

USF System USF USFSP USFSM

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Responsible Office: Academic Affairs

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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. s.1232g](#)] and Sections [1002.225](#) and [1006.52](#), Florida Statutes pursuant to which the University of South Florida (USF) 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 contact the Family Policy Compliance Office for concerns regarding alleged violations of FERPA or to the appropriate court for violations of privacy if applicable. USF has placed the responsibility for administration of this Regulation with the University Registrar.

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

(a) **Education Records.** Those records that are maintained by USF and employees/agents of USF, 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, digital/electronic images, 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 USF. As Education Records are not kept in one file, to the extent a student requests a review of records for amendment as contemplated by FERPA or a general request for education records, the request will be considered a request for the actual academic record maintained by the University Registrar and provided within 45 days of request. To the extent a student is requesting other general education records, those requests must detail the exact document(s) requested by date, time, or other manner to facilitate the location of the records. The University Registrar or other specific university

office may return a general request for all education records to the requestor for specificity and costs of a search that is beyond the academic records maintained.

The following types of records are expressly exempt from the definition of ***education records***:

1. Sole Possession Records. Personal record of USF employees/agents that meets the following test:

- a. It was created by the USF employee/agent as a personal memory aid; and
- b. It is in the sole possession of the USF 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 USF employee's/agent's "temporary substitute." "Temporary substitute," as used herein, means an individual who performs on a temporary basis the duties of the USF employee/agent.

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

- a. Records relating to a student's employment by USF 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 USF 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 USF 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 USF prior to the individual's actual attendance as an enrolled student in that college. (Although not considered education records, [Section 1006.52, Florida Statutes](#) does define *Applicant Records* and provides that such records are confidential and exempt from Sections [119.07\(1\), Florida Statutes](#) and [24\(a\), Art. I, Fla. Constitution](#).

4. Alumni Records. Records created and maintained on an individual as an alumnus/alumna of USF.

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 which are used only for the provision of medical, psychiatric, or psychological treatment and which are kept separate from education records.

(b) 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 or official University ID 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 as determined by the USF.

(c) Student. An individual who is registered for an on-or-off campus (including on-line courses) program leading to the award of academic credit or degree from USF. "Student" does not include individuals participating in the Common Learning Network, Language Institute, Gifted programs, Speech and Hearing Clinics, or non-credit Continuing Education programs and athletic camps with participation not exclusive to persons enrolled or registered to attend USF. (d) **USF**: Refers to the University of South Florida both as one entity and to the extent there are distinct institutions or campuses it includes those entities.

(e) USF or University Registrar: The administrator serving as record custodian for USF for FERPA purposes and that administrator's designee(s). The term "University" or Office of the Registrar may be used to refer to this administrative office in this Regulation

(3) Annual Notification.

(a) USF will email student's each Fall and Spring semester in addition to publishing annually in the graduate and undergraduate catalogs a notice of student rights under FERPA and Sections [1002.225](#) and [1006.52](#), Florida Statutes.

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

1. The right of the student to inspect and review the student's own education records.
2. The intent of USF 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. Directory information which the student has not refused to permit USF to disclose; or,
 - c. Under the FERPA and Florida Statutes, provisions which allow the USF to disclose information without the student's prior written consent.

3. The right of a student to request that USF amend any part of the student's education record which the student believes to be inaccurate, misleading, or in violation of the student's privacy or other rights; and, should the student's request be denied, the right of the student to a hearing to present evidence that the record is inaccurate, misleading, or in violation of the student's own 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 [Section 1002.225, Florida Statutes](#).

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

(4) Locations of Student Records. Student confidential information are maintained throughout USF and there is no prerequisite for information to be maintained in a specific place for it to be considered a student record. However, requests should be submitted to or forwarded for processing to the attention of the University Registrar who is located on the Tampa Campus. The Student is responsible for identifying those records to be reviewed. The University Registrar or designee will confirm receipt of request and coordinate a date, time and specific location for review of the records.

(5) Procedure to Inspect Education Records.

(a) Students who wish to inspect and review their education records should submit a written request to the University Registrar. The University will make available the student's official academic record, housed in the Office of the Registrar, as well as those records specifically identified in the written request. Educational Records not subject to amendment are records created by the student such as student emails or other general communications and records created not as part of a course, academic program or other registration record. The University may not have an ability to locate the records without specific parameters including date, topic, location or other defining characteristic and costs may be incurred for records outside of the official academic record.

(b) The University Registrar or designee(s) shall 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 forty-five (45) calendar days after the University Registrar receives the student's written request. The University Registrar or designee shall be present while the student inspects and reviews the records.

(c) A determination by the University Registrar or designee that (1) a student made a reasonable request and (2) demonstrated to the University Registrar or designee 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 is a prerequisite to providing copies of such records. In most cases, copies will be provided for inspection only.

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

(e) The USF 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 that are excluded from the definition of "education records" under this Regulation.

(6) Directory Information.

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

1. The student's name.
2. The student's classification and major field of study.
3. The student's participation in officially recognized activities and sports.
4. The weight and height of members of athletic teams.
5. The student's dates of attendance, part-time or full-time status, and degrees and awards received.
6. The student's photographic image independent of any additional personal identifiers.
7. Other similar information as identified by USF as appropriate and defined in the notice described in (b) below.

(b) Release of Specific Directory Information: USF may release directory information upon specific request unless a student completes the Request for Privacy as set forth below.

(c) Request for Privacy-General Directory Information: Students have the right to request Privacy to prevent the disclosure of "directory information," either in the Directory or upon request. USF will publish in the Graduate and Undergraduate Catalogs the items of information it proposes to designate as "directory information." Students must notify the Office of the Registrar in writing if they refuse to permit the University to:

1. Include their information and other designated elements in the online student directory.
2. Release directory information about themselves to any third party.

Such notification must be received by the Office of the Registrar 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 Office of the Registrar receives a student's refusal to permit the University to disclose "directory information" about that student, the Office of the Registrar will place the appropriate notation on the student's record. USF personal and agents acting on their behalf 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 Florida Statutes. Students registering during the Fall Semester will receive notification of their "privacy" rights under FERPA. Students must either notify the Office of the Registrar in writing or update their individual privacy status to prevent disclosure or publication of directory information in the USF Directory; such notification must be received by the Office of the Registrar no later than the end of the second week of classes or the students will be deemed to have waived their right of refusal with respect to the USF Directory until the students request additional privacy in writing.. USF 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. In addition, section (8)(g) below sets forth the terms of the FERPA Waiver Request Form which authorizes the release of non-directory information to designated individuals. As the University requires educational records to be reviewed at the University, the University does not provide copies of a student's educational records to a student or third party requestor except as provided by law.

(d) Requests for directory information.

1. All requests for directory information about students should be referred to the Office of the Registrar. To the extent the request is submitted as a public records request, it will be processed pursuant to [Policy 0-106](#) and the requestor will elect to pay the established fixed approved cost posted on the [Office of the Registrar's](#) website or the actual cost of production pursuant to [Policy 0-106](#).

2. Public records request for student directory information will be processed with approximate charges for costs of production unless the requestor chooses to accept the predetermined estimate for data production established by the Office of the Registrar.

(e) In keeping with the Solomon Amendment, the University will provide student recruiting information, which is different from directory information, upon request by a branch of the U.S. Department of Defense; requests per branch are limited to one per academic term. The following enrolled student information may be released upon request in keeping with the Solomon Amendment: student name, addresses, phone listings, age or year of birth, place of birth, level of education or degrees received, and academic major. Students who request that their directory information be withheld from third parties are excluded from Solomon Amendment requests fulfilled after the student's privacy request is processed.

(7) Student Contact List. USF publishes an internal, password-protected student contact list online that contains the following items: Name, USF e-mail address, institutional affiliations (major, work-study location), college, campus, campus phone and campus mailstop. This online Contact List is available to any member of the University community with an active Net ID. A student may request to be excluded from this published Contact List as well as any Directory Information release by completing the request for privacy as described below

(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 Governors or USF Board of Trustees.

b. A person under contract to the Florida Board of Governors/USF Board of Trustees/USF or the Florida Department of Education in any faculty or staff position at USF.

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

d. A person employed by the USF Board of Trustees or under contract to the USF Board of Trustees to perform a special administrative task for USF. Such persons may be employed as

secretaries, clerks, attorneys, auditors and consultants. They shall be considered University officials for the period of their performance as an employee or contractor.

e. A person who is designated by a University official by way of written agreement that incorporates all FERPA and state law privacy obligations and who is performing a specific function considered a function that serves a legitimate educational interest on behalf of the University.

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 providing that the student is notified of this disclosure.

2. To certain federal and state officials who require information in order to audit or enforce legal conditions related to USF programs 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 FERPA being enacted.

5. To an individual or organization under written agreement or contract with the University of South Florida, USF Board of Trustees, or the Florida Board of Governors for the purpose of conducting a study on USF 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 USF will exercise this option only on the condition that evidence of such

dependency is furnished to the Office of the Registrar by the parents executing an Affidavit of Dependency; the most recent tax transcript listing the dependent is commonly required and other documentation may be requested as needed.

8. To comply with a lawfully issued subpoena or judicial order of a court of competent jurisdiction. USF 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 USF may disclose personally identifiable information without the student's prior consent to third parties other than its own officials, will be referred to the University Registrar or designee.

(c) University officials are authorized to make necessary disclosures from student education records, without the student's prior consent pursuant to [Policy 30-020](#) and/or 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 that is 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 USF releases to a third party pursuant to the student's prior written consent.

(f) USF 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 re-disclose the information without the student's prior written consent.

(g) USF may allow a third party access to a student record if the student has executed a FERPA Waiver Request Form authorizing USF to disclose the student's information to those whom the student has authorized. The FERPA Waiver will remain in effect until such authorization is revoked.

(9) Records Of Requests For Access And Disclosures Made From Education Records.

(a) The University Registrar or designee will approve or deny all such requests for access and disclosures and, except for requests for directory information, will maintain a record of these actions. Except no record of disclosures will be required if the requests are made by (1) University officials with legitimate educational interest (2) the student or (3) in conjunction with the student's prior written consent.

(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) USF 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 if there was a discrepancy made in creating the record (records of transitory emails, general correspondence, or the memorialization of factual events are not subject to review or amendment).

(b) Definitions.

1. The term "incorrect" is used herein to describe a record that is inaccurate, false, 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 that USF to amend a record.

(c) Students who believe that their education records contain information that is incorrect should informally discuss the problem with the University Registrar or designee. 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:

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 University Registrar will vet the request with the custodian of record. The record custodian upon reviewing the request will provide the University Registrar a written explanation of refusal to amend the record to the requestor's satisfaction. The University Registrar will examine the request; discuss it with appropriate USF officials, including the person who initiated the record, USF General Counsel, and other persons who might have an interest in the questioned record. At the conclusion of this investigation, the University Registrar will summarize findings, make a recommendation for USF's action, and deliver the request, the record custodian's written explanation, the summary of findings, and recommendation to the USF President or designee).

(f) The President or designee will instruct the University Registrar whether the record should or should not be amended in accordance with the request. If the President's decision is to amend the record, the University Registrar 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 President's decision is that the record is correct and should not be amended, the University Registrar will prepare and send the requestor a letter stating the decision. Parents and eligible students who need assistance or who wish to file a complaint under FERPA should do so in writing to the Family Policy Compliance Office, sending pertinent information through the mail, concerning any allegations to the following address: [Family Policy Compliance Office](#); U.S. Department of Education; 400 Maryland Avenue, SW; Washington, D.C. 20202-5920; Phone: 1-800-USA-LEARN (1-800-872-5327).

(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 USF System

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 to Waiver of Access. USF 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 pre-condition 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; 1002.225, 1006.52 FS.

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Certification: USF certifies that it has followed the Florida Board of Governors Regulation Development Procedure and has a record of written notices, comments, summaries and responses as required.