

**NEW COLLEGE OF FLORIDA
REGULATIONS MANUAL**

CHAPTER 1 - General Provisions and Executive Affairs

1-1009 Student Records

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. 1232g), and Chapters 1002.22 and 1006.52, Florida Statutes, pursuant to which NCF 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 complain to the Family Policy Compliance Office or to Florida Circuit Court concerning alleged violations by NCF of any of such rights. NCF has placed the responsibility for administration of this policy with the NCF Registrar, its FERPA Coordinator.

(1) Definitions. The following definitions of terms apply to the construction of this regulation:

- (a) Student—an individual who is or has been registered for an on- or off-campus program for the purpose of the award of academic credit from NCF.
- (b) Education records—those records which are maintained by NCF employees/agents of NCF, 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, 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 NCF. The following types of records are expressly exempt from the definition of "education records":
 - 1. Sole possession records—personal record of NCF employees/agents which meets the following test:
 - a. It was created by the NCF employee/agent as a personal memory aid; and
 - b. It is in the sole possession of the NCF 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 NCF employee's/agent's "temporary substitute." "Temporary substitute," as used herein, means an individual who performs on a temporary basis the duties of the NCF employee/agent.
 - 2. Employment records—records which are used only in relation to an individual's employment by NCF. However, the following are education records rather than employment records:
 - a. Records relating to a student's employment by NCF if the status as a student is or was a condition of employment.
 - b. Records relating to a student's employment by NCF if receipt of credit is or was based on his/her performance as an employee.
 - 3. Pre-attendance records—records relating to an individual's application for admission to NCF prior to his/her actual attendance as an enrolled student in the program for which application was made.

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4. Alumnae/i records—records created and maintained on an individual as an alumnus/alumna of NCF.
5. Law enforcement records—records created and maintained by the NCF Police Department 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 NCF Police Department shall have access to education records where this policy authorizes release without the student's prior written consent.
6. Health records—records of NCF's Counseling and Wellness Center which are used only for the provision of medical, psychiatric, or psychological treatment and which are kept separate from education records.

(c) 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 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.

(2) Annual Notification

- (a) NCF will publish annually in the NCF General Catalog a notice of student rights under FERPA and sections 1002.22 and 1006.52, Florida Statutes.
- (b) The notice will advise of the following:
 1. A student has the right to inspect and review his/her education records.
 2. NCF intends to limit the disclosure of information contained in a student's education records to the following circumstances:
 - a. The student has given prior written consent to the disclosure; or
 - b. The disclosure is of directory information which the student has not refused to permit NCF to disclose; or
 - c. The FERPA and Florida Statutes authorize NCF's disclosure of the information without the student's prior written consent.
 3. A student has the right to request NCF to amend any part of his/her education record which he/she believes to be inaccurate, misleading, or in violation of his/her privacy or other rights; and, should NCF deny the student's request, that the student has a right to a hearing to present evidence that the record is inaccurate, misleading, or in violation of his/her privacy or other rights.

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4. There exists 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 1002.22, Florida Statutes.
5. The locations where copies of this policy are available to students.

(3) Locations of Education Records

- (a) Pre-attendance admission records are located in the Office of Admissions and Financial Aid, and the custodian for such records is the Dean of Enrollment Services & Information Technology, New College of Florida, 5800 Bay Shore Road, Sarasota, Florida 34243.
- (b) Cumulative academic records and some pre-attendance admission records are located in the Office of the Registrar and the custodian for such records is the NCF Registrar, New College of Florida, 5800 Bay Shore Road, Sarasota, Florida 34243.
- (c) Medical records are located in the Counseling and Wellness Center, and the custodian for such records is the Director, Counseling and Wellness Center, New College of Florida, 5800 Bay Shore Road, Sarasota, Florida 34243.
- (d) Psychological/Psychiatric counseling records are located in the Counseling and Wellness Center, and the custodian for such records is the Director, Counseling and Wellness Center, New College of Florida, 5800 Bay Shore Road, Sarasota, Florida 34243.
- (e) Student employment records are located in the Office of Human Resources, and the custodian for such records is the Director of Human Resources, New College of Florida, 5800 Bay Shore Road, Sarasota, Florida 34243.
- (f) Financial aid records are located in the Office of Admissions and Financial Aid, and the custodian for such records is the Director of Financial Aid, New College of Florida, 5800 Bay Shore Road, Sarasota, Florida 34243.
- (g) Financial records are located in the NCF Business Office, and the custodian for such records is the College Comptroller, New College of Florida, 5800 Bay Shore Road, Sarasota, Florida 34243.
- (h) NCF records are located in the Office of the Provost, divisional offices, and in faculty offices. The custodian for such records is the Provost, appropriate divisional chairperson, professor, instructor or lecturer.
- (i) Disciplinary records are located in the Office of Student Affairs, and the custodian for such records is the Dean of Students, New College of Florida, 5800 Bay Shore Road, Sarasota, Florida 34243.
- (j) Occasional records, student education records not encompassed within the above-enumerated categories such as copies of correspondence located in offices not listed above, either shall be collected and the student directed to their location by the FERPA Coordinator, or shall otherwise be made available to the student for inspection and review.

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(4) Procedure to Inspect Education Records

- (a) Students who wish to inspect and review their education records should submit a written request to the appropriate record custodian or to the FERPA Coordinator. The request should identify as accurately as possible the specific records the student wishes to inspect and review. It may identify records according to the types listed in subsection (4) of this policy, as records located at specific places, or as records under the custodianship of specific NCF employees/agents identified by title. Records listed in this policy as "occasional records" should be identified in terms which will make it possible for the FERPA Coordinator to locate them and make them available for the student to inspect and review.
- (b) The FERPA Coordinator or the record custodian shall either permit the student to immediately inspect and review his/her education records or advise the student when and where the records will be available for inspection and review. Access to education records requested in compliance with this policy shall be granted within a reasonable period of time, but in no case more than thirty (30) calendar days after the FERPA Coordinator or the record custodian receives the student's written request. The FERPA Coordinator or the record custodian or his/her designee shall have the right to be present while the student inspects and reviews the records. Upon reasonable request, NCF shall furnish the student with an explanation or interpretation of his/her record.
- (c) Upon reasonable request and demonstration to the FERPA Coordinator 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, NCF will arrange for the student to obtain copies of such records. In the event that the student has an unpaid financial obligation to NCF, he/she shall not be entitled to transcripts or copies of education records.
- (d) When records contain personally identifiable information about more than one student, a student may inspect only that information which relates to him/her.
- (e) NCF 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 NCF 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 which are excluded from the definition of "education records" under this policy.

(5) Copies of Education Records

- (a) Fees. NCF will charge the following fees for copies of education records:

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1. NCF official transcripts \$10.
 2. FERPA required copies of education records—the fee for FERPA required copies of education records shall be ten cents (\$.10) per page, which reflects actual copying costs but does not include the cost of search and retrieval. Copies of education records are required by FERPA under the following circumstances:
 - a. A failure to provide such copies would effectively deny the student the right to inspect and review his/her records; or
 - b. NCF has disclosed information from the student's education records under authority of the student's prior written consent and the student requests a copy of the information disclosed; or
 - c. The student requests copies of records NCF has disclosed to other schools where the student seeks or intends to enroll.
 3. Copies (not signed and certified) of education records will be available to students when administratively possible, even though not required by FERPA, at a copying cost of One Dollar (\$1.00) per page plus the actual cost of search, retrieval, and mailing.
- (b) When administrative costs of collecting fees exceed the amount which would be received, the FERPA Coordinator shall be authorized to waive such fees.
- (c) NCF reserves the right to deny transcripts or copies of records not required by FERPA in any of the following situations:
1. The student has an unpaid financial obligation to NCF.
 2. There is an unresolved disciplinary action against the student.
 3. There is an unresolved litigation between the student and NCF.
- (6) Directory Information
- (a) Designation of directory information. NCF hereby designates the following described personally identifiable information contained in a student's education record as "directory information" in order that NCF may, at its discretion, disclose the information without a student's further prior written consent:
 1. The student's name.
 2. The student's dates of attendance and enrollment status.
 3. Date of graduation, degrees and honors awarded.
 - (b) Student's refusal to permit disclosure of "directory information." NCF will send students for each academic term the above list, or a revised list, of the items of information it proposes to designate

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as "directory information." Students must notify the FERPA Coordinator in writing if they refuse to permit NCF to disclose directory information about themselves; such notification must be received by the FERPA Coordinator 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 FERPA Coordinator receives a student's refusal to permit NCF to disclose "directory information" about that student, the FERPA Coordinator will notify the appropriate records custodians of the student's action. The records custodians 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 the Florida Statutes.

- (c) Publication of directory information in the NCF Directory. NCF proposes to publish for each academic year a Campus Directory which will contain certain items of directory information respecting students who are registered during the Fall Semester of such academic year. Students registering during the Fall Semester must notify the Office of the Registrar in writing of their refusal to permit NCF to disclose or publish directory information in the Campus Directory; such notification must be received by the FERPA Coordinator no later than the end of the second week of classes of the fall semester or the student will be deemed to have waived his/her right of refusal with respect to the Campus Directory until the fall semester of the next academic year.
 - (d) Requests for directory information. All requests for directory information about students should be referred to the FERPA Coordinator.
- (7) Use of Education Records. All custodians of a student's education records and other NCF 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) College officials shall have access to student education records for legitimate educational purposes.
 - 1. "College official," as used herein, means:
 - a. A person currently serving as a member of the BOG.
 - b. A person under contract to the BOG/NCF in any faculty or staff position at NCF.
 - c. A person employed by the BOG as a temporary substitute for a staff member or faculty member at NCF for the period of his/her performance as a substitute.
 - d. A person employed by NCF or the BOG or under contract to the BOG or State of Florida Auditor General's Office to perform a special administrative task for NCF, or a person who provides this service as a volunteer. Such persons may be employed as secretaries, clerks, attorneys, auditors, and consultants. They shall be considered to be College officials for the period of their performance as an employee, volunteer, or contractor.
 - 2. "Legitimate educational purpose," as used herein, means a College official's need to know in order to:

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- 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, College 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.
 2. To certain federal and state officials who require information in order to audit or enforce legal conditions related to programs at NCF 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 November 19, 1974.
 5. To an individual or organization under written agreement or contract with NCF or the BOG for the purpose of conducting a study on the College's 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. NCF will exercise this option only on the condition that evidence of such dependency is furnished to the Office of the Registrar.
 8. To comply with a lawfully issued subpoena or judicial order of a court of competent jurisdiction. NCF 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.

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10. To the Auditor General or the Office of Program Policy Analysis and Government Accountability, as necessary for such agencies to perform their official duties and responsibilities; these agencies shall use and maintain the records in accordance with FERPA.
 11. All requests for disclosure under the ten (10) circumstances listed above, where NCF may disclose personally identifiable information without the student's prior consent to third parties other than its own officials, will be referred to the FERPA Coordinator or appropriate records custodian.
- (c) College officials are authorized to make necessary disclosures from student education records, without the student's prior consent in a health or safety emergency if the College 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) College officials may not disclose personally identifiable information 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 the College discloses pursuant to the student's prior written consent.
- (f) NCF 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.
- (8) Records of Requests for Access and Disclosures Made from Education Records
- (a) All requests for disclosures of information contained in a student's education record or for access to the record made by persons other than College officials or the student or those requests accompanied by the student's prior written consent will be submitted to the FERPA Coordinator or appropriate records custodian. The FERPA Coordinator or appropriate records custodian will approve or disapprove all such requests for access and disclosures and, except for requests for directory information, he/she will maintain a record of these actions.

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- (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) NCF will maintain this record of requests/disclosures as long as it maintains the student's education record.
- (9) Procedures to Request Amendment of and Challenge Education Records
- (a) Students have the right to, in accordance with this policy, request amendment of and challenge the content of their education records.
- (b) Definitions:
1. The term "incorrect" is used herein to describe a record that is inaccurate, misleading, or in violation of the privacy or other rights of students. A record is not "incorrect," for purposes of this policy, where the requestor wishes to challenge the evaluation an instructor assigns for a course.
 2. The term "requestor" is used herein to describe a student or former student who is requesting NCF to amend a record.
- (c) Students who believe that their education records contain information which is incorrect should informally discuss the problem with the record custodian. 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:
1. Provide the requestor a copy of the questioned record at no cost; and
 2. 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 FERPA Coordinator will examine each written request for amendment of education records, together with the written explanation of refusal to amend the record to the requestor's satisfaction. The FERPA Coordinator will discuss the request with appropriate College officials, including the person who initiated the record, the general counsel, and other persons who might have an

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interest in the questioned record. At the conclusion of this investigation, the FERPA Coordinator will summarize his/her findings, make a recommendation for the College's action, and deliver the request, the written explanation, his/her summary of findings, and his/her recommendation to the President.

- (f) The President will instruct the FERPA Coordinator 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 FERPA Coordinator 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 FERPA Coordinator will prepare and send the requestor a letter stating the decision. This letter will also inform the requestor that the requestor has a right to a hearing pursuant to section 120.57, Florida Statutes to challenge NCF's decision not to amend.
 - (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 NCF 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.
- (10) Right of Waiver of Access. NCF 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: Article IX, Sec. 7, Fla. Constitution; 20 U.S.C. 1232g; Fla. Stat. 1002.22 and 1006.52; Fla. Board of Governors Regulation 1.001

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