Emporia State University affords students their full rights in conformity with the Family Educational Rights and Privacy Act of 1974, its amendments and implementing regulations. Eligible students (student is defined as an individual who is or has been in attendance at an institution and for whom ESU has maintained an educational record) have the right to inspect their educational records, request amendment of their records they believe to be incorrect or misleading, and restrict disclosure of their information in specific situations.

Students may waive their rights to inspect and review confidential statements and confidential letters of recommendation by providing a signed voluntary statement if, in conformity with applicable law; 1) the student is notified, upon request, of the names of those providing statements and letters, 2) the letters and statements are only released for the original purposes stated, and 3) the waiver is not a condition of admission or other benefit.

Educational records are records which contain information directly related to a student and are maintained by the University or by a person acting on behalf of the University. The following records are not considered educational records: personal notes of faculty and staff; records created after a student is no longer a student and are not directly related to their attendance; employment records not directly related to student status; certain medical and counseling records; records of police and safety office for law enforcement purposes; and certain financial records.

The University shall obtain the proper written consent of a student before disclosing their student records, or personally identifiable information contained therein, to a party other than the student or party whom created the record, except as otherwise allowed by law and this policy. ESU designates the following items as directory information: a student’s name, a student’s address(es), a student’s phone number(s), a student’s email address(es), a student’s major field(s) of study, a student’s classification (freshman, sophomore), a student’s enrollment status (full-time, part-time, undergraduate, graduate), a student’s dates of attendance, a student’s past and present participation in officially recognized activities and sports, including the weight and height of members of athletic teams, a student’s degree(s) conferred and date(s) conferred, and a student’s award(s), honor(s), and scholarship(s) received, photograph, and the most recent educational agency or institution attended. Directory information can include a student ID number only when the ID alone cannot be used to gain access to education records. Directory information shall not include a student’s Social Security Number. Directory information may be released without the student’s consent; however, eligible students may request that directory information not be made public. The student’s notice to withhold directory information must be made to the Office of Registration and is good for 1 academic year.

Emporia State University also releases records and information without the written consent of an eligible student to:

• A university official(s) with a legitimate educational purpose. (A university official has a legitimate education interest if the official is performing a task that is specified in her/his position description or contract agreement. Note: All staff and faculty sign a confidentiality statement prior to being given access to student records.)
To comply with a lawfully issued court order or subpoena or ex-parte order issued pursuant to the Patriot Act, upon prior notice to student when required by applicable law;

To officials of other schools and post-secondary institutions, where the student is currently enrolled or plans to enroll or transfer if the disclosure is for purposes related to the student’s enrollment or transfer and pursuant to applicable regulatory standard for said release;

To certain officials of the U.S. Department of Education, the Comptroller General and state and local educational authorities in connection with an audit or evaluation of or compliance with legal requirements;

To financial aid personnel in conjunction with an application for financial assistance for the purposes of determining eligibility, amount, or conditions of aid or to enforce terms and conditions of the aid;

To all appropriate individuals, including parents, whose knowledge of the information is necessary to protect the health or safety of the student or others, if, when taking into account the totality of circumstances pertaining to a threat to the health or safety of the student or others, the institution determines there is an articulable and significant threat, it is determined the information is necessary to protect the health or safety of the student or others;

To the health authorities or local law enforcement the names and current addresses of students who have certain communicable diseases; or to law enforcement the for legal compliance related to registration and disclosure requirements for violent crime control laws; or for legal compliance related to disclosure to victims of certain crimes of violence;

To entities conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests; student aid programs; improve instruction; or to accrediting entities fulfilling accrediting functions;

To an outside contractor, consultant, volunteer or other party who is authorized to act for the University, is performing a service the university would otherwise perform itself, is subject to University control with regard to the records, and the outsourcing is subject to the appropriate restrictions on re-disclosure;

To initiate legal action against a parent or student or to defend the University if a parent or student initiates legal action and the records are relevant to the action, upon written notice of intended release;

ESU permits disclosure to parents or legal guardians upon written consent of the student.

The University may release records without a student’s consent after removing personally identifiable information and after making a determination that the student’s identity is not identifiable regardless of the number of releases that would be made in whole or part. The University shall inform third party recipients of any legally required restrictions on re-disclosure of student records and information. Third party recipients of personally identifiable information
are not permitted to disclose that information to others without the proper written consent of the eligible student or pursuant to applicable law. The information may only be used for the purpose intended.

Third parties who receive information may make further disclosures if they are authorized to act on behalf of the University. Information about recipients of further disclosures must be provided to the University, as required by FERPA.

A record of requests for and disclosures of educational records will be maintained by the record custodian for as long as the education record in question is maintained by the University. The record shall include, whether requests are granted or not, the name of the requestor; the names of the additional parties the receiving party may disclose the information on behalf of the institution; and their legitimate interests in the information. Records of requests and disclosures will not be maintained for: (1) requests made by the student for themselves; (2) requests for which written consent was received; (3) requests made by school officials with legitimate educational interests; or (4) requests for directory information. Records of disclosures made pursuant to a health or safety emergency will include (1) the articulable and significant threat to the health or safety of a student or others that formed the basis for the disclosure and (2) the parties to whom disclosure was made.

Eligible students may request amendment of their educational record if they believe they are inaccurate, misleading or a violation of their privacy. If the University does not subsequently amend the record, the student will have the opportunity for a hearing. No hearing is available under this policy for challenging the underlying basis for a grade.

If a student believes the University is not complying with FERPA, they should attempt to resolve the issue with the office involved and/or the Office of the Registrar. Complaints may be filed with the Family Policy Compliance Office of the U.S. Department of Education. Notice of FERPA rights will be published each semester in the course schedule. The Registrar, or designee, is responsible for the development and publication of student records policy and related procedures, forms