

SIMMONS UNIVERSITY
Educational Record Privacy Policy
Updated March 2021

Introduction

The University's practice in regard to student record-keeping is based on the provisions of the Family Educational Rights and Privacy Act (FERPA) of 1974 and is intended to be a safeguard against the unauthorized release of information. This act applies to all enrolled students, former students, and alumni. It does not apply to applicants seeking admission into an institution.

Under the provisions of the act, it is the right of the student to view their official educational records. Educational records are defined as records directly related to a student that are maintained by an educational institution. Such records are kept in the Office of the Vice President of Student Affairs, the Office of the Registrar, faculty advisors' offices, and the Center for Student Success. Not included in this category of records are the following:

- Records containing confidential information written before January 1, 1975.
- Financial Records submitted to the University by the parents of a student.
- 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.
- Information regarding other students.
- Records created or received by the University after the person is no longer in attendance at the University and that are not directly related to the person's attendance.
- Treatment records, which are records that are (1) 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; (2) made, maintained, or used only in connection with treatment of the student; and (3) disclosed only to individuals providing the treatment. For purposes of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction.
- Records maintained by the Simmons University Police Department or other law enforcement unit of the University that are created and maintained only by that law enforcement unit for a law enforcement purpose.
- Records relating to an individual who is employed by the University that (1) are made and maintained in the normal course of business; (2) relate exclusively to the individual in that individual's capacity as an employee; and (3) are not available for use for any other purpose. Records relating to an individual in attendance at the University who is employed as a result of his or her status as a student are education records and are not excepted.

Student Access to Records

In order to view their record, a student must make a request in writing to the appropriate office. The office has 45 days in which to fulfill the request. If requested, copies of a student's record are available to the student for a slight charge to cover the cost of duplicating. If the keeper of the education record determines that a portion of the material sought is of a nature that should not be disclosed to the student, he or she shall notify the student that such information has been excluded from the record.

Any information in a student's record found to be "inaccurate, misleading, or [that] violates the privacy or other rights of the student" may be challenged by the student. Only the accuracy of the information may be challenged. For example, a grade received may not be questioned, only the accuracy of its recording. In order to contest the information in their record, the student must submit a written statement to the person responsible for the content of the record and request that they receive a written response. If no written response is forthcoming or if an unsatisfactory response is received by a student, they may appeal to the chairperson or appropriate supervisory person. In the event that no resolution is made, it is the student's right to request a hearing, to be presided over by the VP for Student Affairs or a designee.

Directory Information

The University has the right to publish a directory listing all enrolled students and containing the following information:

- Student's name
- Address
- Telephone number
- Place and date of birth
- Concentration
- Digital photo
- Year of graduation and dates of attendance
- Awards and degrees received
- Membership in organizations
- Educational institution most recently attended

A student who wishes for some or all of the information listed above to be omitted from the directory must so indicate by writing to the Office of the Registrar.

Disclosure of Records to Third Parties

FERPA permits, but does not require, the University to disclose personally identifiable information from education records to certain third parties without the student's consent,

provided that any requirements of FERPA and this Policy are met. Before making any disclosure of personally identifiable information from education records to any party, the University (and any individual acting on behalf of the University) must use reasonable methods to identify and authenticate the identity of that party. Disclosures of personally identifiable information may be made to the following persons:

- Officials at an institution where the student is enrolled or applying for admission;
- Persons or organizations providing financial aid to a student (not including parents) or making decisions with respect to the student's financial aid;
- The parents of a student who is a dependent for income tax purposes;
- Accrediting and educational testing organizations carrying out their accrediting functions;
- Authorized representatives of the Comptroller General of the United States, Secretary of Education, U.S. Attorney General (for law enforcement purposes only), and state and local educational authorities, if the disclosure is 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; provided in most cases that the information must be protected in a manner that does not permit the personal identification of individuals by anyone other than the applicable agency and must be destroyed when no longer needed for the purpose they were disclosed;
- Persons in compliance with a judicial order or lawfully issued subpoena, provided that the University makes a reasonable effort to notify a student at least seven days prior to disclosure of the education record (absent a court order or other applicable law prohibiting such notification);
- A court in connection with a legal action brought by a student against the University or brought by the University against a parent or student;
- Appropriate persons in a health or safety emergency if the University determines, in light of the circumstances and information available at the time, that knowledge of the information is necessary to protect the health or safety of the student or other individuals;
- The alleged victim of a crime of violence may receive results of any disciplinary proceedings conducted by the University against the alleged perpetrator of that crime in reference to that crime. Student records are available to the above with the stipulation that this information is only for the use of the above unless written consent is secured from the student.

Student records may not be distributed to other parties. It is the responsibility of each office maintaining records to keep a log that verifies the name and date of each person who has viewed the record and for what reason. Students have the right to see this log.

Disclosure of Records with Consent

With the exception of the permitted disclosures described above, the University may make

disclosures of personally identifiable information from an education record only if the student consents in writing.

Complaints of Violations

A student who believes that his or her rights under FERPA have been violated may file a written complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-4605.

Questions

Further questions about FERPA should be directed to the Offices of the Vice President for Student Affairs or the Office of the Registrar.

Contacts:

Registrar's Office:

Shirley Alexander-Hunt, Registrar

Email: registrar@simmons.edu

Office of the VP for Student Affairs:

Renique Kersh, VP for Student Affairs

Email: renique.kersh@simmons.edu