



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)
<input checked="" type="checkbox"/> Permanent Rule
<input type="checkbox"/> Emergency Rule

Agency: Central Washington University CWU AO 75

(1) Date of adoption: September 27, 1994

(2) Purpose:
see attached

(3) Citation of existing rules affected by this order:
 Repealed:
 Amended: WAC 106-120, 124, 172 - see attached
 Suspended:

(4) Authority for adoption:
 Statute: RCW 28B.10.528, 28B.35.120(12)
 Other Authority:

(5.1) **PERMANENT RULE ONLY**
 Pursuant to notice filed as WSR 94-17-151 on August 23, 1994 (date).
 Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**
 Pursuant to RCW 34.05.350 the agency for good cause finds:
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
 Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If yes, explain:

(6) Effective date of rule:
Permanent Rules **Emergency Rules**
 31 days after filing Immediately
 Other (specify) _____ * Later (specify) _____
 *(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY

3:16
94-21-018

NAME (TYPE OR PRINT)
Ivory V. Nelson

SIGNATURE
Ivory V. Nelson

TITLE DATE
President 10-7-94

PROPOSED RULE MAKING CR-103

Attachments

(2) Purpose

WAC 106-120-003	To change position title
WAC 106-120-004	To remove outdated reference, adjust grammar, and add an additional definition to conform to state statute
WAC 106-120-027	To add a statement expanding proscribing conduct
WAC 106-120-028	To change college to university and add mandated language concerning hazing
WAC 106-120-131	To change department title
WAC 106-120-132	To correct spelling error
WAC 106-120-143	To adjust grammar and remove sexist language
Chapter title	106-124 WAC To update outdated terminology
WAC 106-124-010	To correct punctuation
WAC 106-124-011	To remove sexist language
WAC 106-124-700	To adjust punctuation and clarify a term
WAC 106-124-801	To correct language defining exceptions to prohibited animals and add punctuation
WAC 106-172-711	To change position and department titles
WAC 106-172-721	To change position title
WAC 106-172-731	To change language in keeping with APA requirements and position title change
WAC 106-172-735	To adjust punctuation
WAC 106-172-750	To correct spelling

- WAC 106-172-761 To change language required by APA mandate
- WAC 106-172-763 To change position title and remove sexist language
- WAC 106-172-765 To modify a position title, adjust language to reflect APA guidelines, and correct punctuation
- WAC 106-172-772 To remove sexist language and change a position title

(3) Citation of existing rules affected by this order:

Amended:

- WAC 106-120-003 Purpose.
- WAC 106-120-004 Definitions.
- WAC 106-120-027 Proscribed conduct.
- WAC 106-120-028 Disciplinary sanctions.
- WAC 106-120-131 Initiation, investigation, and disposition of complaints.
- WAC 106-120-132 Procedures for proceeding before the campus judicial council.
- WAC 106-120-143 Summary suspension proceedings.
- Chapter title 106-124 WAC
General Conduct--Rights and Responsibilities of ((College)) University
Community Members
- WAC 106-124-010 Financial obligations of students.
- WAC 106-124-011 Financial obligations of students--Appeal procedure.
- WAC 106-124-700 Firearms, explosives, dangerous chemicals--Restrictions.
- WAC 106-124-801 Animals prohibited.
- WAC 106-172-711 Definitions.

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- WAC 106-172-721 Notification by educational institution.
- WAC 106-172-731 Access to education records.
- WAC 106-172-735 Exception to consent requirements and record of access.
- WAC 106-172-750 Timely disposal of records.
- WAC 106-172-761 Right to a ((hearing)) proceeding.
- WAC 106-172-763 Informal proceedings.
- WAC 106-172-765 Conduct of the ((hearing)) proceeding.
- WAC 106-172-772 Release of information for health or safety emergencies.

AMENDATORY SECTION (Amending Order 58, filed 3/15/85)

WAC 106-120-003 Purpose. The students of Central Washington University are responsible for complying with policies, standards, rules, and requirements for academic and social behavior formulated by the university for the maintenance of and orderly and responsible functioning of the university community. At the same time, students have protection through orderly procedures against arbitrary or capricious actions or decisions by university authorities. Due process is recognized as essential to the proper enforcement of university rules. The purpose of this chapter is to provide a procedure and rules by which a student will be afforded due process in the matter of alleged violations of university standards, rules and requirements governing academic and social conduct of students.

The university recognizes a responsibility to resolve behavior problems before they escalate into serious problems requiring the application of these rules. Therefore, the ~~((dean))~~ vice-president for student affairs shall generally review and/or investigate student behavioral problems which are referred by university community members or any subsidiary judicial agencies to the campus judicial council, or which otherwise come to the attention of the ~~((dean))~~ vice-president through campus safety reports or other official university reports. The ~~((dean))~~ vice-president shall be as proactive as is possible concerning the resolution of student behavioral problems and use reasonable arbitration and conflict resolution methods in order to prevent such problems from further interfering with the university community or the student's own educational progress.

AMENDATORY SECTION (Amending WSR 91-04-054, filed 2/4/91, effective 3/7/91)

WAC 106-120-004 Definitions. (1) "University" shall mean Central Washington University.

(2) "Vice-president" shall mean the vice-president for student affairs of the university or the vice-president's designee.

(3) "Student" shall mean a person enrolled ~~((at the university))~~ either full or part time, pursuing undergraduate ~~((,))~~ or graduate ~~((, or extension))~~ studies, or a person accepted for admission or readmission to the university.

(4) "University community" shall include the employees and students of Central Washington University and all property and equipment of the university.

(5) "Hazing" shall include any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm,

or serious mental or emotional harm, to any student or other person attending Central Washington University. The term does not include customary athletic events or other similar contests or competitions.

AMENDATORY SECTION (Amending WSR 91-04-054, filed 2/4/91, effective 3/7/91)

WAC 106-120-028 Disciplinary sanctions. The following definitions of disciplinary terms have been established and may be the sanctions imposed by the vice-president or by the campus judicial council.

(1) Warning. Notice in writing that the student has violated university rules or regulations or has otherwise failed to meet the university's standard of conduct. Such warning will contain the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(2) Disciplinary probation. Formal action specifying the conditions under which a student may continue to be a student at the university including limitation of specified activities, movement, or presence on the CWU campus. The conditions specified may be in effect for a period of time or for the duration of the student's attendance at the university.

(3) Restitution. An individual student may be required to make restitution for damage or loss to university or other property and for injury to persons. Failure to make restitution will result in suspension for an indefinite period of time as set forth in subsection (4) below provided that a student may be reinstated upon payment.

(4) Suspension. Dismissal from the university and from status as a student for a stated period. The notice suspending the student will state in writing the term of the suspension and any condition(s) that must be met before readmission is granted. The student so suspended must demonstrate that the conditions for readmission have been met. There is to be no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter are to be refunded.

(5) Deferred suspension. Notice of suspension from the university with the provision that the student may remain enrolled contingent on meeting a specified condition. Not meeting the contingency shall immediately invoke the suspension for the period of time and under the conditions originally imposed.

(6) Expulsion. The surrender of all rights and privileges of membership in the ((college)) university community and exclusion from the campus without any possibility for return.

(7) For the specific instance of hazing, forfeiture of any entitlement to state-funded grants, scholarships, or awards for a specified period of time.

AMENDATORY SECTION (Amending WSR 91-04-054, filed 2/4/91, effective 3/7/91)

WAC 106-120-027 Proscribed conduct. A student shall be subject to disciplinary action or sanction upon violation of any of the following conduct proscriptions:

(1) Disruptive and disorderly conduct which interferes with the rights and opportunities of other students to pursue their academic studies.

(2) Academic dishonesty in all its forms including, but without being limited to:

(a) Cheating on tests.

(b) Copying from another student's test paper.

(c) Using materials during a test not authorized by the person giving the test.

(d) Collaboration with any other person during a test without authority.

(e) Knowingly obtaining, using, buying, selling, transporting, or soliciting in whole or in part the contents of an unadministered test or information about an unadministered test.

(f) Bribing any other person to obtain an unadministered test or information about an unadministered test.

(g) Substitution for another student or permitting any other person to substitute for oneself to take a test.

(h) "Plagiarism" which shall mean the appropriation of any other person's work and the unacknowledged incorporation of that work in one's own work offered for credit.

(i) "Collusion" which shall mean the unauthorized collaboration with any other person in preparing work offered for credit.

(3) Filing a formal complaint with the vice-president with the intention of falsely accusing another with having violated a provision of this code.

(4) Furnishing false information to any university official, especially during the investigation of alleged violations of this code.

(5) Furnishing false information to the campus judicial council with the intent to deceive, the intimidation of witnesses, the destruction of evidence with the intent to deny its presentation to the campus judicial council or the willful failure to appear before the campus judicial council or the vice-president when properly notified to appear.

(6) Intentionally setting off a fire alarm or reporting a fire or other emergency or tampering with fire or emergency equipment except when done with the reasonable belief in the existence of a need therefore.

(7) Forgery, alteration, or misuse of university documents, records, or identification cards.

(8) Sexual assault in any form, including acquaintance rape and other forced and/or nonconsensual sexual activity.

(9) Actual or attempted physical/emotional abuse of any person or conduct which threatens or endangers the health and safety of

any person or which intentionally or recklessly causes a reasonable apprehension of harm to any person.

(10) Harassment of any sort or any malicious act which causes harm to any person's physical or mental well being.

(11) Recklessly engaging in conduct which creates a substantial risk of physical harm to another person.

(12) Creating noise in such a way as to interfere with university functions or using sound amplification equipment in a loud and raucous manner.

(13) Theft or malicious destruction, damage or misuse of university property, private property of another member of the university community, whether occurring on or off campus; or theft or malicious destruction, damage or misuse on campus of property of a nonmember of the university community.

(14) Unauthorized seizure or occupation or unauthorized presence in any university building or facility.

(15) Intentional disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other university activities or programs whether occurring on or off campus or of activities or programs authorized or permitted by the university to be conducted on campus.

(16) Intentional participation in a demonstration which is in violation of rules and regulations governing demonstrations promulgated by the university.

(17) Unauthorized entry upon the property of the university or into a university facility or any portion thereof which has been reserved, restricted in use, or placed off limits; unauthorized presence in any university facility after closing hours; or unauthorized possession or use of a key to any university facility.

(18) Possession or use on campus of any firearm, dangerous weapon or incendiary device or explosive unless such possession or use has been authorized by the university.

(19) Possession, use, or distribution on campus of any controlled substance as defined by the laws of the United States or the state of Washington except as expressly permitted by law.

(20) Violation of the university policy on alcoholic beverages which states:

(a) Persons twenty-one years of age or older may possess and/or consume alcoholic beverages within the privacy of their residence hall rooms or apartments. Washington state law provides severe penalties for the possession or consumption of alcoholic beverages by persons under twenty-one years of age and for persons who furnish alcoholic beverages to minors. All university students should be aware of these laws and the possible consequences of violations.

(b) The university does not condone the consumption of alcoholic beverages by minors at functions sponsored by Central Washington University organizations. Organizations are held responsible for the conduct of their members at functions sponsored by the organization and for failure to comply with Washington state law.

(c) The campus judicial council may place on probation any organization or prohibit a specific campus social function when the consumption of alcoholic beverages has become a problem of concern to the university.

(21) Conduct which violates the university policies on computer use.

WAC 106-120-131 Initiation, investigation, and disposition of complaints. (1) Philosophy.

When student behavioral problems occur, the university employs a team problem-solving approach. The director of housing, director of residence living, and the chief of (~~campus police~~) public safety and police services join the assistant and associate vice-president weekly to review residence living incident reports filed by living group advisors and hall managers, as well as campus police reports which cover both on-campus and off-campus students. This problem-solving team then deals with student behavioral problems which constitute violations of this code.

The problem-solving team works together to suggest intervention strategies which are considered to be most appropriate and effective for eliminating specific negative student behaviors.

(2) Process.

Incidents which come to the attention of the problem-solving team may be addressed in one of the following ways:

- (a) No action;
- (b) Informal meetings with relevant university officials;
- (c) Referral to the residence hall arbitration council, for resolving certain disputes within the residence halls;
- (d) Proceedings in the office of the vice-president.

Official proceedings in the vice-president's office are conducted when it becomes apparent to the problem-solving team that the initial and more informal forms of intervention with a student have been unsuccessful in positively modifying a student's behavior. The following rules will govern the processing of alleged violations of the proscribed conduct listed in the student judicial code.

(3) A complaint alleging misconduct against any student at the university may be filed by anyone at the office of the vice-president. Students, faculty members, administrators, and other employees of the university shall have concurrent authority to request the commencement of the disciplinary proceedings provided for in this chapter. A person filing a complaint shall be complainant of record.

(4) Any student charged in a complaint shall receive oral or written notification from the vice-president. Such notice shall:

- (a) Inform the student that a complaint has been filed alleging that the student violated specific provisions of the student(~~s~~) judicial code and the date of the violation(s);
- (b) Set forth those provisions allegedly violated;
- (c) Specify a time and date the student is required to meet with the vice-president or designee; and
- (d) Inform the student that failure to appear at the appointed time at the vice-president's office may subject the student to suspension from the university.

(5) When the vice-president meets with the student, the vice-president shall:

- (a) Provide for the student a copy of the student judicial code;
- (b) Review the facts of the alleged violation with the student; and
- (c) Conduct an investigation into the alleged violation.

(6) Upon completion of the review with the student and/or the investigation, the vice-president may:

- (a) Drop the charges, when they appear to be invalid or without substance or capricious;
- (b) Issue a verbal warning;
- (c) Apply any of the sanctions as outlined in WAC 106-120-028 if such sanction is warranted by the evidence;
- (d) Refer the case to the campus judicial council; or
- (e) Invoke the summary suspension procedure as outlined in WAC 106-120-143 when deemed appropriate.

The vice-president shall inform the student that the vice-president's sanction may be appealed to the campus judicial council, and that if an appeal is made, the vice-president shall take no action or make any determination, except for summary suspension, in the matter other than to inform the student of the time, date, and location of the proceeding by the campus judicial council.

AMENDATORY SECTION (Amending WSR 91-04-054, filed 2/4/91, effective 3/7/91)

WAC 106-120-132 Procedures for proceeding before the campus judicial council. (1) When a case is referred to the campus judicial council the vice-president shall forward to the council:

- (a) A statement describing the alleged misconduct;
- (b) The name and address of the complainant;
- (c) The name and address of the student charged; and
- (d) All relevant facts and statements.

(2) The council chair shall call a special meeting of the council and arrange for a proceeding in the following manner:

(a) The council shall determine the time and place of the proceeding, which shall be at least ten days after delivery of written notice to the student. In the interest of timeliness and efficiency, upon the request of either the student or the vice-president, this ten-day interval may be waived by the vice-president, with the student's permission. Time and place shall be set to make the least inconvenience for all interested parties. The chair may change the time and place of the proceeding for sufficient cause.

(b) The council shall draw lots for five student names, one of whom will serve as an alternate to be available until the proceeding board has been constituted.

(c) No case shall be heard unless the full membership of the proceeding board is present.

(d) All cases will be heard de novo, whether the case be an appeal from a subsidiary judicial body or is heard as an original complaint.

(3) The council chair shall send written notice by certified mail of the proceeding to the student to the student's last known address. The notice shall contain:

(a) A statement of the date, time, place and nature of the proceeding;

(b) To the extent known, a list of witnesses who will appear; and

(c) A summary description of any documentary or other physical evidence that would be presented by the university.

(4) The student shall have all authority possessed by the university to obtain information he/she specifically describes in writing and tenders to the council chair no later than two days prior to the proceeding or to request the presence of witnesses, or the production of other evidence relevant to the proceeding. However, the university shall not be liable for information requested by the student or the presence of any witnesses when circumstances beyond the control of the university prevent the obtaining of such information or the attendance of such witnesses at the proceeding.

(5) Proceedings will ordinarily be held in closed session unless the proceeding board determines there is a compelling reason for the proceeding to be open, or the student requests an open proceeding. A closed proceeding shall include only members of the proceeding board, persons directly involved in the proceeding as parties and persons called as witnesses.

(6) The proceeding shall be audio tape recorded, and the tape shall be on file at the office of the vice-president for a period of three years.

(7) The university shall be represented by the vice-president who shall present the university's case against the student.

(8) The student may be accompanied by counsel, or another third party, who may offer advice. If the student utilizes an attorney as advisor, the student must give to the vice-president two days notice of intent to do so. If the student elects to be advised by an attorney, the vice-president may elect to have the university advised by an assistant attorney general.

(9) The council chair shall insure that:

(a) The proceeding is held in an orderly manner giving full care that the rights of all parties to a full, fair and impartial proceeding are maintained.

(b) The charges and supporting evidence or testimony shall be presented first, and that there is full opportunity for the accused student to challenge the testimony and/or evidence, and to cross examine appropriately.

(c) The student charged shall next present evidence or testimony to refute the charge, and that there is full opportunity for the accuser to challenge testimony and/or evidence, and to cross examine appropriately.

(d) Only those materials and matters presented at the proceeding will be considered as evidence. The presiding officer shall exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(10) Any person disruptive of the proceeding or any other procedure described in this document may be excluded from the process by the chair of the campus judicial council or by the vice-president, using such means as are necessary to (~~insure~~) ensure an orderly process. Any student engaging in such interference shall be in contempt and may be summarily suspended from the university by the campus judicial council or the vice-president immediately. The student shall be subject to a suspension or any lesser sanction as may be determined by the campus judicial council

or the vice-president at the time the interference takes place or within fifteen working days thereafter.

(11) The student has a right to a fair and impartial proceeding, but the student's failure to cooperate with or attend a proceeding procedure shall not preclude the committee from making its finding of facts, conclusions, and recommendations. Failure by the student to cooperate may be taken into consideration by the campus judicial council and the vice-president in deciding the appropriate disciplinary action.

(12) Upon conclusion of the proceeding, the proceeding board in closed session shall consider all the evidence presented and decide by majority vote to exonerate the student or to impose one of the sanctions authorized by this document.

(13) The student shall be provided with a copy of the board's findings of fact and conclusions regarding whether the student did violate any rule or rules of the student judicial code and the board's decision as to the appropriate sanction to be imposed.

(14) If a student charged with misconduct under this code has been charged with a crime for the same act or closely related acts by federal, state, or local authorities, or if it appears that such criminal charge is under consideration, the campus judicial council may postpone action on the complaint until there has been a disposition of the criminal charge or of the consideration of filing such charge. However, prior to action by other agencies, the council may proceed to hear and decide the case if in the judgment of the council, the nature of the alleged misconduct and the circumstances surrounding it pose a serious risk to the health or well being of the student or other members of the university. If there is a determination of guilt by the council and if the subsequent criminal proceedings result in a judgment of acquittal, the student may petition the campus judicial council for a rehearing.

AMENDATORY SECTION (Amending WSR 91-04-054, filed 2/4/91, effective 3/7/91)

WAC 106-120-143 Summary suspension proceedings. The vice-president may summarily suspend any student from the university pending investigation, action of prosecution of charges of an alleged proscribed conduct violation or violations, if the vice-president has reason to believe that the student's physical or emotional safety and well-being, or the safety and well-being of other university community members, or the protection of property requires such suspension.

(1) If the vice-president finds it necessary to exercise the authority to summarily suspend a student the vice-president shall:

(a) Give to the student an oral or written notice of intent to determine if summary suspension is an appropriate action;

(b) Give an oral or written notice of the alleged misconduct and violation(s) to the student;

(c) Give an oral or written explanation of the evidence in support of the charge(s) to the student;

(d) Give an oral or written notice of the time and place of the summary suspension proceeding before the vice-president; and

(e) Determine a time for the summary suspension proceeding to be held within thirty-six hours;

(f) Give an oral or written explanation of the summary suspension which may be imposed on the student.

(2) At the place and time designated for the summary suspension proceeding, the vice-president shall:

(a) Consider the evidence relating specifically to the probability of danger to the student, to others on the campus, or to property;

(b) Provide the student with an opportunity to show why continued presence on campus does not constitute a danger to the physical and emotional well being of self or others, or a danger to property;

(c) Give immediate oral notice of his or her decision to the student to be followed by written notice; and

(d) If summary suspension is warranted, summarily suspend the student for no more than fifteen working days with a judicial council proceeding of the allegations to have commenced by the end of the suspension period.

(3) If a student has been instructed by the vice-president to appear for summary suspension proceedings and then fails to appear at the time designated, the vice-president may suspend the student from the university, and shall (~~given~~) give written notice of suspension to the student at (~~his~~) the last address of record on file with the university.

(4) During the period of summary suspension, the suspended student shall not enter the campus of the university other than to meet with the vice-president. However, the vice-president may grant the student special permission for the express purpose of meeting with faculty, staff, or students in preparation for a proceeding before the campus judicial council.

Chapter 106-124 WAC

GENERAL CONDUCT--RIGHTS AND RESPONSIBILITIES OF ((COLLEGE))
UNIVERSITY COMMUNITY MEMBERS

AMENDATORY SECTION (Amending Order 41, filed 10/4/78)

WAC 106-124-010 Financial obligations of students. Admission to or registration with the university, conferring of degrees, and issuance of academic transcripts or grade reports may be withheld for failure to meet financial obligations to the university.

AMENDATORY SECTION (Amending Order 43, filed 5/16/79)

WAC 106-124-011 Financial obligations of students--Appeal procedure. Every student has the right to appeal an assessment by the university of a fee, fine, charge, debt, or other financial obligation by filing a written petition with the appropriate dean or nonacademic area director stating the student's reasons for challenging the validity of the assessed obligation. The written petition must be filed not more than thirty days after the notice of assessment was sent to the student. The dean or director, or ((his)) designee, shall review the university's decision to assess the fee, fine, charge, debt, or other financial obligation in light of the student's petition appealing the assessment and shall render a decision thereon which shall be final.

AMENDATORY SECTION (Amending Order 56, filed 5/29/84)

WAC 106-124-700 Firearms, explosives, dangerous chemicals--Restrictions. No person shall have in his possession any gun, pistol, firearm, explosive, dangerous chemicals, or other dangerous weapons or instruments on university-owned or university-leased property except as follows:

- (1) Authorized law enforcement officers shall be permitted to carry arms while on duty and engaged in their regular duties;
- (2) Activities requiring use of the prohibited items may be conducted upon approval of the president or his designee;

(3) Persons with firearms in their possession shall be permitted to travel enroute to or from the university-provided firearm storage facilities only.

Violators of this WAC shall be subject to appropriate disciplinary or legal action.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-124-801 Animals prohibited. (1) No animals, including dogs and cats, except ((~~seeing-eye~~)) service dogs, will be allowed, under any circumstances, in any university-operated building.

(2) All dogs on campus shall be under direct physical control, leashed by their owner or custodian.

(3) Dogs not under direct physical control of their owner or custodian, i.e., unleashed or tied and owner or custodian not present, shall be subject to impoundment and their owners subject to fines as determined under city ordinances.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-172-711 Definitions. The following definitions shall apply for the interpretation of these regulations:

(1) The "university" means Central Washington University as a whole, including any and all of its component departments, offices, or units.

(2) "Directory information" means the student's name, hometown address, university address and telephone number, date of birth, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, class, previous institutions attended, major field of study, awards, honors (including honor roll), degrees conferred (including dates), and other similar information. The university may release directory information concerning a student to the public unless the student submits a signed request in writing, within two weeks after the first day of classes for the fall quarter. Requests for nondisclosure must be forwarded to the office of the (~~dean of students~~) vice-president for student affairs where an appropriate notation will be entered in the student's computer file. These requests will then be forwarded to the university relations and information office which maintains a complete file of nondisclosure requests. Authorization to withhold the information must be filed annually since the request for nondisclosure will be honored by the university for only one year.

(3) "Eligible student" means any person who is officially registered at this university.

(4) (a) "Education records" mean those records which:

(i) Are directly related to a student, and

(ii) Are maintained by the university or by a party acting for the university.

(b) The term education record does not include the following:

(i) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker of the record and which are not accessible or revealed to any other person except a temporary substitute;

(ii) Records of (~~the campus police~~) public safety and police services which are maintained separately and solely for law enforcement officials of the same jurisdiction--provided that education records maintained by the university are not disclosed to the law enforcement unit;

(iii) Records of someone employed by the university, which are made in the normal course of business, related exclusively to the person as an employee, and are not used for any other purpose;

(iv) Records made by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional directly related to the treatment of a student, and not disclosed to anyone other than individuals providing treatment provided records can be reviewed by a physician or other appropriate professional of the student's choice.

(5) "Personally identifiable" means that the data or information includes:

(a) The name of a student, the student's parent, or other family member,

(b) The address of the student,

(c) A personal identifier, such as the student's social security number or student number,

(d) A list of personal characteristics which would make the student's identity easily traceable, or

(e) Other information which would make the student's identity easily traceable.

(6) "Record" means information or data recorded in any medium including but not limited to: Handwriting, print, tapes, film, microfilm, and microfiche.

(7) "Financial aid" means a payment of funds provided to an individual which is conditioned on the individual's attendance at an educational agency or institution.

(8) (~~"Dean of students"~~) "Vice-president for student affairs" means the (~~dean of student development~~) vice-president for student affairs or (~~his/her~~) the vice-president's designee.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-172-721 Notification by educational institution. (1) The university shall inform eligible students, annually, of the following:

(a) The types of education records and information contained therein which are maintained by the institution;

(b) The titles and addresses of official responsible for the maintenance of each type of record, the persons who have access to those records, and the purposes for which they have access;

(c) The policies and procedures of the university for reviewing and expunging those records, and for challenging the accuracy of them;

(d) the procedures for gaining access to the educational records;

(e) The cost, as approved by the board of trustees, which will be charged to the eligible student for reproducing single copies of records, provided that the cost shall not exceed the actual cost of reproducing the record;

(f) The categories of information which the university has designated as directory information.

(2) Notice of the existence of this policy and the availability of the information described in subsection (1)(a) through (f) of this section may be published in any official university print medium publication having general circulation among students. This may be a special publication for this purpose only, or included in another publication. Students may consult the office of the (~~dean of students~~) vice-president for student affairs for the information described.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-172-731 Access to education records. The university shall provide each student access to his/her education records except as otherwise limited according to WAC 106-172-733.

The right of access shall include:

(1) The right to inspect and review the content of education records in the presence of appropriate university personnel.

(2) The right to obtain single copies of each record, at the expense of the eligible student but not to exceed the actual cost to the university of reproducing such copies.

(3) The right to a response from the university to reasonable requests for explanations and interpretations of those records.

(4) The right of an opportunity for a (~~hearing~~) proceeding to challenge the content and accuracy of those records according to WAC 106-172-761.

(5) (a) Students wishing access under provisions of this policy to education records maintained by the university should address a request in writing to the person in charge of maintenance of that record. If copies are requested, copies may be supplied at no more than the cost of making the copy, including supplies and staff time.

(b) The individual responsible for maintenance of any record shall respond to written requests only, and provide copies as requested, within twenty working days. The university registrar is not prohibited from providing a student with a copy of the student's academic transcript from CWU, but is prohibited from providing a student with a copy of the student's official academic transcripts from other institutions.

(6) The office of the (~~dean of students~~) vice-president for student affairs will maintain a file showing what education records are maintained by any department or entity of the university and the title and address of the official responsible for maintenance of each record.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

WAC 106-172-735 Exception to consent requirements and record of access. (1) The university may disclose personally identifiable information from the education records of a student without the written consent of the student if the disclosure is to:

(a) University officials, including faculty members, when the information is required for a legitimate educational purpose,

(b) Officials of another school in which the student seeks or intends to enroll, providing a reasonable attempt has been made to notify the student of the transfer of the records at the last known address of the student -- except when the transfer of the records is initiated by the student;

(c) Federal or state officials requiring access to education records in connection with the audit or evaluation of federally or state-supported educational programs. Such surveys must be administered in a manner which will not permit personal identification of students by individuals other than those

conducting the study, and such information will be destroyed when no longer needed for the purposes for which it was provided;

(d) Agencies requesting information in connection with a student's application for, or receipt of, financial aid;

(e) Accrediting organizations in order to carry out their accrediting functions;

(f) Any personal subpoena and/or subpoena duces tecum, when lawfully prepared and served upon the university or an appropriate administrator of the university. The university will notify the student by certified or registered mail to the address or addresses on file with the university of any such subpoena. Such a notice will be sent to the student in advance of compliance with the subpoena.

(2) Any student may grant permission for use of information about himself/herself by giving specific permission in writing, signed and dated by the student giving such consent to include:

(a) A specification by title of the records released;

(b) The reasons for such release;

(c) The names of the parties to whom such records will be released; and

(d) A written statement indicating that the information cannot subsequently be released in a personally identifiable form to any other party without the written consent of the student involved.

(3) The university shall maintain a record which will indicate all parties, other than those parties specified in WAC 106-172-735 (1)(a), who have been granted access to a student's education records. The record will:

(a) Indicate specifically the legitimate interest that each such party has in obtaining the information.

(b) Be available only to the student, to the employees of the university responsible for maintaining the records, and to the parties identified under WAC 106-172-735(1)(a) and (d).

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

WAC 106-172-750 Timely disposal of records. (1) Provisions of the laws and regulations of the state of Washington regarding the time during which records must be maintained will be complied with.

(2) Except as required in subsection (1) above, records will be maintained only during the minimum time in which they may ordinarily be expected to be useful or valid. Each record keeping entity of the university shall make periodic review of its records to (~~insure~~) ensure compliance with this provision.

(3) Records of disclosure shall be maintained as long as the record itself is maintained.

AMENDATORY SECTION (Amending Order 39, filed //11/78)

WAC 106-172-761 Right to a ((hearing)) proceeding. (1) The university shall provide students an opportunity for a ((hearing)) proceeding in order to challenge the content of a student's education records to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students.

(2) A student shall have the right, in accordance with the procedures set forth in WAC 106-172-763 and 106-172-765, to:

(a) Correct or delete inaccurate, misleading, or otherwise inappropriate data contained within education records;

(b) Challenge the release of education records to specific persons as contrary to the provisions of this chapter; and

(c) Challenge a decision by the university to deny the student access to particular types of records.

(3) A student shall not be permitted under this chapter to contest grades given in academic courses, except on the grounds that, as a result of clerical error, the records fail to accurately reflect the grades actually assigned by an instructor.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-172-763 Informal proceedings. (1) Whenever possible the university shall attempt to settle disputes regarding requests to amend education records through informal proceedings.

(2) A student who wishes to exercise the rights set forth in WAC 106-172-761(2) shall:

(a) First, attempt a resolution with the university official who has custody of the education records; and

(b) Second, discuss with the ((~~dean of students~~)) vice-president for student affairs or ((~~his/her~~)) designee the nature of the corrective action recommended by the student.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-172-765 Conduct of the ((hearing)) proceeding. (1) If informal proceedings fail to resolve the complaint of a student, the student may file with the ((~~dean of students~~)) vice-president for student affairs a written request for the ((hearing)) proceeding before a ((hearing)) proceeding officer of the university to be designated by the ((~~dean of students~~)) vice-president for student affairs, and who does not have a direct interest in the outcome of the ((hearing)) proceeding.

(2) The ((hearing)) proceeding shall be held within a reasonable time (not to exceed twenty working days) after the university has received the request and the student shall be given notice of the date, place, and time reasonably in advance of the ((hearing)) proceeding.

(3) The student shall be given an opportunity to present evidence relevant to the issues raised in WAC 106-172-761(2) and may be represented by any person (including an attorney) of the student's choosing at his or her expense.

(4) A decision in writing shall be prepared within a reasonable period of time (not to exceed ten working days), which decision shall be based solely upon the evidence presented, and which includes a summary of the evidence and the reasons for the decision.

(5) If, as a result of the ((hearing)) proceeding, the decision is:

(a) To amend the record, the university must do so accordingly and give notice to the student.

(b) Not to amend, the student must be allowed to place a written comment or explanation in the student's file, and it must be kept in the file as long as the file itself is kept. If the contested portion of the file is disclosed to anybody, the student's statement must also be disclosed.

(6) The designated ((hearing)) proceeding officer shall be advised by the assistant attorney general representing the university.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-172-772 Release of information for health or safety emergencies. (1) The university (president or ((his)) designee, ((~~dean of students~~)) vice-president for student affairs) may release information from education records to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other persons.

(2) The factors which should be taken into account in determining whether records may be released shall include:

(a) The seriousness of the threat to the health or safety of the student or other persons;

(b) The need for such records to meet the emergency;

(c) Whether the persons to whom such records are released are in a position to deal with the emergency; and

(d) The extent to which time is of the essence in dealing with the emergency.