

NOTICE OF PROPOSED REGULATION

REGULATION NUMBER AND TITLE: FPU-3.001 Confidentiality of Student Records and Applicant Records

SUMMARY OF THE REGULATION: This regulation provides that student records and applicant records will be maintained in a confidential and secure manner in accordance with various laws; provides exceptions for directory information, as defined; allows for students to take action to preclude the release of their directory information, and informs students of those who might have access to, or may receive information from, the student's records.

TEXT OF REGULATION: The full text of the Proposed Regulation can be viewed below and on the Florida Polytechnic University Board of Trustees website, at <http://floridapolytechnic.org/board-of-trustees/university-policies-and-regulations/>.

If you would like a copy of the Proposed Regulation, please contact Bacogie Luke, Administrative Assistant to the VP and General Counsel at (863)583-9061.

AUTHORITY: Board of Governors Regulation 1.001; Florida Statutes Sections 1002.225 and 1006.52

NAME OF PERSON INITIATING PROPOSED REGULATION: Ghazi Darkazalli, VP of Academic Affairs

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

THE CONTACT PERSON REGARDING THIS REGULATION IS: Bacogie Luke, Administrative Assistant to the VP and General Counsel at 439 South Florida Avenue, Suite 300, Lakeland, Florida 33810, Email: bluke@floridapolytechnic.org, Phone: (863)583-9061, Fax: (863)583-9070.

DATE OF PUBLICATION: April 15, 2014

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW:

FPU-3.001 Confidentiality of Student Records and Applicant Records.

(1) The University maintains student educational records in a confidential and secure manner in accordance with the Family Educational Rights and Privacy Act of 1974, as amended, (“FERPA”), also known as the Buckley Amendment (20 U.S.C. 1232g). Florida Statutes Section 1002.225 provides certain rights to students concerning their student records. Florida Statutes Section 1006.52 makes both student records and applicant records confidential and exempt from disclosure under the State’s Public Records Law.

(2) A “student record” is any record in any medium containing information directly related to a student that is maintained by the University or by a party acting on behalf of the University. For purposes of determining whether a record is a student record, the term “student” shall mean a person who is or has been in attendance at the University. Attendance shall commence upon formal enrollment in college-credit courses that have been approved and scheduled by the University.

(3) An “applicant record” is any record in any medium that is maintained by the University 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.

(4) The President and each Vice President are responsible for maintaining the confidentiality of all student records and applicant records within their respective areas of responsibility. The President and each Vice President may designate an individual in their area as the records custodian for that area.

(5) All student records and applicant records, including but not limited to academic records, counseling records, and disciplinary records, are confidential except that directory information in student records may be released without the consent of the student involved, unless the student has notified the Registrar in writing on or before the end of the first week of classes of any semester that he/she does not want the University to release his/her directory information from that date forward (the student “opts out”). If a student opts out, such directory information will only be released with the student’s written consent, through an applicable FERPA exemption, or if the opt out has been revoked by the student in writing.

(6) Directory information is defined as:

- (a) the student’s name;
- (b) the student’s date and place of birth;
- (c) the student’s grade level, class and college;
- (d) the student’s local and permanent addresses;
- (e) the student’s telephone number;
- (f) the student’s email address;
- (g) the student’s enrollment status;
- (h) the most recent previous educational institution attended by the student;
- (i) the student’s dates of attendance at Florida Polytechnic University;
- (j) the student’s University ID number (not social security number);
- (k) the student’s major field of study;
- (l) any degrees earned by the student;
- (m) the nature and place of the student’s employment at the University;
- (n) honors and awards given to the student;
- (o) titles of publications by the student;
- (p) The student’s photo;

- (q) The student's graduation date;
- (r) the student's participation in officially recognized or registered activities and sports; and
- (s) the student's weight and height when he/she is a member of an athletic team.

(7) Information contained in an individual's student records, except that data which is directory information, will be open for inspection only by that student; University officials and those University personnel having a legitimate educational interest in obtaining access to such information (which may include normal access in legitimate administration and operations); or as otherwise provided by law. "University official" means a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of trustees; or a student serving on an official University committee, such as a student affairs board or committee, or assisting another University official in performing his or her tasks. A University official has a "legitimate educational interest" if the official needs to review a student record in order to fulfill his or her professional responsibilities for the University.

The custodians of student records and applicant records and any designees may release information from such records only pursuant to a written authorization from the specific student or applicant, pursuant to an order of a court of competent jurisdiction, or as otherwise provided by law. The University may also disclose information from a student's student records or applicant records to officials of other institutions at which the student seeks or intends to enroll, and as otherwise permitted by law.

(8) Records which are created or maintained by the University in providing mental health counseling or health care services and used only in connection with treating the student are available only to those persons providing such treatment to the student or as provided by law; however, such records can be personally reviewed by an appropriate professional of the student's choice.

(9) Counseling, disciplinary, and academic records are maintained separately.

(10) Subpoenas for student records are properly served to either the University Registrar or the University General Counsel.

Authority: BOG Regulation 1.001, and Sections 1002.225 and 1006.52, F.S.

History--New ____