



1. name, campus address, ~~telephone listing~~, and campus email address;
2. place and date of birth;
3. major field(s) of study, including the college, division, department or program in which the student is enrolled;
4. enrollment status (undergraduate or graduate, full-time or part-time);
5. dates of attendance;
6. degrees, scholarships, honors, and awards, including President's List, Dean's List, honorary organizations and grade point average of students selected;
7. most recent educational institution attended;
8. photographic, video, or electronic images taken and maintained by the University;
9. participation in officially recognized student organizations, activities, and sports;
10. weight and height of members of athletic teams.

A student has the right to refuse to permit the designation of any or all of the categories of directory information. Any student wishing to exercise this right must inform the Office of the University Registrar in writing on or before July 15 of the categories of personally identifiable information that are not to be designated as directory information with respect to that student.

Disclosure of Directory Information under FERPA is permissive, not mandatory. As a result, there is no entitlement to Directory Information under FERPA. The Ohio Public Records Act (the "Act") does not mandate that every record created by a state entity constitutes a public record subj



- a. A person employed by the University in an administrative, supervisory, academic, research or support staff position (including law enforcement personnel and health services staff).
- b. A person or company with whom the University has contracted (such as

11. The disclosure is of the final results of any disciplinary proceeding conducted by the University against a student who is an alleged perpetrator of any crime of violence (as that term is defined in section 16 of title 18, United States Code) or a non-forcible sex offense, if the University determines as a result of the disciplinary proceeding that the student committed a violation of the institution's rules or policies with respect to such crime or offense. The information shall include only the name of the student, the violation committed and any sanctions imposed by the University on the student. The University may include the name of any other student such as a victim or witness, only with the written consent of that other student. The University will notify victims of sexual assault of the outcome of any disciplinary proceeding against the alleged perpetrator.

### **Additional Rules of Disclosure**

A record of any disclosures made will be maintained and the student is entitled to inspect and review that record. Confidential information will be transferred to a third party only on the condition that such party will not permit any other party to have access to such information without the written consent of the student. No person, agency, or organization other than those identified in this section ("Disclosure of Information") will

A request by a student to inspect and review his or her records will be granted within a reasonable period of time, but such time is not to exceed 45 days after the request has been received by the department. Records will be inspected and reviewed by the student in the presence of the chief administrator or designee(s). Contested records may not be changed or deleted during the process of inspection and review. The student shall be advised of the student's right to challenge the content of the records and be advised to review this policy. Upon written request the student shall be provided with a copy of that portion(s) of his or her education record at a reasonable cost to the student.

## Challenging Contents of Records

### Request to Amend

If the student believes the education records of the student contain information that is inaccurate, misleading or in violation of the student's rights of privacy or other rights, the student may ask the chief administrator of the office in which the records are maintained to amend the record. The chief administrator shall advise the student in writing within a reasonable time of the chief administrator's decision. If the chief administrator decides not to amend the record as requested, the chief administrator shall inform the student of the student's right to a hearing and give the student a copy of this policy.

### Hearing

**Request** — The student may request in writing a hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy or other rights of the student. The written request shall be delivered to the Office of the Secretary of the University.

**Hearing** — The hearing shall be held before the Secretary of the University or, at the Secretary's discretion, a committee appointed by the Secretary, within a reasonable time after receipt of the request. Notice of the time, date and place of the hearing shall be given in writing to the student at least three (3) working days in advance of the hearing. The student will be given a full opportunity to present evidence that the information contained in the education records is inaccurate, misleading or in violation of the privacy or other rights of the student. The student may, at the student's own expense, be represented by one or more individuals of his or her own choice including an attorney.

### Decision

The Secretary of the University's (or committee's) decision will be made in writing within ten (10) business days after the hearing. The decision will be based solely on the

evidence presented at the hearing, and will include a summary of the evidence and the reasons for the decision. If the Secretary of the University (or committee) determines that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the Secretary of the University shall inform the student of the student's right to place a statement in the education record commenting on the contested information or stating why he or she disagrees with the decision.

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## Related Form(s)

Not Applicable.

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## Additional Resources and Procedures

Not Applicable.

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## FAQ

Photos and Videos Under FERPA

### ~~When is a photo or video of a student an education record under FERPA?~~

~~As with any other "education record," a photo or video of a student is an education record, subject to specific exclusions, when the photo or video is: (1) directly related to a student; and (2) maintained by an educational agency or institution or by a party acting for the agency or institution. (20 U.S.C. 1232g(a)(4)(A); 34 CFR § 99.3 "Education Record")<sup>[1]</sup>~~

## ~~Directly Related to a Student:~~

FERPA regulations do not defi

- ~~x A school surveillance video showing two students fighting in a hallway, used as part of a disciplinary action, is directly related to the students fighting.~~
- ~~x A classroom video that shows a student having a seizure is directly related to that student because the depicted health emergency becomes the focus of the video.~~
- ~~x If a school maintains a close-up photo of two or three students playing basketball with a general view of student spectators in the background, the photo is directly related to the basketball players because they are the focus of the photo, but it is not directly related to the students pictured in the background. Schools often designate photos or videos of students participating in public events (e.g., sporting events, concerts, theater performances, etc.) as directory information and/or obtain consent from the parents or eligible students to publicly disclose photos or videos from these events.~~
- ~~x A video recording of a faculty meeting during which a specific student's grades are being discussed is directly related to that student because the discussion contains PII from the student's education record.~~

## **Maintained by an educational agency or institution:**

~~To be considered an education record under FERPA, an educational agency or institution, or a party acting for the agency or institution, also must maintain the record. Thus, a photo taken by a parent at a school football game would not be considered an education record, even if it is directly related to a particular student, because it is not being maintained by the school or on the school's behalf. If, however, the parent's photo shows two students fighting at the game, and the parent provides a copy of the photo to the school, which then maintains the photo in the students' disciplinary records, then the copy of the photo being maintained by the school is an education record.~~

## **Exclusion for Law Enforcement Unit Records**

~~The FERPA statute and regulations (20 U.S.C. 1232g(a)(4)(B)(ii) and 34 CFR §§ 99.3 and 99.8) exclude from the definition of education records those records created and maintained by a law enforcement unit of an educational agency o~~

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a disciplinary action), then the copy of the video may become an education record of the student(s) involved if the video is not subject to any other exclusion from the definition of "education records" and the video is: (1) directly related to a student; and (2) maintained by an educational agency or institution or by a party acting for the agency or institution.

## **Can the same recorded image be the education record of more than one student under FERPA?**

Yes. For example, a surveillance video that shows two students fighting on a school bus that the school uses and maintains to discipline the two students, would be "directly related to" and, therefore, the education record of both students.

## **If a video is an education record for multiple students, can a parent of one of the students or the eligible student view the video?**

When a video is an education record of multiple students, in general, FERPA requires the educational agency or institution to allow, upon request, an individual parent of a student (or the student if the student is an eligible student) to whom the video directly relates to inspect and review, or "be informed of" the content of the video, consistent with the FERPA statutory provisions in 20 U.S.C. § 1232g(a)(1)(A) and regulatory provisions at 34 CFR § 99.12(a). FERPA generally does not require the educational agency or institution to release copies of the video to the parent or eligible student.

In providing access to the video, the educational agency or institution must provide the parent of the student (or the student if the student is an eligible student) with the opportunity to inspect and review or "be informed of" the content of the video. If the educational agency or institution can reasonably redact or segregate out the portions of the video directly related to other students, without destroying the meaning of the

For a fuller legal analysis and explanation of this issue, please see the [2017 Letter to Wachter](#).

~~If a video is an education record for multiple students, can the parent of one of the students (or the eligible student) receive a copy of the video?~~



**Does FERPA permit educational agencies and**

## Policy Administration

### Next Review Date

7/1/2023

### Responsible Officer

- x Senior Associate Registrar
- x General Counsel

### Legal Authority

- x The Family Educational Rights and Privacy Act of 1974
- x The Ohio Public Records Act

### Compliance Policy

Yes

### Revision History

[Amended July 2021](#)

### Reference ID

Student Handbook 1.12

### Reviewing Bodies

Administrative