



OHIO
UNIVERSITY

Legal Affairs

August 15, 2007

Pilcher House 1881
10 E. Union Street
Athens OH 45701-2979

T: 740.593.2626
F: 740.593.0200

John F. Burns
Director
burnsj@ohio.edu

Nicolette Dioguardi
Associate Director
dioguard@ohio.edu

Barbara U. Nalazek
Assistant Director
nalazek@ohio.edu

Mr. Nate Carlisle
Reporter
The Salt Lake Tribune
90 S. 400 West, Suite 700
Salt Lake City, UT 84101

Dear Mr. Carlisle,

I am responding to your July 30, 2007 letter to President Roderick McDavis regarding Ohio University's Inter-Collegiate Athletes' Drug Testing Program.

I am enclosing Ohio University's waiver and release and Student-Athletes' Drug Policy in response to your request. As I am sure you are aware, medical information is protected under each states privilege laws, so your questions regarding drug testing records, even if redacted per your request, are exempt from Ohio Public Records Law. Further, disciplinary actions are protected under FERPA, and we do not have some of the records pursuant to your request. The lab we use is Aegis Lab, and for 2006/07 we spent approximately \$2,500.00 on drug tests \$28.00/test for "illegal" drugs, at \$28.00/test. Further, as you may know, the NCAA does drug tests for performance enhancement drugs as part of their championship programs.

This information is being provided at no charge as a professional courtesy.

Sincerely,

John F. Burns
Director

JFB/jat
Enclosure(s)



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Dear Mr. Carlisle,

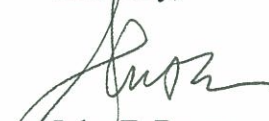
Thank you for sending me the UC and KSU responses to your public records request. I see where Mr. Jim Watson, an attorney for KSU, was copied on Mr. John Faulstick's response; and I did not note any of UC's legal counsel was copied on the personally redacted medical records for UC.

I do not wish to critique any other Ohio state university regarding their response to your public records request (albeit I am curious if the other Division I, II and III universities agreed with Ohio University's response). Let me respectfully repeat, Ohio University considers all medical records of its students/faculty and staff to be exempt under Ohio Public Records Act; specifically under Section 149.37 ORC; as well as drug testing disciplinary records under FERPA. The Ohio Public Records Act and its exceptions are to be literally construed under Ohio law, and the federal HIPPA regulations also applicable.

Ohio University wishes you well with your effort and your project, but we can not release medical records, even with names redacted under Ohio law.

Thank you.

Sincerely,



John F. Burns
Director

JFB/jat