



Ohio Administrative Code

Rule 3342-5-08.101 Operational procedures and regulations regarding collection, retention, and dissemination of information about students.

Effective: March 1, 2015

(A) Purpose. In compliance with the university policy regarding the collection, retention and dissemination of information about students, the administrative policy contained in this rule has been established.

(B) Enforcement.

(1) The enforcement of this policy will be the responsibility of each major executive officer of the university and the supervisor of any office which retains information about students. The Family Educational Rights and Privacy Act of 1974, as amended, will guide the application of this rule.

(2) The provost will be the custodian and major executive officer of the university responsible for the implementation of this policy.

(3) Recommendations for alterations or additions to this policy may be made by appropriate student and faculty governing bodies to the office of the vice president and dean for enrollment management and student affairs. Questions of interpretation may also be directed to that office. The registrar will assist the provost or designee in this responsibility.

(4) The registrar is required to maintain an up to date university records inventory of all personally identifiable student records. The registrar is also required to review and approve all basic forms utilized for any mandatory data collections.

(C) Definitions.

(1) Student. A "student" is defined as a person who has been accepted into a program of study and has participated in any post-admission university sanctioned process to facilitate the registration of classes.



(2) Educational records. "Educational records" are defined as those records, files, documents and other materials which contain information directly related to a student and are maintained by a college, school, department, office or other university organization, subdivision or by a person acting for the university or any of its subdivisions.

(D) Classification and collection of student educational records.

(1) The term "educational record" does include:

(a) The official academic record composed of documents and computer files maintained by the office of the registrar. The registrar is the official custodian of these records and the registrar, or designee, is the only one authorized to speak for the university regarding them.

(b) Academic advising records are the materials maintained in the college and academic departmental office for use only in advising and/or preparing the recommendations for state certification. These are not to be confused with the aforementioned official academic record.

(c) Discipline records including preliminary notification, proceedings, results and action taken as a result of disciplinary committee hearings, are maintained in the office of the dean for student affairs. The provost or designee is the official custodian of these records and the vice president and dean for enrollment management and student affairs, or designee, is the only one who is authorized to speak for the university regarding them.

(d) Student financial aid records including application, parents' confidential statement, need analysis form, promissory note, employment and other related information are maintained in the office of student financial aid. The director of student financial aid is the official custodian of these records and the director, or designee, is the only one who is authorized to speak for the university regarding them.

(e) The career planning and placement center records including applications, resumes, letters of reference, employment records of work study students, and related information are maintained in the office of career planning and placement center. The director of the center is the official custodian of these records and the director, or designee, is the only one who is authorized to speak for the



university regarding them.

(2) The term "educational record" does not include:

(a) Records which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

(b) Police records which are maintained solely for law enforcement purposes;

(c) Records which are maintained solely in connection with a person's employment within the university unless the employment records are as a result of their status as a student; and

(d) Health-related records. Records which are created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional capacity, or assisting in that capacity and which are created, maintained or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment, provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

(3) Collection of student information. Information which the university may wish to collect for student educational records through any of its offices, departments or agents directly from the student, whether prior to admission, at the time of entrance, or at any other time, should be viewed as falling into one of three categories, as follows:

(a) Directory information, which includes the student's name, local and permanent address, telephone listing, date and place of birth, major field of study, email address as directory information, class standing (undergraduate/graduate; freshman, etc.), enrollment status (full/part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, high school graduated from and the most recent previous educational agency or institution attended by the student;

(b) Restricted external, which includes any and all information contained in educational records not categorized as directory information. Such information may not be released except under the



provision of this policy. Examples of restricted external information are social security number, identification photograph, marital status, number of dependents, country of citizenship, campus activities, leadership positions, academic evaluations, standardized and other test scores, admission application form and university disciplinary actions; and

(c) Restricted external and internal records are not classified as "educational records." This class of records is normally associated with special professional services such as mental health, physical health and law enforcement. The collection, use and dissemination of such information is controlled by separate policies.

(4) Prohibitions on collection. Data may not be collected on political activities or beliefs of students whether voluntary or not where the possibility of disclosure will inhibit the free expression of these beliefs or opinions, both within and outside the classroom.

(5) A further classification of information contained in records is made based on the process of collection.

(a) Mandatory information, which is believed to be essential to the proper functioning of the university and required of the student as a condition of attendance. Collection of all such information must receive prior approval from the registrar.

(b) Voluntary information, which is considered desirable but not essential to the functioning of the institution or any of its subdivisions may be obtained only with informed and freely given consent of the student. The optional nature of all responses in forms utilized for such voluntary data must be clearly designated as such.

(6) Access. Where either mandatory or voluntary information is collected directly from a student, the intended uses of the information, conditions of the student's access, access of other parties to the data and rules of retention should be specified in the university's records inventory and when possible on the data collection form itself or in some other easily accessible manner at the time of collection.

(7) Outside sources. When accumulations of data about students are made from sources other than the student, such as from police reports, health data, letters of reference and administrative actions,



these should be made part of the university's records inventory. The registrar will provide for public notice with specific reference to the procedures by which the additional information is added to the file, the potential sources of such information, its uses, condition of access and rules of retention.

(8) Demographic information. The collection of information concerning racial, ethnic or religious background of students is often mandated by government offices, sources of financial aid or other external agencies. In complying with such official requests special precautions must be taken to ensure that the existence of data collected primarily for purposes of increasing equality of opportunities for minority group members does not violate rights to privacy of individual students.

(9) Research. All research activities or experiments in which students are asked to reveal, directly or indirectly, aspects of their private personalities must be reviewed and approved in advance by the university human subjects review committee.

(E) Release of information.

(1) Requests for information. All institutional personnel should be alert to refer promptly to the official custodian of the appropriate office any requests for information. Faculty members and the various institutional offices should restrict their responses to that information germane to their sphere of responsibility in relationship to the student, such as faculty advisor, major professor or academic dean. The existence of specific legislation permitting access should be determined before release of information and all releases must be consistent with FERPA and applicable local, state, and federal laws and regulations.

(2) Information contained in student records may be released under the following conditions:

(a) Directory information may be disclosed on an unlimited basis by university personnel in response to oral or written requests.

(i) Directory information categories are published on the office of the university registrar web site. Students are notified biannually via their "kent.edu" email address on their right to restrict the publication and release of directory information.



(ii) An opportunity for individuals to restrict the publication of directory information concerning themselves is available by making a written petition to the registrar. This opportunity to restrict the release of this information will be publicized biannually.

(b) Restricted information may only be released with the student's written permission, with the exceptions listed in Chapter 4.1.3 of FERPA. Following are some of the more common exceptions for release of restricted student information.

(i) To school officials with the legitimate educational interest.

(a) School officials. Those members of the university community who act in the students educational interest within the limitations of their "need to know." These may include faculty, administration, clerical and professional employees, university police, and other persons, including student employees or persons or businesses formally authorized to act for the university, who manage student education record information.

(b) Legitimate educational interest. For the purposes of agency 3342 of the Administrative Code, "legitimate educational interest" shall mean an educationally related purpose which has a directly identifiable educational relationship to the student involved and underlies the request. More particularly, the following criteria shall be taken into account in determining the legitimacy of a university officials access to student records:

(i) The official must seek the information within the context of the responsibilities that he or she has been assigned;

(ii) The information sought must be used within the context of official university business and not for purposes extraneous to the officials area of responsibility or to the university;

(iii) The information requested must be relevant and necessary to the accomplishment of some task or to making some determination within the scope of university employment;

(c) Disclosure to a school official having a legitimate educational interest does not constitute institutional authorization to transmit, share, or disclose any oral information to a third party. An



unauthorized disclosure of personally identifiable information from the education record of the student is prohibited.

- (ii) To complete transfer admissions forms requested by the student. Only disciplinary status of students currently on disciplinary probation or suspension, or of students who have been expelled, shall be released;
- (iii) If approved research studies are being conducted in such a manner as will not permit the personal identification of the student except to researcher;
- (iv) If required by accrediting agencies in order to carry out their accrediting functions;
- (v) If required by lawfully issued court order, subpoena or summons, upon the condition that students are notified of all such orders in advance of the compliance;
- (vi) If an emergency situation arises where the information is deemed necessary to protect the health, safety or welfare of the student or other persons; and
- (vii) Parents of dependent students as defined in Section 152 of the "Internal Revenue Code" of 1954 may have access to their child's records provided they have demonstrated satisfactory evidence of the student's dependent status, and that the student be notified of all such requests in advance of compliance; except that release of information regarding a student's financial account to parents of a dependant student shall not require notification to the student.
- (viii) Pursuant to the Family Educational Rights and Privacy Act, the office of judicial affairs will send written notice to the parents of a student under twenty-one years of age who is found to be responsible for violating any state or local laws pertaining to possession or consumption of any alcoholic beverages. The office of judicial affairs will send written notice to parents of a student under twenty-one years of age when a first-time serious violation consists of:
 - (a) Alcohol negatively affecting the mental and physical well-being of oneself or others;
 - (b) Alcohol contributing to vandalism, assault, etc.; or,



(c) Alcohol contributing to a pattern of substance abuse.

(d) The university believes that parent notification is an educational measure that will provide students and parents an opportunity to appropriately deal with a potential problem that could result in serious academic, social, and personal health concerns.

(ix) Release to parties. The release of non-directory information to external parties without the student's consent must be recorded in the individual student file. The release of non-directory information to either external or internal parties must be accompanied by a warning that such information must not be passed on to fourth parties.

(F) Access to records.

(1) Student access. Students have access to their own educational records as described in this policy within a reasonable period of time not to exceed sixty days of the request. All information in the educational records may be reviewed by the student except for:

(a) Financial records of the parents; and

(b) Confidential letters and statements of recommendation which are dated prior to the first of January, 1975.

(2) Waiver. A student may waive the right of access to these official records. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from the university.

(3) Individual members of the academic community may maintain for their personal reference and use information regarding students. As long as this information is not used in a manner which conflicts with this rule, such information need not be subject to scrutiny.

(4) Right of refusal. The registrar has the right to refuse to release certified student transcripts when instructed to do so by the vice president and dean for enrollment management and student affairs due



to a student's noncompliance with a university obligations. The registrar may also refuse to reproduce, and refuse to forward official transcripts in matters of suspected fraud or record error until such time that the record is considered to be correct and the matter resolved. The registrar may also refuse to reproduce and/or refuse to forward official transcripts pursuant to paragraph (C) of rule 3342-7-05.501 of the Administrative Code.

(G) Challenge to the content of the records. If, after reviewing their individual file, a student wishes to challenge a perceived inaccuracy, misleading statement, or other perceived violation of their privacy or other rights, the following procedure is available:

- (1) The student shall be provided an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data and to insert into such records a written explanation. A student may challenge a grade only on the ground that it was inaccurately recorded, not that it was lower than the instructor ought to have awarded.
- (2) If the official custodian of the records and the student agree that information is inaccurate, misleading or otherwise in violation of the student's rights, the official custodian of the records may make the necessary corrections or remove the information.
- (3) Upon the request of either the official custodian of the records or the individual student, a hearing may be conducted to settle disputes.
- (4) The student conduct officer will serve as hearing officer. Should the hearing officer have a direct interest in the outcome of the hearing, the registrar will serve as hearing officer. The following guidelines are to be followed:
 - (a) The hearing shall be conducted and decided within a reasonable period of time following the request for hearing;
 - (b) The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised; and
 - (c) The decision of the hearing officer shall be in writing to the student, and inserted into the file



within a reasonable period of time after the conclusion of the hearing.

(H) Review and destruction of educational records. All persons or organizational subdivisions of the university maintaining educational records must establish procedures for the regular and periodic review of all information for the purposes of ensuring its accuracy and continued usefulness and for the elimination of the unnecessary and unverified data. A copy of such procedures must be on file with the registrar.

(1) Review of potentially useful information. Student information that is potentially useful but as yet unverified or not clearly needed beyond the immediate present, such as legal or clinical findings including personality tests and unevaluated reports of faculty or other college personnel, should be reviewed periodically, preferably at least once a year. At this time the record should either be destroyed or a decision made to retain it until the student's graduation at which time it would be reviewed again. If the record is to be maintained, two conditions should be met:

(a) Its accuracy should be verified by appropriate means; and

(b) Its continuing usefulness should be clearly demonstrated.

(2) Review of information of clear importance. Verified information of clear importance for the student during his full course of study at an institution should be reviewed upon his graduation from the institution to determine its disposal or preservation. This includes background data, financial information, health data and other information required either by the student or by the institution to maintain the active status of the student.

(3) All records which survive these two reviews would be retained by the institution for a specified period of time to be determined at the final review or in perpetuity. Due consideration should be given to the needs of the archivist as well as to the rights of the individual student in determining the long term retention of student information.

(4) Educational records which are involved in a pending request for access may not be destroyed until access according to this rule has been granted.