

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES
FLORIDA BOARD OF GOVERNORS**

NOTICE OF PROPOSED REGULATION

REGULATION NO.: FIU-108

REGULATION TITLE: Access to Student Education Records.

SUMMARY: This regulation describes the records the University maintains on students; identifies the records custodians and their locations; lists the records considered "directory information"; and provides procedures for access to and amendment of student educational records.

TEXT OF REGULATION: The full text of the Proposed Regulation can be viewed below and on the website of The Florida International University Board of Trustees, <http://bot.fiu.edu/regulations/>. If you would like a copy of the Proposed Regulation, please contact Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, (305) 348-2103.

AUTHORITY: Resolution of the Florida Board of Governors dated January 7, 2003.

NAME OF PERSON INITIATING PROPOSED REGULATION: Cristina Mendoza, Vice President and General Counsel.

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.

CONTACT PERSON REGARDING THE PROPOSED REGULATION: Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, Florida International University, 11200 SW 8th Street, PC 511, Miami, FL 33199. Email: devillee@fiu.edu Fax: (305) 348-3272. Phone: 305-348-2103.

DATE OF PUBLICATION: August 12, 2008.

THE FULL TEXT OF THE REGULATION IS PROVIDED BELOW:

~~6C8-11.003~~ FIU-108 Access to Student Education Records.

(1) General. The University will not release or permit access to education records and personally identifiable information kept on a student except as otherwise permitted by law and this ~~rule~~regulation. Responsibility for custody of all student educational records belongs to the vice-president or other University officials in charge of the area in which the records are maintained. Each vice-president or designated custodian shall ensure that the procedures required by federal and 20 U. S. C. 1232g, Section 228.093, Florida law~~Statutes~~, and this ~~rule~~regulation are in place to control access to and disclosure of student education records and personally identifiable information contained therein.

(2) Categories and Custodians of Education Records. The following categories of student education records are maintained by the University and are kept under the supervision and control of the designated custodian(s):

(a) Cumulative Academic Records are maintained by the ~~Director of~~ University Registrar~~tion and Records~~ whose office is located ~~in the Primera Casa building~~ on the University Park campus. At times the dean, chairperson or faculty of the department in which the student completed coursework may have unofficial copies of academic records relating to specific coursework.

(b) Law Enforcement Records are maintained by the Director, University Public Safety Department, whose office is located at the Tower building, University Park campus.

(c) Placement Records are maintained by the Director, Career Planning and Placement, whose office is located in the Graham Center ~~University House building~~ ~~located~~ on the University Park campus.

(d) Continuing Education Records are maintained by ~~the Executive Director~~ Dean of the College of Continuing and Professional Studies whose office is located ~~in the Green Library building~~ on the Biscayne Bay University Park campus.

(e) Housing Records are maintained by the Director of University Housing whose office is located in the Administrative offices of the Housing complex located on the University Park campus.

(f) Disciplinary Records are maintained in the Student Conduct and Conflict Resolution Office of ~~Judicial Affairs~~ ~~which office is located in the Graham Center building~~ on the University Park campus.

(g) Personal Non-Academic Counseling records are maintained by the Director, Counseling Center, whose office is located ~~in the Graham Center building~~ on the University Park campus.

(h) Student Financial Aid records are maintained by the Director ~~of~~ Student Financial Aid, whose office is located ~~in the Primera Casa building~~ on the University Park campus.

(i) International Student Records are maintained by the Director, International Student and Scholar Services, whose office is located ~~in the Graham Center building~~ on the University Park campus and the Associate Director of International Student and Scholar Services whose office is located ~~in the Wolfe University Center~~ at on the Biscayne Bay campus.

(j) Academic Counseling records are maintained by the Vice President of Student Affairs and Dean, Undergraduate Education, Studies whose office is located ~~in the Primera Casa building~~ on the University Park campus. Additionally, academic counseling records may be maintained by departments for students who are majoring in fields of

study taught by the department.

(3) Policies and Procedures for Access and Release. Personally identifiable information contained in student education records shall be released, or open for inspection, only to the student, or parents of dependent students as defined in Section 152 of the Internal Revenue Code of 1986. "Personally identifiable" means that the data or information includes the name of a student, the student's parent, or other family member, the address of the student, a personal identifier, such as the student's social security number or a student number, a list of personal characteristics which would make the student's identity easily traceable or other information which would make the student's identity easily traceable. The custodian of the records shall require the student, or parents of the student when applicable, requesting access to or release of the records to present proper identification such as a valid driver's license or passport. The request must be in writing and signed by the person seeking access or release. A copy of the request for access or release shall be retained in the student's file. The custodian shall have thirty (30) days in which to comply with the request. When the record includes information on more than one student, the custodian shall release, or permit access to only that part of the record which relates to the student who is the subject of the request. Students requesting the release to others of personally identifiable information contained in the student's education records must provide the custodian of such records with a signed, written request specifying the information to be released, the purpose(s) for such release, and the person or organization to whom such information shall be released. A copy of all requests for access and release shall be retained by the custodian of the records and shall be available for inspection and review ~~by~~ of the student or a parent. The University reserves

the right to deny a request for copies of education records made by a student or a parent when there is an financial obligation to the University which has not been satisfied or and when there is an unresolved disciplinary action pending against the student.

(4) Access to and Release of Records Without Consent. The following persons and organizations are considered “university officials” and may have access to personally identifiable information without the student’s prior consent:

(a) Faculty, administrators, staff and consultants employed by the University, the Florida International University Board of Trustees, or the Florida Board of ~~Education~~ Governors whose work involves:

1. Performance of administrative tasks which relate to students;
2. Performance of supervisory or instructional tasks which relate to students; or
3. Performance of services which benefit students.

(b) Other persons who are authorized by federal and state law and regulations to have access to or receive copies of such information.

(5) Directory Information.

(a) It is the University’s policy to release and publish directory information regarding its students. “Directory Information” includes:

1. Student’s name, local and permanent address, ~~campus e-mail address,~~ and telephone number(s);
2. Date and place of birth, ~~and sex;~~
3. Student classification and major and minor fields of study;
4. Participation in officially recognized activities and sports;
5. Weight and height of members of athletic teams;

6. Dates of attendance, degrees and awards received;

7. The most recent previous educational agency or institution attended by the student;

and

8. Photographic image₁₋₂

(b) In order to prevent access to or release of directory information, a student, or the parents of a dependent student, must so notify the designated custodian of record in writing within the time provided in the annual Notice of Rights. Access to, or release of directory information will be withheld until further written instruction is received from the student, or the parents of a dependent student.

(6) Requests to Amend Education Records.

(a) Students who challenge the correctness of student education records shall file a written request for amendment with the custodian of the records. The student shall also present to the custodian of the records copies of all available evidence relating to the data or material being challenged. The custodian of the records shall consider the request and shall notify the student in writing within fifteen (15) school days whether the request will be granted or denied. During that time, any challenge may be settled informally between the students, or the parents of a dependent student and the custodian of the records, in consultation with other appropriate University officials. If an agreement is reached, it shall be in writing and signed by all parties involved. A copy of such agreement shall be maintained in the student's records. If an agreement is not reached informally, or, if the request for amendment is denied, then the student or the parents of a dependent student shall be informed in writing of the denial and the right to a hearing on the matter. A student or the parents of a dependent student shall not have the right to challenge through

this process the evaluation reflected by a grade which an instructor has assigned to student coursework.

(b) Hearing Rights and Procedures.

1. Rights of Appeal. A student whose request for amendment to education records has not been settled or has been denied may file a request for a hearing within thirty (30) days of the receipt of the letter of denial. The request shall be in writing and shall be filed with the Vice-President for Academic Affairs ~~Student Affairs~~. The request shall set forth the legal and factual basis for seeking correction of the student's education records. Upon receipt, the Vice-President shall appoint a disinterested University official to serve as a hearing officer. The hearing officer shall schedule a hearing within twenty-five (25) days of the date of receipt of the request for a hearing. The student shall be given written notice of the time, date and place of the hearing allowing sufficient time for the student to prepare his or her appeal.

2. Hearing Procedures. The hearing shall be informal in nature but shall afford the student a full and fair opportunity to present evidence relative to the issues raised in the appeal. The student shall be entitled to be assisted or represented by an individual of his or her choice and expense, including an attorney. The custodian of records shall have the same rights as the student.

3. Hearing Officer's Recommended Order. The hearing officer shall issue a recommended order within twenty-five (25) days of the close of the hearing. In rendering a recommended order, the hearing officer shall consider only such evidence as was offered at the hearing. The hearing officer shall include in the recommended order a summary of the evidence presented and the reasons for his or her recommendations. The

original report shall be filed with the Vice-President and a copy of the recommended order shall be sent to the student or the parents of a dependent student and to the custodian of records. Upon receipt, the Vice-President shall have ten (10) days in which to issue a final determination on the issues raised in the appeal. If a determination is made that the information in the education record does not require correction, then the student or a parent of a dependent student shall have the right to place a statement in the record commenting that the information has been challenged and the reason for the challenge.

(7) The University will charge the following fees for furnishing copies of student records and reports, or any material included therein:

(a) Copies of official transcripts – Ten dollars (\$10.00) . ~~No fee for copying, but the University may charge actual administrative costs incurred for search, retrieval and mailing.~~

(b) Copies of all other educational records – Fifteen cents (\$.15) per page for copying, plus any administrative costs incurred for search, retrieval and mailing.

(8) The University shall provide notification annually to students of their rights relating to education records, including the right to file complaints, the procedures to be followed in order to exercise such rights, the types of information entered in the education records maintained by the University, and the University's policy to support the law. Notifications are published in the University catalog, the Student Handbook and the Fall semester class schedule.

(9) Waiver of Right of Access.

(a) Students and parents of ~~minor~~dependent students have the right to waive their right of access to confidential letters of recommendation and other documents which

evaluate student academic performance. Such waivers shall be in writing and made a part of the official academic record. A waiver of right to access shall be effective only when the student or the parents of a ~~minor~~independent student are notified, upon request, of the names of all persons who are submitting confidential recommendations or evaluations and when the confidential letters of recommendation and other evaluative documents are used solely for the purpose intended.

(b) The University may not condition admission to the University, grants of financial aid, or receipt of any other service or benefit offered by the University, by another public educational institution in the State of Florida or by any other public agency upon being provided a waiver of the right to access by the student or the parents of a ~~minor~~independent student.

(10) Requests for Information in Connection with Research.

(a) All requests for academic research dealing with data from student education records shall be referred to the University Registrar and to the Provost. Such requests must be in writing and must set forth specifically the type(s) of information to which access is requested and the intended scope of the research project.

(b) The applicable custodian of records and the Provost shall determine whether to grant the request, in whole or in part, and may condition access upon a guarantee that the researcher will appropriately safeguard the data; that no personally identifiable information about any individual will be published or made available to others; or, upon other reasonable conditions.

*Specific Authority Resolution of the Florida Board of Governors dated January 7, 2003.
1001.74(4) FS. Law Implemented 119.07(1)(a), 1002.22, 1006.52 FS. History—Formerly
6C8-1.06(3), Amended 4-3-84, 11-2-89, 1-3-93, 11-3-02, Formerly 6C8-11.003,
Amended _____-08.*

