

**FLORIDA ATLANTIC UNIVERSITY
NOTICE OF PROPOSED REGULATION AMENDMENT**

Date: October 9, 2007

REGULATION TITLE AND NUMBER: Access to Student Records (4.008).

SUMMARY: Regulation 4.008 sets forth many of the University's procedures regarding the safeguarding, sharing and publication of student records. The proposed amendment updates and clarifies definitions and notices required under Family Education Rights and Privacy Act ("FERPA"). This allows University officials to best protect the privacy of student records while providing access when safety or legitimate educational situations exist.

FULL TEXT OF THE REGULATION: The full text of the proposed regulation is attached below to this Notice. The full text of the existing regulation is posted on FAU's website at www.fau.edu/regulations. In addition, the full text of the proposed regulation and current regulation are available upon request to the Office of the General Counsel, which can be contacted at (561) 297-3007 or GeneralCounsel@fau.edu.

AUTHORITY TO AMEND THE REGULATION: Article IX of the Florida Constitution and the Board of Governors Regulation Development Procedure dated July 21, 2005.

UNIVERSITY OFFICIAL INITIATING THE REGULATION AMENDMENT: Michael R. Armstrong, PhD, Associate Provost, Department of Academic Affairs

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation amendment in whole or in part after notice, or proceed with adopting the regulation amendment. The comments must identify the regulation(s) on which you are commenting:

THE PERSON TO BE CONTACTED REGARDING THE REGULATION AMENDMENT IS: Myrlande Dessalines, Paralegal, Office of the General Counsel, 777 Glades Road, Boca Raton, Florida, 33431, (561) 297-3007 (phone), (561) 297-2787 (fax), GeneralCounsel@fau.edu.

PROPOSED

Florida Atlantic University

Regulation 4.008

Access to Student Records

(1) The following information is Directory Information that Florida Atlantic University may release upon request, or otherwise publish, unless specifically notified by the student in writing:

- a. Student name;
- b. Student address;
- c. Student telephone number (if it is a listed number);
- d. Student date and place of birth;
- e. Student class and college of enrollment;
- f. Student major field of study;
- g. Student dates of attendance;
- h. Student degrees and awards received;
- i. Student participation in officially recognized activities and sports;
- j. Student weight and height of members of athletic teams; and
- k. Most recent previous educational agency or institution attended by the student.

(2) If any student does not wish to have his/her Directory Information released, the student must notify the Registrar in writing on or before the end of the first week of classes of any semester. All other personally identifiable records kept by the University concerning students shall be considered confidential and access to them shall be limited.

(3) Campus personnel may share student records with other school officials who have legitimate educational interests in the information. "School officials" are persons employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a student affairs board or committee, or assisting another school official in performing his or her tasks. A school official has a "legitimate educational interest" if the official needs to review an education record in order to fulfill his or her professional responsibilities for the University. The University may also disclose information from a student's education records to officials of other institutions at which the student seeks or intends to enroll, and as otherwise permitted by law.

~~(4)~~ The University maintains certain ~~Limited-limited-Access-access~~ records as defined by law through its designated records custodians or their designees listed below. The

University President is the records custodian over all University records. The President may designate co-records custodians at his/her discretion. as needed.—These designations include, but are not limited to:

- a. Student Health & Medical Records- Student Health Services Manager;
- b. Student Disciplinary Records- Dean of Student Affairs;
- c. Records of Student Employment- Director of Student Employment;
- d. Non-Academic Counseling- Director of Counseling Center;
- e. Student and Family Financial Records- Director of Student Financial Aid;
- f. International Student Records- Director of International Student Services;
- g. Student Academic Records- University Registrar and/or Director/Chairperson of academic department; and
- h. Student Placement Records- Director of Career Development Services.

(54) The custodians of limited-access records may release information from such records only:

- a. With the written consent of the student whose records are sought to be released;
- b. As required by the President of the University or the President's designeeschool official in the discharge of official duties; or
- c. As otherwise provided by law.

(65) Subpoenas for student records addressed to the appropriate custodian are properly served to either the University Registrar or the University General Counsel.

Specific Authority: Florida Board of Governors Resolution dated January 7, 2003; 1002.22 FS, 20 U.S.C. 1232g. Formerly 6C5-4.09 and 6C5-4.009. History—New 3-26-80, Amended 11-11-87, 11-8-06, 11-14-07.