financial aids and veterans affairs

Placement - coordinator for cooperative and experiential education

History:

Readopted: 12-11-74; Revised: 12-15-76; Effective: 1-10-77; Readopted: 1-19-83; Effective: 1-19-83; Amended: 11-18-92