

WAC 132P-33-100 Disclosure of student records. The Family Educational Rights and Privacy Act (FERPA) permits a student's education records to be disclosed without consent to persons who meet the strict definition of an "education official" who has a "legitimate educational interest" in their records.

(1) **Education official.** Education official is defined as a person employed by the college in either an administrative, supervisory, academic, research, law enforcement or support staff position; persons serving on official committees such as disciplinary or grievance; an outside contractor (e.g., health or medical professional, attorney, auditor) acting as an agent for the college or the Washington state college and university systems.

The college may designate a student employee of the college as an education official, with the approval of the vice president for instruction and student services or designee, according to the following procedure:

(a) Supervisor establishes job description identifying specific tasks to be performed by the student employee that require access to personally identifiable confidential information about students, including enrollment records, grades, or other education records;

(b) Supervisor submits job description to dean for approval;

(c) Dean submits job description to the vice president for instruction and student services approval;

(d) Vice president for instruction and student services forwards approved job description to supervisor.

(2) **Legitimate educational interest.** Educational interest is a need for an education official to review education records in order to fulfill his or her professional responsibilities. These responsibilities may or may not be limited to the following areas:

(a) Performing a task that is specified in his/her position;

(b) Researching a matter related to student conduct;

(c) Providing a service or benefit related to a currently enrolled student or a past student for which the college is still maintaining an educational record;

(d) Maintaining safety and security on campus.

(3) **Education records.** Education records are records, files, and documents containing information directly related to a student or maintained by an educational institution; such as:

(a) Records pertaining to admission, advising, registration, grades and degree information that are maintained by the college;

(b) Testing information used for advising and counseling purposes maintained by the college;

(c) Information maintained by the college concerning payment of fees;

(d) Financial aid information as maintained by the college;

(e) Information regarding students participating in student government or athletics maintained by the college.

The following student records are not considered education records and are not subject to FERPA protection against unauthorized disclosure:

(i) Employment records when the employment is not connected to student status;

(ii) Sole possession records or private notes held by education officials that are not accessible or released to other personnel; other than a temporary substitute;

(iii) Alumni records, which do not relate to the person as a student;

- (iv) Application records of students not admitted to the college;
- (v) Law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by campus security;
- (vi) Records relating to treatment provided by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional and disclosed only to individuals providing treatment.

(4) **Directory information.** An educational institution is allowed to designate certain types of information that may be released without seeking written permission from the student. Directory information may be provided to the person requesting it either in person, by mail, or by telephone.

All requests for directory information from persons not employed by YVCC shall be referred to enrollment services. Only designated registration personnel are authorized to comply with requests for directory information.

YVCC has designated the following items as directory information:

- (a) Student's name;
- (b) Photographs;
- (c) Major field of study;
- (d) Eligibility for and participation in officially recognized activities, organizations, and sports;
- (e) Weight and height statistics for members of athletic teams;
- (f) Dates of attendance (quarters in attendance);
- (g) Enrollment status (number of credits enrolled);
- (h) Honor roll;
- (i) Degrees and awards received;
- (j) Most recent previous educational agency or institution attended by the student.

(5) **Protecting directory information from disclosure.** Students have the right to prohibit the release of directory information. A student may prevent the release of directory information by submitting in person a request in writing to the enrollment services office. This request to prevent the release of information becomes a part of the student's record and remains in effect (even after degree and certificate completion) until the student instructs the college, in writing, to remove the hold status on the record.

(6) **Disclosure exceptions.** In addition to directory information the college will, at its discretion, make disclosures from education records without the student's prior written consent to the following listed parties:

- (a) Education officials with a legitimate educational interest;
- (b) To officials of another school in which the student seeks or intends to enroll;
- (c) To authorized federal, state, or local officials as required by law;
- (d) To persons specified in a lawfully served judicial order or subpoena, provided the college makes a reasonable effort to notify the student in advance of compliance (unless in the case of grand jury or other subpoenas which prohibit notification);
- (e) In connection with financial aid for which the student has applied or received;
- (f) To accrediting organizations, or organizations conducting studies for or on behalf of the institution;
- (g) To appropriate parties in a health or safety emergency (campus security will personally relay message of an emergent nature to students);

(h) To parents of a dependent student, upon receipt of their most recently filed tax return, that shows the student as a dependent or upon receipt of a written statement from the student approving the release of nondirectory information. The following information can be released to the parents of dependent college students:

- (i) Tuition account balances;
- (ii) Financial aid eligibility;
- (iii) Reason for an account hold (not to include titles of library materials);
- (iv) Explanation of the satisfactory academic progress policy;
- (v) Violation of student conduct policies concerning alcohol and controlled substances.

Faculty and staff of the college may provide job references for students, and may respond to inquiries from employers regarding students. Statements made by college personnel regarding students that are based on that person's personal observations do not require a written release from the student. However, if college personnel provide in either verbal or written form personally identifiable information about a student that is obtained from education records (grades, GPA, etc.,) the person is required to obtain prior written permission from the student. In cases where consent of the student is required for release of education records, the student shall submit a written, signed and dated statement specifying the records to be disclosed, the purpose of the disclosure, and the name of the party to whom the disclosure can be made.

When personally identifiable information is released without prior consent of the student, other than directory information and information released to education officials or the student, the education official in charge of these records will record the names of the parties who have requested information from education records and the nature of the interest in that information.

(7) Student's rights and responsibilities regarding student records.

(a) The student has the right to inspect and review their records by submitting a written, signed request to the enrollment services office stating the record he or she wishes to review. Charges may be assessed for reproduced copies of education records.

(b) Students have the right to seek to amend their education records. Students who believe that information contained in their education record is inaccurate, misleading, or in violation of privacy rights, may submit a written request to amend their records to the appropriate education official. The education official(s) will make every effort to settle disputes through informal meetings and discussion with the student. In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the education official(s) involved shall advise the student of the right to a hearing by the student submitting a written request, appealing the decision of the education official(s), to the registrar or dean of student services or designee. Should the registrar or dean of student services or designee deem that the education records in question are inaccurate or misleading, he or she can ask that the records be amended by the appropriate education official(s). If the education records are held to be accurate, the student shall be granted the opportunity to place within those records a personal statement commenting upon the information contained within.

(c) The student has the right to consent to disclosures of personally identifiable information contained in their education records, except to the extent that FERPA authorizes disclosure without consent.

(d) Each eligible student is afforded the right to file a complaint concerning alleged failures by the college to comply with the requirements of the act. The website of the office designated to investigate, process, and review violations and complaints is: Website: <http://www.ed.gov/offices/om/fpco/>

(e) Copies of this policy are available through the associated student body and the enrollment services office.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-100, filed 10/15/14, effective 1/5/15. Statutory Authority: RCW 28B.50.150, WAC 132P-33-100, and 20 U.S.C. § 1232g. WSR 05-16-005, § 132P-33-100, filed 7/21/05, effective 9/1/05. Statutory Authority: RCW 28B.50.140. WSR 99-13-140, § 132P-33-100, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-100, filed 12/21/81.]