

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Frequently Asked Questions by Students

Q: What is FERPA?

- FERPA stands for the Family Educational Rights Privacy Act (“the Act”), also known as the Buckley Amendment.
- FERPA is designed to protect the privacy of education records, to establish the rights of students to inspect and review their education records, and to provide guidelines for the protection of students with regard to inaccurate and misleading data in their educational records.
- FERPA applies to educational institutions that receive federal funding for education.

Q: Am I protected under FERPA?

- You are protected by FERPA if you are currently enrolled in Simmons, as well as after you graduate.
- If you applied to Simmons, but did not attend, FERPA does not protect the limited records that may be in the possession of Simmons.

Q: How does FERPA apply to me?

- If you are over the age of eighteen or enrolled in a post-secondary institution FERPA allows you limited rights and recourse with regard to your education records.
- FERPA allows you to access your education records pursuant to a request within 45 days of that request.
- FERPA allows you an opportunity to seek to have your education records amended if an error has been made.
- FERPA also affords you some control over the disclosure of your information collected by Simmons and over your education records.

Q: What are “education records” under FERPA?

- Records that are directly related to you; and
- Maintained by Simmons or another educational institution or by a party acting for Simmons or other institution.

Q: What is not an “education record” within the meaning of the Act?

- Private notes of an instructor which remain in her/his sole possession.
- Campus security records which are solely for the use of law enforcement personnel.
- Employment records relating to your employment at Simmons unless your employment is related to your status as a student at Simmons.

- Medical records and any records related to medical treatment by a physician, psychiatrist, psychologist, or other paraprofessional.
- Alumni records or other records of Simmons which contain only information about you after you are no longer a student at Simmons.

Q: Can any person or institution access my education records without my consent?

Yes, Simmons may disclose your education records without your consent to the following parties:

- Simmons employees with a legitimate educational interest;
- Other schools to which you are transferring;
- Persons or institutions requesting your information in connection with your financial aid status;
- State or local educational authorities who are conducting an audit or enforcing federal or state supported education programs or enforcing federal laws which relate to those programs;
- Accrediting organizations;
- Any party requiring your information to comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in case of a health or safety emergency; and
- Your parent or guardian if you are a financial dependent.

Q: Can my parent or legal guardian access my educational records without my consent?

Yes, under certain circumstances:

- Normally when you are eighteen years old or enrolled in a post-secondary educational institution, your student record rights transfer to you.
- However, if your parent or legal guardian can establish that you are a financial dependent, he or she can have legal access to your education records.
- To establish that you are a financial dependent, your parent or legal guardian must submit to Simmons a copy of his or her federal tax return.
- The tax return must be current and must reflect that you were claimed as a dependent child for tax purposes.
- Mere payment of your college tuition does not entitle your parent or legal guardian to access your education records. Your parent or legal guardian must submit the proof as described above.

Q: What does FERPA require if I want to amend my education records?

Under FERPA, if you request that Simmons amend your education records because they contain inaccurate or misleading information, Simmons must take the following steps:

- Simmons must offer you a hearing on the matter if it decides not to amend the records in accordance with the request.
- Simmons must allow you the right to place a statement to be kept and disclosed with the record if Simmons, following the hearing, decides not to amend the record.

- However, Simmons is not required to change a grade or disciplinary decision.
- Simmons is also not required to change the opinions reflected in the record of the faculty or staff.

Q: What is the “directory information” referred to in the Act?

- Directory information is identifying information that Simmons may disclose but is not required to disclose.
- Directory information may include your name, address, telephone number, email address, place and date of birth, dates of attendance, graduating class, previous institution attended, major(s), awards, honors, degrees conferred, participation in sports and activities, and, if you are a student athlete, physical information (height and weight).
- Directory information does not include your social security number, personal identification number, grades, grade point average, class schedule, adverse academic action, and/or number of credits earned.

Q: Do I have a choice as to which pieces of directory information may be published or disclosed?

- You may choose not to permit the disclosure or publication of any of your directory information.
- You may choose to allow the disclosure or publication of all your directory information except your address and telephone number.
- You may authorize the publication or disclosure of all your directory information. If you do not submit a timely written request to the Office of the Registrar requesting that Simmons withhold your directory information, all such information will be published and/or disclosed.
- The choice to publish or disclose your directory information does not apply to your education records. Your education records will remain confidential with the exception of the circumstances described herein.

Q: What can I do to limit or control the directory information that may be disclosed?

- In order to control or limit the amount of directory information that Simmons may disclose, you must submit a request in writing to the Office of the Registrar by September 15th, 2003.
- You may request that Simmons refrain from publishing and/or disclosing certain directory information. *Please be specific in your request.*
- You may obtain more information from the Office of the Registrar by calling 617-521-2111.

Q: Are there any negative consequence to restricting release of my directory information?

Yes, and it is important to consider the value of restricting your directory information in comparison with the value of allowing it to be released. Possible negative consequences may include the following:

- A potential employer may wish to confirm that you have completed your degree, without your advance written consent. If you have restricted your directory information, the potential employer may not be able to gather the requested information.
- A classmate to whom you have not provided any contact information may not be able to get in touch with you about a class project.
- A family member may drop into town and wish to see you. If you have restricted access to your directory information, she will not be able to obtain your contact information from Simmons.

Q: When I graduate, will my request to withhold any of my directory information expire?

No, it will remain in place until you remove it.

- Your request to withhold or suppress any of your directory information will remain in force until you submit a written and signed request to the Office of the Registrar directing it to release the information.
- However, Simmons recommends that you allow full access to your directory information upon graduation to allow Simmons to confirm your degree to prospective employers without having to obtain prior written consent.

Q: What should I do if I think my FERPA rights are being violated?

- You should contact the Office of the Registrar at 617-521-2111.
- You may also report suspected FERPA violations to the Family Policy Compliance Office of the U.S. Department of Education at 400 Maryland Avenue, SW, Washington, DC 20202-4605.

Q: What do I do if I want to make an official complaint to the Department of Education?

- Any official complaint must be submitted in writing to the Family Policy Compliance Office of the U.S. Department of Education at 400 Maryland Avenue, SW, Washington, DC 20202-4605.
- You must submit the report within 180 days of when you learned of the alleged violation.
- The official complaint must provide relevant dates (i.e. date of disclosure), names and titles of school officials who may have participated in the alleged violation, a specific description of the education record at issue, a description of any contact with school officials regarding the matter, and any other evidence that would be helpful to an investigation.