

MANUAL OF PROCEDURE

PROCEDURE NUMBER: 4085

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PROCEDURE TITLE: Release of Student Information

STATUTORY REFERENCE: FLORIDA STATUTE 1002.22 (D) (12)-(13) AND §119.07
TITLE 20 U.S.C. §1232 (G)

BASED ON POLICY: IV-5 Student Rights And Responsibilities

EFFECTIVE DATE: January 20, 1978

LAST REVISION DATE: August 27, 2009

LAST REVIEW DATE: August 27, 2009

I. PURPOSE

In accordance with State of Florida and federal laws, Miami Dade College has established a procedure to protect the privacy rights of students and parents. This procedure provides the opportunity for the inspection of educational records, the correction of such records if warranted, and protects students and parents from release of information without written consent.

II. PROCEDURE

A student or parent (if the student is a dependent student of such parent as defined in Title 26 U.S.C. §152 of the Internal Revenue Code) has the right to inspect records that are maintained by the College on behalf of the student. These records include admissions and registration records, health and medical records, disciplinary records, records of personal counseling, student and family financial income records, permanent academic records or transcripts, and student placement records. Pursuant to federal and state law, only parents of dependent students have rights to access, inspect, request changes to any student records and reports. The burden of proof rests with the parent to demonstrate the student is dependent. All references to “parent” or “parents” in this procedure refers to parents who meet the burden of proof.

The College maintains three separate categories of records: (1) Directory Information Records, (2) Limited Access Records, and (3) Sole Possession Records. Records maintained by Miami Dade College that relate exclusively to a student as an employee are not subject to inspection under this procedure.

A. Custodians of Records

The following officials of the College are designated as custodians for either Directory Information or Limited Access Records:

1. Applicants - The Registrar of the campus the student will attend is the custodian of all academic and related records prior to actual enrollment of the student.
2. Academic - The Registrar of the campus the student is attending or last attended is the custodian of all permanent academic records.
3. Disciplinary - The Campus Student Dean is the custodian of all disciplinary records.
4. Financial - The College Comptroller is the custodian of all financial records. These include all records of fees assessed by and collected by the College for each student.
5. Financial Aid - The Campus Director of Financial Aid is the custodian of all records pertaining to applications for an award of financial aid to students.
6. Placement - The Campus Testing Office is the custodian of placement records.
7. Testing - The Campus Director of Testing is the custodian of all non-classroom test records.
8. Athletics - The College Director of Athletics is the custodian of records pertaining to athletic participation.

B. Records Locations

Miami Dade College - North Campus
11380 NW 27th Avenue, Miami, FL 33167, (305) 237-1111

Miami Dade College – Kendall Campus
11011 SW 104 Street, Miami, FL 33176, (305) 237-2222

Miami Dade College - Wolfson Campus
300 NE Second Avenue, Miami, FL 33132, (305) 237-3333

Miami Dade College - Medical Center Campus
950 NW 20 Street, Miami, FL 33127, (305) 237-4444

Miami Dade College - Homestead Campus
500 College Terrace, Homestead, FL 33030, (305) 237-5555

Miami Dade College - InterAmerican Campus
627 SW 27 Avenue, Miami, FL 33135, (305) 237-6045

Miami Dade College – Hialeah Campus
1780 W 49th Street, Hialeah, FL 33012, (305) 237-8700

Miami Dade College - West Campus
3800 NW 115th Avenue, Doral, FL, 33178 (305) 237-8918

C. Disclosure of Directory Information

State of Florida and federal laws allow the College to disclose certain categories of student information as “directory information,” which may be published, disclosed or released to the general public without student or parent consent. All references to “parent” shall mean that the student is a dependent of such parent as defined in Title 26 U.S.C. §152 of the Internal Revenue Code and is enrolled in the College. Students not wishing the dissemination of any part or all of "directory information" must notify the office of the registrar at the home campus of attendance by completing a Request to Prevent Disclosure of Directory Information. If no request exists for the last term a student was in attendance and the student is no longer enrolled, directory information may be released. The legal authority that allows the College to publish, disclose or release directory information, does not obligate the College to do so. The College has designated the following categories of information as directory information:

1. Student name
2. Major field of study
3. Participation in officially recognized activities and sports
4. Weight and height of members of athletic teams
5. Degrees, honors and awards received
6. Enrollment status (full-time, half-time, not enrolled)

The College reserves the right to release any of this information as it may desire.

D. Disclosure of Limited Access Records

Limited Access Records pertain to the permanent academic records of the student, disciplinary records, financial information, and testing data. This category also covers all records maintained officially by the institution that do not come under the categories of Directory Information or Sole Possession Records. The College will not release information in Limited Access Records except with the written permission of the student or parent. Exceptions to this provision as provided by law are as follows:

1. Personnel within the institution determined by the College to have legitimate educational interests.
2. Officials of other accredited colleges and universities in which the student sought to enroll.
3. Persons or organizations providing financial aid to the student or those persons or organizations determining financial aid decisions concerning

eligibility, amount, condition, and the enforcement of the terms of the financial aid.

4. Organizations conducting studies to develop, validate, and administer predictive tests, to administer student aid programs, or to improve instruction. Those organizations may not disclose personal identification of students, and information secured must be destroyed when no longer needed for their projects. The College will require assurances in writing. Decisions to participate in such activities will be according to established procedures.
5. Miami Dade College Foundation for alumni relations and fundraising purposes.
6. Accrediting organizations carrying out their accrediting functions.
7. Persons in compliance with a judicial order or lawfully issued subpoena. With the exception of subpoenas from federal grand juries or subpoenas issued for law enforcement purposes that order the College to not disclose the existence of the subpoena, the College will notify the student or parent before the compliance date.
8. Disclosure to a court if a parent or student has initiated legal action against the College or the College has initiated a legal action against a parent or student.
9. Appropriate parties in connection with emergencies if knowledge of the information is necessary to protect the health or safety of the student or other persons.
10. The disclosure to an alleged victim of any crime of violence, as the term is defined in Title 18, U.S.C., of the results of any disciplinary proceeding conducted by the College against the alleged perpetrator with respect to the crime according to applicable laws.
11. The Attorney General of the United States, the United States Secretary of Education, the United States Commissioner of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or state or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable federal statutes and regulations of the U.S. Department of Education, or in applicable state statutes and rules of the State Board of Education.
12. Alcohol or drug violations to parents of students under the age of 21, without regard to whether the student is a dependent.

The College will maintain records of the parties who requested information in accordance with the College's policy and procedure for the Retention and Destruction of Records. If

limited access information is released by the College, the date of its release, and for what legitimate purpose it was released will be provided to the student.

E. Sole Possession Records

Records of instructional, supervisory, and administrative personnel, which are in the sole possession of the maker and are not accessible or revealed to any other person except as a temporary substitute for such persons, constitute Sole Possession Records. Examples of records of this type include: records created or maintained by a physician, psychiatrist, psychologist or other recognized professional acting in his or her professional capacity, and which are created, maintained or used only in connection with the provisions of treatments to students. Records that come under this category are not open to inspection by the student or parent. However, these records can be reviewed by other professionals of the student or parent's choice after a release form is executed.

F. Third Party Disclosure

Any information that is provided to a third party will carry the message that under the State of Florida and federal law, the information may not be released to any other party without the written consent of the student or parent.

G. Student Transcripts and Diploma Reorders

Beginning summer semester 2007 and thereafter, the College will charge fees to students for the ordering of official transcripts and for reordering a College diploma.

Prior to graduating from a program of study, students will be charged \$5 per each official transcript ordered. After a student graduates from a baccalaureate, AA, AS, or Certificate program, s/he is entitled to three free transcripts per degree or certificate. Once those three transcripts are issued, the student will again be charged \$5 per subsequent transcript ordered. These charges are designed to offset the cost of paper and processing of transcripts and diploma reorders.

1. Official transcripts ordered by students, either for personal receipt or to be sent to a third party, are subject to this \$5 per transcript charge and will be released provided the student has no financial obligation to the College or disciplinary holds and provided all required admissions documents have been received. Documents supporting the application for admission or for transfer credit will not normally be returned to the student, nor sent elsewhere at the student's request. A transcript from another college, or a high school record, will not normally be sent to a third institution. The student must request such transcripts from the institution from which those transcripts were originally issued. In hardship cases where original documents are extremely difficult or impossible to obtain, the registrar may, at his or her discretion, release copies of transcripts issued by other educational institutions to the student or parent.
2. Transfer clearance forms to other educational institutions or requests for references authorized by the student or parent will be completed by an appropriate College official.

3. Diploma Reorders. After graduating from an approved program of study a student is issued one free diploma of the degree earned. For any reprint of that same diploma, the student will be charged \$20 per item.

H. Right to Inspect Records and to Obtain a Copy of the Information (except Sole Possession Records)

Students and parents are afforded the right to inspect either Directory Information Records or Limited Access Records pertaining to the student if proper identification is presented to the custodian of the records. The College shall use its best efforts to provide access to records within thirty (30) days after receipt of request by the College. Access to financial information within a student's educational record may be denied if the parent that claims the student as a dependent does not want his or her financial information disclosed to his or her spouse. The parent who claims the student may ask the College not to re-disclose this information to the spouse or former spouse. Additionally, students and parents have a right to be provided a copy of the records that are maintained by the College.

In keeping with legal requirements concerning access of records, the College shall establish copying fees in accordance with §119.07, Florida Statutes, as may be amended. This fee may be waived in extenuating circumstances by the Campus Student Dean.

I. Confidential Letters or Statements

Students and parents have a right to see letters of recommendations, character references, and evaluations unless they waive such right of access.

J. Faculty and Administrative Staff of the College

Student Limited Access Records will be made available to the faculty or staff of the College who can demonstrate to the custodian of the records a need for such information. Posting of grade lists or other student record information with student identifying designations is not permitted without the student's written consent.

K. Challenge to the Content of Records

Students may request an informal conference with the custodian of a student record to challenge the content of the educational record, if the student believes or has reason to believe that information contained in the record is inaccurate, misleading or false. Information in the record that is proven to be inaccurate, misleading or false will be corrected. Students who are not satisfied with the outcome of the conference may request that the Campus Student Dean hold a formal hearing.

L. Formal Hearing

If there is a need for a formal hearing regarding the accuracy of information contained in the College record, the hearing will be held within a reasonable time after the request has been made, and the student and/or parent will be given notice of the date, place, and time in advance of the hearing. The hearing will be conducted by an official of Miami Dade College, as appointed by the Campus President, who does not have a direct interest in the outcome of the hearing. The student and/or the parent shall be afforded a full and fair opportunity to present evidence regarding the claim

that the College is maintaining inaccurate records. The student and/or parent may be assisted or represented by individuals or an attorney of his or her choice and at his or her sole expense. The Campus President, after receiving the recommendation of the Hearing Officer, will make a decision in writing within a reasonable period of time after the conclusion of the hearing. The decision shall be based solely upon the evidence presented at the hearing and will include a summary of the evidence and the reasons for the decision. This decision may be appealed to the appropriate Campus President whose decision shall be final on behalf of the College. Under no circumstances will the College and its District Board of Trustees assume or become responsible for payment of legal fees incurred by the student and/or parent as a result of the formal hearing process or for any appeal that may be exercised thereunder.

M. Complaint Procedures

If a student or parent believes that their rights have been violated in regard to their rights of privacy, they may pursue legal remedies available, including petitioning the following:


1. Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-4605. This federal office is responsible for investigating and conducting hearings on alleged privacy violations by higher education institutions. Final decisions in such matters are made in conjunction with a panel or hearing officer in collaboration with the Secretary of Education.
2. Circuit Court

N. Retention and Destruction of Records

The retention and destruction of educational records will be consistent with the State Division of Archives, History and Records Management, as required in § 119.041, Florida Statutes and College policy and procedure regarding this matter.

O. Notification

At the beginning of each academic year a copy of this procedure will be published in College and student-related publications as a means of informing all students of the rights accorded to them.

	
August 27, 2009	
PRESIDENT	DATE