



RULE-MAKING ORDER

JR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Central Washington University

Permanent Rule
 Emergency Rule

Effective date of rule:

Permanent Rules

31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: Modify existing student records policy rules to comply with FERPA regulations and current administrative practice.

Citation of existing rules affected by this order:

Repealed:
Amended: WAC 106-172-711, 721, 731, 735, 763, 765, and 772
Suspended:

Statutory authority for adoption: RCW 28B.10.528 and 28B.35.120 (12)

Other authority : 41CRF 06-50

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 06-20-053 on Sept 28, 2006 (date).
Describe any changes other than editing from proposed to adopted version: no changes

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:
 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.
 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:

Date adopted: November 14, 2006

NAME (TYPE OR PRINT)
Elizabeth M. Street

SIGNATURE
Elizabeth M. Street

TITLE
Executive Assistant to the President for Policy and Planning

CODE REVISER USE ONLY

Stamp area with date **NOV 17 2006**, handwritten initials **ES**, and date **06-23-107**. Includes fields for TIME and WEB.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	<u>2</u>	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>5</u>	Repealed	_____
-----	-------	---------	----------	----------	-------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>3</u>	Repealed	_____
-----	-------	---------	----------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending Order CWU AO 75, filed 10/12/94, effective 11/12/94)

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 and permanent home address and telephone number, e-mail address, a photograph, 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(s) of study, previous institutions attended, awards((7)) and honors (including honor roll), degrees conferred (including dates), and ((other similar information)) participation in officially recognized sports and activities, and height and weight of members of athletic teams. ((The)) Central Washington University may release directory information ((concerning a student to the public unless the student submits a signed request in writing,)) in accordance with the provisions of FERPA. Students may withhold directory information by giving written notice within two weeks after the ((first day of classes for the)) beginning of fall quarter. Requests for nondisclosure must be forwarded to the office of the vice-president for student affairs and enrollment management where an appropriate notation will be ((entered in)) indicated on the student's ((computer)) file on the student information system. Students may place a nondisclosure indicator on their student record directly on the student information system. ((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)) Requests for nondisclosure will be honored ((by the university for only one year)) unless students submit a written request to have the block on their directory information removed. Students who wish to withhold directory information after they graduate, which would include their dates of attendance and degrees conferred, must submit another written request to the vice-president for student affairs and enrollment management. Forms for making requests to withhold directory information are available in the Office of the Vice-President for Student Affairs and Enrollment Management, Bouillon Hall, Room 204, at the Ellensburg campus.

(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 include admission, academic, financial aid, student account, placement records, 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 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 student's university and permanent home 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) "Vice-president for student affairs and enrollment management" means the vice-president for student affairs and enrollment management or the vice-president's designee.

AMENDATORY SECTION (Amending Order CWU AO 75, filed 10/12/94, effective 11/12/94)

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 vice-president for student affairs and enrollment management for the information described.

AMENDATORY SECTION (Amending Order CWU AO 75, filed 10/12/94, effective 11/12/94)

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 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))~~ forty-five 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 vice-president for student affairs and enrollment management 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 CWU AO 75, filed 10/12/94, effective 11/12/94)

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))~~ Persons or organizations providing financial aid, individuals and organizations charged with oversight of the university, or of federal or state programs in which the university participates;

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

(f) Parents of any student under the age of twenty-one,

regardless of the student's dependency status, in cases where the student has violated laws or university rules governing alcohol or controlled substances;

(g) 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((-));

(h) Persons in an emergency to protect the health and safety of students or other persons according to WAC 106-172-772;

(i) The U.S. Citizenship and Immigration Service under the terms and provisions of immigration law.

(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 CWU AO 75, filed 10/12/94, effective 11/12/94)

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 vice-president for student affairs and enrollment management or designee the nature of the corrective action recommended by the student.

AMENDATORY SECTION (Amending Order CWU AO 75, filed 10/12/94, effective 11/12/94)

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

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

AMENDATORY SECTION (Amending Order CWU AO 75, filed 10/12/94, effective 11/12/94)

WAC 106-172-772 Release of information for health or safety emergencies. (1) The university (president or designee, vice-president for student affairs and enrollment management) 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.