



## Ohio Administrative Code

### Rule 3352-4-03 Privacy and release of student educational records.

Effective: April 16, 2018

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#### (A) Introduction

(1) Wright state university has for many years regulated access to student educational records. The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, sets forth requirements designed to limit the disclosure of student educational records. The law governs access to records maintained by educational institutions and the release of information from those records.

(2) This rule includes the regulations designed to explain the rights of a student with respect to records maintained by Wright state university. In addition, this rule outlines the university's procedures to comply with the requirements of the Family Educational Rights and Privacy Act.

(3) Any member of the university community may review a copy of the Family Educational Rights and Privacy Act, the federal regulations adopted pursuant to it, as well as a copy of the annual notice provided to students. Copies of the documents are located in the office of the registrar.

(4) For the purposes of student privacy and release of education records under this rule, a student is defined as any individual who has been accepted to the university and is registered for or has completed courses at the university on a full or part time basis. For purposes of student privacy and release of education records under this rule, "student" does not include persons who have been admitted to the university but have not registered for classes.

(B) Definition of an educational record. A record is defined as information recorded in any way, including but not limited to, handwriting, print, computer media, video or audio tape, file, microfilm, and microfiche. An educational record is any record that is directly related to a student and maintained by Wright state university or by a party acting for Wright state university. The categories of information listed in paragraphs (B)(1) to (B)(5) of this rule are not considered to be educational records.



- (1) Records created by university personnel that are 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.
  - (2) Records maintained by the university police for law enforcement purposes.
  - (3) Records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional, professional in training, or paraprofessional acting in his/her professional capacity or assisting in a paraprofessional capacity or records maintained or used only in connection with treatment of the student, and disclosed only individuals providing treatment (e.g., records in the office of disability services, the center for psychological services, and student health services).
  - (4) Employment records (unless the employment is based on student status). The employment records of student employees (e.g., work-study, wages, and graduate teaching associates) are part of their education records.
  - (5) Records created or received by WSU after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student (e.g., WSU alumni association records). Records of an individual, while a student, continue to be considered educational records.
- (C) Release of an educational record without consent. The university may release information contained in an educational record, without prior consent, under the circumstances listed in paragraphs (C)(1) to (C)(13) of this rule.
- (1) Requests to a school official within the university who the university has determined to have a legitimate educational interest. A school official typically includes a person employed by Wright state university in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student employee of the university who may be authorized to conduct official business or who is serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of Wright state university who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of personally identifiable information PII from education records, such as an attorney, auditor, or collection agent.



A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for Wright state university.

(2) Requests from officials at another school (such as a dual-enrolled student's high school), school system, or institution of post-secondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer.

(3) Requests from authorized representatives of the U.S. controller general, the U.S. attorney general, the U.S. secretary of education, or state and local educational authorities, such as the Ohio department of higher education (ODHE). Requests under this provision may be made in connection with an audit or evaluation of federal- or state- supported education programs, or the enforcement of or compliance with federal legal requirements that relate to those programs. These entities may make further disclosure of personally identifiable information to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met.

(4) Requests made in connection with a student's application for or receipt of financial aid, if the information is necessary for the purposes of determining eligibility for the aid, determining the amount of the aid, determining the conditions for the aid, or enforcing the terms and conditions of the aid. The disclosure is to state and local officials or authorities whom this information is allowed to be reported or disclosed pursuant to state statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or allowed to be reported or disclosed pursuant to State statute adopted after November 19, 1974.

(5) Requests by organizations conducting studies for, or on behalf of, the university to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction. If such studies do not permit personal identification of a student to any persons other than to representatives of such organizations and/or if the personal identification data is destroyed when no longer needed.

(6) Requests of accrediting organizations to carry out their accrediting functions.



(7) Requests by the parent(s) or legal guardian(s) of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954. Section 152 of the Internal Revenue Code describes dependency and taxpayer calendar issues. A copy of the previous year's tax return for the parent(s) or legal guardian(s) may be required to verify dependency.

(8) Requests to comply with a lawfully issued subpoena or judicial order after the university first makes a reasonable effort to notify the student of the order or subpoena in advance of compliance, so that the student may seek protective action, unless the disclosure is in compliance with a federal grand jury subpoena or other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

(9) Requests in connection with a health or safety emergency.

(10) Requests from parents of a student regarding the student's violation of any federal, state, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of twenty-one.

(11) Requests for information from a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding conducted by the institution with respect to that alleged crime or offense, regardless of the finding.

(12) Requests for information the university has designated as "directory information" as defined in paragraph (D) of this rule.

Note: Degrees (any honors, majors, minors, and specializations) are considered public information (as defined in paragraph (D) of this rule), since they are conferred in a public ceremony.

Additionally, the university reserves the right to verify the accuracy of any information contained in what is presented as an official university document (e.g., a transcript or diploma) or as provided to a third party.



(D) Directory information.

(1) Wright state university, in accordance with the Family Educational Rights and Privacy Act, has designated the information in paragraphs (D)(1)(a) to (D)(1)(m) of this rule about a student as public information.

(a) A student's name.

(b) All addresses of a student, including e-mail addresses.

(c) Telephone listings.

(d) Major field of study.

(e) Number of hours registered.

(f) Full-time or part-time status.

(g) Class standing that includes freshman, sophomore, junior, senior, graduate, or professional standing.

(h) Dates of attendance.

(i) Degrees awarded and total hours earned.

(j) Special honors and awards.

(k) Most recent previous educational agency or institution.

(l) Participation in officially recognized activities and sports.

(m) Weight and height of members of athletic teams.



(2) Information identified as public information will be released without a student's consent.

However, a student has the right to have public information withheld if he/she so desires. A student who wants public information withheld, including items to be published in a student directory, shall so indicate by completing a request to prevent release of public information form, which can be obtained from the office of the registrar. A student should allow at least ten business days for processing the request.

(3) Each fall semester, the university publishes an online directory that is made public. The online directory contains the name, e-mail address, level (graduate or undergraduate), college and major field of study. If a student wishes to withhold this information from the directory, he/she must notify the office of the registrar, as described in paragraph (D)(2) of this rule.

(E) Consent for release of an educational record. A student who wishes to have information released must submit a written request to the director or designee of the appropriate department, school, or college that maintains the record. The written consent must: be signed and dated by the student; specify the specific information he/she wishes to release and the party or class of parties to whom the disclosure may be made. The consent should state that the student understands that the consent will remain in effect until revoked by the student, in writing, and delivered to Wright state university, but that any such revocation shall not affect disclosures made prior to the receipt of any such written revocation.

(F) Procedures for review of an educational record.

(1) All records that pertain to a student and that are maintained in university offices are official university records and, as such, remain the property of the university. Each university unit has an obligation to keep a record of requests and disclosures of student information, except when a request is from the student, from a university official who has a legitimate educational interest, from someone requesting directory information. A student has the right to review the record of requests and disclosures pertaining to him/her.

(2) A written request to review records must be made separately to each university unit that maintains records. The unit has fifteen days to respond to a request to review and inspect a student's educational record. However, the unit will make arrangements as expeditiously as possible. In the



event that a student's only access to his/her records is through mailing such records, a fee may be charged, unless the student can prove that the fee effectively prevents him/her or an eligible parent(s) or legal guardian(s) from exercising his/her rights.

(3) A student has the right to review only his/her own records. When a record contains information about more than one student, disclosure cannot include information about the other student(s).

(G) Exceptions to right to review an educational record. A student is granted the right to inspect and review all of his/her educational records, except for the types of documents listed in paragraphs (G)(1) to (G)(3) of this rule.

(1) Financial records of parents.

(2) Confidential letters and statements of recommendation placed in educational records prior to January 1, 1975.

(3) Confidential letters and statements of recommendation placed in education records after January 1, 1975, if the student has waived his/her right to inspect and review those letters and statement and those letters and statements are related the student student's admission to an educational institution; application for employment, or receipt of an honor or honorary recognition (refer to paragraph (H) of this rule).

(H) Waiver of right to review an educational record. A student may waive his/her right of access to confidential letters and statements of recommendation. Even if a student signs a waiver, the names of all persons making confidential recommendations will be made available upon request. The university may not require a student to waive his/her right of access for receipt of university benefits or services.

(I) Right to seek to amend an educational record. A student has the right to challenge the content of his/her educational record if the student considers the information contained therein to be inaccurate, misleading, or in violation of the privacy rights of the student. The process of challenging the content of an educational record includes an opportunity for amendment of the record or insertion of a written explanation(s) by the student into such record as described in



paragraph (J) of this rule. The right to challenge a grade does not apply under the Family Educational Rights and Privacy Act, unless the grade assigned was inaccurately recorded. Under that condition, the record will be corrected.

(J) Procedures for challenging information in an educational record.

(1) A student who wishes to challenge information in his/her educational record must submit a written request for a hearing to the director or designee of the appropriate department, school, or college that maintains the record. The request must list the specific information in question and the reason(s) for the challenge.

(2) The director of the university unit will notify the office of the registrar when a student has submitted a request for a hearing. The office of the registrar will convene a panel to conduct the hearing. The panel, which is chaired by the university registrar or appointed designee, will consist of three university faculty and/or staff members who have no direct interest in the outcome of the hearing.

(3) The student who has requested the hearing will be afforded a full and fair opportunity to present evidence relevant to the reason(s) for the challenge.

(4) The panel will render a written decision within a reasonable period of time, noting the reason(s) for its decision and summarizing all evidence presented. Should the decision of the hearing panel, by majority vote of the three panel members, find in favor of the student's challenge, the educational record shall be amended accordingly.

(5) The school of medicine and the school of professional psychology have separate procedures for challenging and adjudicating record disputes. A student who wishes to submit a challenge should consult the handbook of the specific school for additional information.

(K) Retention of education records. Education records are retained in accordance with university policy and guidelines. Additional information about records retention and specific department retention schedules can be found in records management of the university library special collections and archives services. Once a student requests access to his or her records, removal or destruction of





information in education record may not occur until access has been granted.

(L) Location of education records. Wright State University does not maintain education records in one central office. Education records are maintained in a custodial capacity in the various department, schools, or colleges of the university. A student should contact the office of the registrar for information and guidance in determining which unit(s) a student should contact about an education record.

(M) Concerns or suggestions. A student who has a concern or suggestion regarding this policy should contact the office of the registrar. If a student has reason to believe that the university is not complying with FERPA or university policy, he/she has the right to file a complaint with the United States department of education by contacting:

"Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington DC 20202-4605"