

TALLAHASSEE COMMUNITY COLLEGE ADMINISTRATIVE PROCEDURES

TITLE: Student Records	NUMBER: 10-18AP
AUTHORITY: Florida Statute: 1002.225,1006.52 20 U. S. C. § 1232g; 34 Code of Federal Regulations, part 99 Florida Administrative Code: NA	SEE ALSO: <ul style="list-style-type: none"> • Board Policy 10-18 Student Records
UPDATED: 04/15/19	

Per Board Policy 10-18, Tallahassee Community College (hereafter referred to as TCC or the College) shall establish institutional procedures that oversee the safeguarding of student records in accordance with state and federal privacy laws. The College Registrar is the official custodian of student records with the responsibility to ensure the protection of privacy and access rights pertaining to all education records. All TCC employees with access to education records are required to maintain the confidentiality of those records.

A. Overview of Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (An “eligible student” under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age.) These rights include:

1. The right to inspect and review the student's education records within 45 days after the day Tallahassee Community College (TCC) receives a request for access. A student should submit to the College Registrar a written request that identifies the record(s) the student wishes to inspect. The College Registrar or designated school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student’s education records that the student

believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask TCC to amend a record should write the College Registrar and clearly identify the part of the record the student wants changed, and specify why it should be changed.

If TCC decides not to amend the record as requested, the College Registrar will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to provide written consent before TCC discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

TCC discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. (See exceptions listed below)

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

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

FERPA permits the disclosure of personally identifiable information (PII) from students' education record, without the consent of the student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, § 99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education record without obtaining prior written consent of the student —

- To other school officials, including teachers, within TCC whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to

the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))

- To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as "directory information" under § 99.37. (§ 99.31(a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of § 99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§ 99.31(a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of § 99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school's rules or policies with respect to the allegation made against him or her. (§ 99.31(a)(14))
- To parents of a student regarding the student's violation of any Federal, State, or

local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21.
(§99.31(a)(15))

B. General Definitions

Attendance includes, but is not limited to—

- (a) Attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and
- (b) The period during which a person is working under a work-study program.

(Authority: 20 U.S.C. 1232g)

Authorized representative means any entity or individual designated by a State or local educational authority or an agency headed by an official listed in §99.31(a)(3) to conduct—with respect to Federal- or State-supported education programs—any audit or evaluation, or any compliance or enforcement activity in connection with Federal legal requirements that relate to these programs.

Dates of attendance. (a) The term means the period of time during which a student attends or attended an educational agency or institution. Examples of dates of attendance include an academic year, a spring semester, or a first quarter. (b) The term does not include specific daily records of a student's attendance at an educational agency or institution.

(Authority: 20 U.S.C. 1232g(a)(5)(A))

Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. (See Section C for TCC definition of Directory Information.)

- (a) Directory information includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status (*e.g.*, undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended.
- (b) Directory information does not include a student's—
 - (1) Social security number; or
 - (2) Student identification (ID) number, except as provided in paragraph (c) of this definition.

(c) In accordance with paragraphs (a) and (b) of this definition, directory information includes—

- (1) A student ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password or other factor known or possessed only by the authorized user; and
- (2) A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

(Authority: 20 U.S.C. 1232g(a)(5)(A))

Disciplinary action or proceeding means the investigation, adjudication, or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of the internal rules of conduct applicable to students of the agency or institution.

Disclosure means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

Education records. (a) The term means those records that are:

- (1) Directly related to a student; and
- (2) Maintained by an educational agency or institution or by a party acting for the agency or institution.

(b) The term does not include:

- (1) Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- (2) Records of the law enforcement unit of an educational agency or institution, subject to the provisions of §99.8.
- (3) Records relating to an individual who is employed by an educational agency or institution, that:
 - (i) Are made and maintained in the normal course of business;

- (ii) Relate exclusively to the individual in that individual's capacity as an employee; and
 - (iii) Are not available for use for any other purpose.
- (4) Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under paragraph (b)(3) of this definition.
- (5) Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education that are:
- (i) Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
 - (ii) Made, maintained, or used only in connection with treatment of the student; and
 - (iii) Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution; and
- (6) Records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
- (7) Grades on peer-graded papers before they are collected and recorded by a teacher.

(Authority: 20 U.S.C. 1232g(a)(4))

Eligible student means a student who has reached 18 years of age or is attending an institution of postsecondary education.

(Authority: 20 U.S.C. 1232g(d))

Institution of postsecondary education means an institution that provides education to students beyond the secondary school level; "secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided as determined under State law.

(Authority: 20 U.S.C. 1232g(d))

Parent means a parent of a student and includes a natural parent (custodial and/or non-custodial), a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

(Authority: 20 U.S.C. 1232g)

Party means an individual, agency, institution, or organization.

(Authority: 20 U.S.C. 1232g(b)(4)(A))

Personally Identifiable Information The term includes, but is not limited to—

- (a) The student's name;
- (b) The name of the student's parent or other family members;
- (c) The address of the student or student's family;
- (d) A personal identifier, such as the student's social security number, student number, or biometric record;
- (e) Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
- (f) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- (g) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

(Authority: 20 U.S.C. 1232g)

Record means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche and any form of electronic data store including emails.

(Authority: 20 U.S.C. 1232g)

Secretary means the Secretary of the U.S. Department of Education or an official or employee of the Department of Education acting for the Secretary under a delegation of authority.

(Authority: 20 U.S.C. 1232g)

Student, except as otherwise specifically provided in this part, means any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records.

(Authority: 20 U.S.C. 1232g(a)(6))

[53 FR 11943, Apr. 11, 1988, as amended at 60 FR 3468, Jan. 17, 1995; 61 FR 59295, Nov. 21, 1996; 65 FR 41852, July 6, 2000; 73 FR 74851, Dec. 9, 2008; 76 FR 75641, Dec. 2, 2011]

C. TCC Definition of Directory Information and Non-Disclosure

The following information may be released to anyone unless a student specifies in writing to the Admissions and Records office that the information is not to be released:

- Student's name
- Place of birth
- Major field of study
- Participation in officially recognized activities and sports
- Dates of attendance
- Degrees, academic honors and awards
- Enrollment status (i.e., full-time, part-time)
- Photographs*
- Most recent educational agency or institution attended

**Although TCC has designated photographs as directory information, these will appear only in TCC-generated information, such as College publications and the College's website.*

Students may choose to withhold all, or some, of the designated directory information by providing photo identification and completing the ***Request to Prevent Disclosure of Directory Information form*** in the Admissions and Records office. Any future release of such information would require written permission of the student.

Students should be aware that FERPA permits the disclosure of personally identifiable information from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations as stated in this procedure.

D. Student Access to Records

Students have the right to review their permanent student record. A student wishing to review any portion of his or her record must make a written request to the College Registrar.

Procedures for requesting a review of education records:

1. The request must include:
 - Full name on TCC record
 - TCC student ID number or SSN
 - Specific education records requested
 - Current US mailing address
 - Student's signature and date
2. The request must be submitted to the Office of the College Registrar by:
 - US mail to Tallahassee Community College, Office of the College Registrar, 444 Appleyard Drive, Tallahassee, FL 32304
 - Email to registrar@tcc.fl.edu (Requests submitted in the body of an email without a signature are invalid)
 - In person

3. All requests will be acknowledged by the College Registrar within 14 business days. Depending on the amount of material requested, the review date may occur as late as forty-five (45) days after the request.
4. The student will be notified when the records are ready for inspection and an appointment will be scheduled.

Procedures the day of review:

1. The student will be required to present photo identification upon arrival.
2. The College Registrar or designee will be present during the entirety of the review of records.

Procedures for requested amendment of education record:

1. A written request must be made to the College Registrar clearly identifying the part of the record the student is requesting to be changed and specify the reason for the change.
2. If the College determines the record to be accurate, the student will be notified in writing of the decision and of the right to a hearing regarding the request for amendment.
3. If the College determines the record to be inaccurate, the College will correct the record accordingly and will notify the student in writing.

E. TCC Release of Information, and Definitions of School Officials, and Legitimate Education Interests

“School officials” are TCC employees with general or specific responsibility for promoting the education objectives of the College or third parties under contract with the College to provide professional, business and similar administrative services related to the College's education mission. Individuals whose responsibilities place them within this category include instructors, faculty advisers, admissions counselors, academic advisers, counselors, employment placement personnel, deans, department chairpersons, directors, and other administrative officials responsible for some part of the academic enterprise or one of the supporting activities, College Police personnel, health staff, development officers, staff at the TCC Foundation or Alumni Relations, administrative and faculty sponsors of officially recognized clubs, organizations, etc., members, including students and alumni, of official College committees, staff personnel employed to assist College officials in discharging professional responsibilities, and persons or entities under contract to the College to provide a specific task or service related to the College's educational mission.

A school official has a “legitimate educational” interest if the official is:

- (a) Performing a task that is specified in his or her position description or contract agreement.
- (b) Performing a task related to a student’s education.
- (c) Performing a task related to the discipline of a student.

- (d) Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement or financial aid.
- (e) Maintaining the safety and security of the campus.

University Partners Data Sharing and Use:

TCC may share student records with its university partners as a part of its TCC2FSU and TCC2FAMU programs, including for the purposes of reverse transfer. Both parties agree that they will use and maintain student records received from the other party only in furtherance of the program and in accordance with the requirements of the Family Educational Rights and Privacy Act of 1974, as amended (20USCA 1232g) and Sections 1002.22 and 1006.52, Florida Statutes. Further, both parties agree that they will not disclose such information to any third party except in accordance with aforementioned laws. Students may choose to withhold their information by completing the Request to Prevent Disclosure of Directory Information form in the Admissions and Records office.

F. Student Record Retention

Based on the General Records Schedule (GS5) for Public Universities and Colleges established by the Department of State, the Registrar's office stores the documents that will need to be disposed of following the official minimum length of time the record series must be retained.

1. Once the official minimum length has been retained, the Registrar fills out the Records Disposition Document, which can be obtained from the Florida Department of State website at <https://dos.myflorida.com/>. The website has information on the retention schedule as well as the forms to complete.