

**FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

In accordance with Public Law 93–380, Family Educational Rights and Privacy Act, student records at the College, with the exception of directory information, are confidential and cannot be released except with the written permission of the student. All student records are open for inspection and review by the student unless she/he waives this right.

Directory information, which may be made public, includes the student’s name. Students who do not wish the dissemination of “directory information” without prior consent must sign a statement at the Office of Enrollment Services within one week after the close of registration each term.

The College’s Associate Dean of Enrollment Management is the official custodian of records and is responsible for transcript evaluation, student records, graduation certification, and the submission of necessary state and federal reports on enrollment.

**Records Maintained**

The College maintains records on students as listed. However, not all of these records may be kept on each student: admissions records, course registrations, grades and transcripts, directory information, text data, correspondence, academic records, financial aid records, and Veterans Administration records. The Associate Dean of Enrollment Management is the official record keeper for the institution with the following exception: Financial Aid records are maintained by the Financial Aid Officer; placement and follow-up records are maintained by the Director of Student Advisement and Engagement, and disciplinary records are maintained by the Office of Advancement. Individuals employed by the College, who can demonstrate a “need to know,” may be granted access to student records by the Associate Dean of Enrollment Management, the Vice President of Academic Affairs, or the President.

**Student Rights of Access**

A student or former student has these rights of access to the individual records:

• the right to be provided a list of the types of education records which are maintained by the institution

• the right to inspect and review the content of these records

• the right to obtain copies of these records at own expense

• the right to receive explanation on and challenge the content of these records and to have errors corrected

• the right to obtain copies of educational records and to make them available to third parties

**Limitations on Access**

The federal law and regulations permit the College to deny access to these records:

• any financial records of parents which have been furnished to the College, confidential letters and statements of recommendation placed in student files prior to January 1, 1975, if not used for purposes other than those for which they were specifically intended

• records made by supervisory, administrative and educational and personnel employed by the College, which are in the sole possession of the maker thereof, and which are not accessible or revealed to any other person except a substitute

• data or information relating to another student

• student employment records within and without the College, to include follow-up evaluations by employers

**Procedures for Obtaining Access**

Requests to examine the student’s educational file maintained at the College will be submitted by the student, in writing, to the individual responsible for maintaining the record. On receipt of the request, the responsible official of the College will arrange to comply at as early a date as possible, but not to exceed 30 days of the request. The record will be examined by the student in the presence of the person responsible for maintaining the records, or a designated representative. This college official will not permit removal of material from the file. Student requests for copies of the material will, however, be honored subject to the provisions of Section 7 below.

**Student Rights of Challenge**

A student has the right to challenge the content of education records to insure that the record is not inaccurate, misleading, or otherwise in violation of privacy or other rights and to be given an opportunity for the correction or deletion of any such data or to insert into the records a written explanation concerning the content of the records.

**Make Internal Distribution of Selected Records**

The College reserves the right for college officials and instructors to use information from student records internally for legitimate educational purposes.

**Permit Access by Third Parties**

The College may provide information to other educational institutions upon the written request/consent of the student, and subject to the opportunity for a hearing by the student to challenge the content of records being transferred. A copy of this material will be furnished the student upon written request and at student expense for the reproduction. By law, educational records are open for legitimate use to specified officials of the federal government and of the State Government where the desired information is specifically required to be reported or disclosed pursuant to State Statute. Student information may also be available on proper identification and authorization to organizations conducting studies for educational institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, providing the information will be destroyed when no longer needed. Student data will be made available to accrediting organizations in carrying out their accrediting functions. The College is also required to make information available in compliance with judicial order or pursuant to any lawfully issued subpoenas in advance of compliance by the College.

**Retire Unneeded Records**

The College reserves the right for its officials to consolidate student records and to destroy records in conformance with the Florida Public Records Act when no longer needed for educational purposes or when retention is not required by law or regulation of state or federal agencies. In this connection, the College is obliged to maintain a permanent record of transcript information. No record will be destroyed during any pending request for explanation or for challenging or hearing, or for 60 days after completion of such action.

**Right of Hearing**

Every effort will be made to resolve disagreements on content through informal meetings and discussions. In the event informal methods do not resolve a problem, a student is entitled to an opportunity for a formal hearing. This hearing will be scheduled within ten days of written request by either the College or the student and shall be conducted by an impartial committee appointed by the President in each instance. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised. A written summary of the issue and appropriate recommendation shall be forwarded to the President within five days following the termination of the hearing. The President shall render a written decision within ten days after receiving the recommendation of the committee. Records will then be corrected or expunged as the President directs and the student will be informed accordingly. A copy of the committee report and action by the President will be placed in the student’s file.

**Limitation on Challenge**

All materials contained in the student educational record, with the limitation of #3 above, are subject to challenge except upon the basis in which instructor grades were awarded. However, improper recording of grades is subject to challenge.

**Student Rights to Release Information**

A student may request release of all or any part of his education records to specific persons, agencies, or institutions. Request will be in writing, be signed and dated by the student, and shall include specific identification of the records to be released, and the names of the parties to whom such records will be released. A copy of the records released, in accordance with such a request, shall be provided the student if desired. All reproduction and mailing expenses involved in this provision will be met by the student.

**Rights Reserved to the College**

The Act provides that the College may retain certain rights. The College thus retains the right to:

**Release Directory Information**

Directory information is defined as the name of the student. Students who do not wish the dissemination of “directory information” without prior consent must sign a statement at the Office of Enrollment Services within one week after the close of registration each term. (See Section 8)

**Release of Student Information in Emergency**

The College reserves the right to release information from educational records if knowledge of such information by other parties is necessary to protect the health or safety of a student or other persons. This information will be released only in emergency and after consideration by college officials of the seriousness of the emergency, the need of the information by third parties to deal with the emergency and the extent to which time is of the essence.

**Charge for the Cost of Reproduction**

Copies of records requested by a student in compliance with his/her right to such records will be charged at the rate prevailing at the time of the student requests.

**Release of Statistical Information**

The College will continue to use and release statistical data where individual students are not personally identifiable. The College shall not permit access to or release of personally identifiable information on students except in response to the specific written request by the student, or as reserved to college discretion as indicated in the sections above. In accordance with law, any information released to the student or to a party other than the student – with the exception of Section 7 -- will be accompanied by a written statement that the party receiving the material is prohibited from further release to any other party without the written consent of the student. In accordance with Section 7, Students who do not wish the dissemination of “directory information” without prior consent must sign a statement at the Office of Enrollment Services within one week after the close of registration each term. Notice is also regularly published in college publications including, but not limited to, the college newsletter, the college catalog, course schedule, and this student handbook. The Equity Officer is designated to coordinate compliance with all applicable state and federal regulations. Students, applicants and the general public are regularly notified of the name, title, address and telephone number of the Equity Officer. Notice of the Equity Officer is posted in conspicuous locations on all campuses and is published in college publications, including, but not limited to the following: college newsletter, college catalog, course schedule, and student handbook. The College’s Equity Officer, Office 1512, Human Resources, 5901 College Road, Key West Florida 33040, 305-809-3248 or to the Office for Civil Rights of the U.S. Department of Education. The College incorporates the provisions of this rule in all educational services and activities, and is in voluntary compliance with any and all state and federal statues, regulations and executive orders pertaining to equal access/equal opportunity and nondiscrimination. Rule 7.440.

**Rights Reserved To State and Federal Agencies**

The law specifically states that certain federal officials and state educational authorities may have access to student and other college records which are necessary in connection with audit and evaluation of federally-supported education programs in connection with the enforcement of federal legal requirements relating to such programs.

**Right to File a Complaint**

Complaints regarding alleged institution violation of rights accorded parents and eligible students by Section 438 of the Act may be submitted in writing to the Department of Health, Education and Welfare.

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901