

TRANSMITTAL OF RULES ADOPTED BY INSTITUTION OF HIGHER EDUCATION

FROM: Central Washington State College
(Name of Institution)

TO: CODE REVISER
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)
OLYMPIA 98504

The enclosed rules Permanent rules Emergency rules, being Order No. 35
relating to (Name of rules or description of subject matter)

WAC 106-172 STUDENT RECORDS POLICY

(To Comply With The Buckley Amendment -- Family Educational Rights and Privacy Act of 1974)

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 7570 (1) filed with the code reviser on May 17, 1977 (2) were regularly adopted as permanent rules of this institution at C.W.S.C. Campus on June 8, 1977 and are herewith filed in the office of the code reviser pursuant to chapter 28B.19 RCW. The effective date of such rules shall be _____ (3)

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order, that the immediate adoption of these rules is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, were regularly adopted as emergency rules of this institution at _____ on _____ and are herewith filed in the office of the code reviser pursuant to chapter 28B.19 RCW.

The undersigned hereby certifies that the requirements of chapter 28B.19 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW have been fulfilled.

Dated this Twelfth day of July 19 77.

STATE OF WASHINGTON

FILED

JUL 13 1977

CODE REVISER'S OFFICE

DOCKET # 8305 FILE # 2

Central Washington State College
(INSTITUTION)

By

[Signature]
Dean of Student Development

Title

- (1) Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice)
- (2) Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice)
- (3) Unless a later date is specified in this order or is prescribed in another statute, rules are effective 30 days after filing: RCW 28B.19.050(2). Leave this space blank except in such special cases.

STATE OF WASHINGTON
CENTRAL WASHINGTON STATE COLLEGE

ADMINISTRATIVE ORDER NO. 35

(1) I, Philip C. Dumas, Assistant to the President of Central Washington State College, by virtue of the authority vested in me under chapters 34.04, 28B.19 and 28B.40.120 RCW, Central Washington State College Board of Trustees Resolution No. 71-16, and a letter of designation from the President, do promulgate and adopt as permanent rules of this institution, the annexed rules and regulations to wit:

Amendments to WAC 106-172, the Student Records Policy of Central Washington State College.

(2) This order after being first recorded in the order register of this institution shall be forwarded to the Code Reviser for filing pursuant to chapter 28B.19 RCW and chapter 1-13 WAC.

(3) This rule is promulgated pursuant to RCW 28B.40.120 and is intended to administratively implement that statute."

APPROVED AND ADOPTED July 12, 1977

By Philip C. Dumas
Assistant to the President

AMENDATORY SECTION

WAC 106-172-700 ((PREAMBLE)) PURPOSE. (({1})) The purpose of WAC 106-172-700 through WAC 106-172-799 is to set forth the policies of Central Washington State College regarding ((maintenance-and)) the legitimate and appropriate use of official student records developed and used throughout the various offices ((and-units)) of the College. Moreover, the guidelines implement the general policy and respond to the requirements of Public Law 93-380, The Family Educational Rights and Privacy Act of 1974.

(({2})--Higher-education-facilities-of-the-State-of-Washington-are-concerned-with-the-full-development-of-each-individual student.--Individual-students-differ-with-regard-to-their abilities, interests, background, and educational and personal goals.--For-these-reasons-data-must-be-maintained-about-each student-so-that-effective-counseling-and-advisement-may-take place, progress recorded, and credit awarded.

{3}--All-offices-of-the-College-which-collect-information as-defined-in-WAC-106-172-711-(1)-are-given-guidelines-by-this policy-which-indicate-how-and-under-what-circumstances-said information-may-be-used.

{4}--No-provision-of-this-policy-may-be-so-construed-and is-not-intended-to-be-construed-as-to-be-in-violation-of-laws of-the-City-of-Elensburg, County-of-Kittitas, State-of-Washington, or-the-United-States-Government.)

AMENDATORY SECTION

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

(1) ((")) The "College" means Central Washington State College or any office, department, or any unit thereof which maintains "educational records."

(2) "Directory Information" means the student's ((full)) name, hometown address, ((or-addresses-on-file-with-the-College,)) college address and telephone number, date ((and-place)) of birth, ((personal-information-related-to)) participation in officially recognized activities and sports, ((telephone-number-or-numbers,)) dates of attendance, class, ((most-recent)) previous ((educational)) institutions attended, ((academic majors-and-minors,)) major field of study, ((honors-awarded,)) awards, honors (including honor roll), degrees ((awarded)) conferred (including dates), ((present-course-enrollment-without schedule)) and other similar information. ((The-College-shall provide-the-eligible-student-opportunity-to-state-in-writing whether-directory-information-may-be-published.)) The College ((will-not)) may release directory information concerning a student to the public unless ((authorized-in-writing-by-the student.)) the student submits a signed request in writing,

within two weeks after the first day of classes for the fall quarter. Requests for non-disclosure will be sent to the College Information office, who will record the request and forward it to the Registrar's office, where the information to prevent disclosure will be entered in the computer. Authorization to withhold Directory Information must be filed annually since the request for non-disclosure will be honored by the College for only one academic year. The College may disclose Directory Information of a student no longer in attendance (i.e., alumni) without meeting any of the requirements noted above.

(3) "Eligible Student" means any person who is or has been officially registered (~~for classes~~) at this College (~~presently or in the past~~) and who has reached the age of 18.

(4) (a) "Education Records" (~~is~~) mean(~~s~~) those records (~~files, documents, and any other materials~~) which: (~~a~~)--~~contain information directly related to a student by which a student can be identified, and~~) (i) are directly related to a student, and

(~~b~~) (ii) are maintained by the College or by a party acting for the College.

(~~2~~)--Does not mean: (b) The term education record does not include the following:

(~~a~~)--the (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;

(~~b~~)--the (ii) records of the Campus Police which are maintained separately and solely for law enforcement (~~purposes, and~~) officials of the same jurisdiction--provided that education records maintained by the College are not disclosed to (~~other than~~) the law enforcement (~~personnel~~) unit;

(iii) records of someone employed by the College, 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;

(~~c~~) (iv) records (~~of a student created or maintained~~) made by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional (~~acting in his/her professional capacity, or assisting in that capacity, and which are created, maintained or used only in connection with provisions of~~) directly related to the treatment (~~to the~~) of a student, and (~~are~~) not (~~available~~) disclosed to anyone other than (~~the persons~~) individuals providing (~~such~~) treatment(~~s~~), provided (~~however, that such~~) the records can be (~~personally~~) reviewed by (~~an~~) a physician or other appropriate professional of the student's choice;

(~~d~~)--~~permanent records of the parent of the student or any information contained therein;~~

(~~e~~)--~~confidential letters and statements of recommendation which were placed in the education records prior to January 1, 1975, if such letters or statements are not used for purposes other than those for which they were specifically intended.--This~~

~~provision does not prevent or prohibit the eligible student from establishing a file of confidential information and including letters of recommendation, all of which information may be transmitted only to prospective employers or their local agents, and not to the eligible student. -- This provision is authorized in WAC 106-172-725-(2);~~

~~(f) -- records of persons employed by the College;~~

~~(g) -- records made only after the student has left the College;~~

(v) records of a person after he or she is no longer in attendance (i.e., information maintained by the College concerning the accomplishments of its alumni).

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

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

((2)) (b) the address of the student;

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

((4)) (d) a list of personal characteristics which would make ~~(it possible to identify the student with reasonable certainty)~~ the student's identity easily traceable, or

((5)) (e) other information which would make ~~(it possible to identify the student with reasonable certainty)~~ 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 Student Development" means the Dean of Student Development or his/her designee.

AMENDATORY SECTION

WAC 106-172-721 NOTIFICATION BY EDUCATIONAL INSTITUTION.

(1) The College 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 officials 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 College 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 College has designated as directory information.

(2) Notice of the existence of this Policy and the availability of the information described in (1)(a) through (1)(f) above may be published in any official College 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 Student ((Services)) Development for the information described.

AMENDATORY SECTION

WAC 106-172-731 ACCESS TO CWSC EDUCATION RECORDS. The College shall provide each student access to ((the)) his/her education records ((of-students)) 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 College 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 College of reproducing such copies.

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

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

(5)(a) Students wishing access under the provisions of this policy to education records maintained by the College 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 (20) working days. The College Registrar is not prohibited from providing a student with a copy of the student's academic transcript from C.W.S.C., 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 Student ((Services)) Development will maintain a file showing what education records are maintained by any department or entity of the College and the title and address of the ((individual)) official responsible for maintenance of each record.

NEW SECTION

WAC 106-172-733 LIMITATIONS ON ACCESS TO CENTRAL WASHINGTON STATE COLLEGE EDUCATION RECORDS. (1) Central Washington State College shall not make available to a student the following types of materials:

(a) Financial records and statements provided by parents "or any information contained therein."

(b) Confidential letters and statements of recommendation or evaluation which were provided to the College, with written assurance of a "documented understanding of confidentiality," prior to January 1, 1975, provided such letters or statements are not used for purposes other than those for which they were specifically intended.

(c) Post-1974 confidential recommendations involving possible admission, employment, or honor--but only if the student has signed a waiver of the right to inspect them. Such a waiver shall apply to recommendations only if:

(i) the student is upon request, notified of the names of all persons making confidential recommendations and

(ii) such recommendations are used solely for the purpose for which they were specifically intended.

AMENDATORY SECTION

WAC 106-172-735 EXCEPTION TO CONSENT REQUIREMENTS AND RECORD OF ACCESS. (1) The College 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) College 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 College or an appropriate administrator of the College. The College will notify the student by Certified or Registered mail to the address or addresses on file with the College 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 College 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 ((and-which)) will:

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

((2)--Such-record-of-access-shall-be-kept-with-the-education-records-of-the-student-and-shall)) (b) be available only to ((eligible-students)) the student, ((and-other-authorized-persons)) to the employees of the College responsible for maintaining the records, and to the parties identified under WAC 106-172-735 (1)(a) and (d).

AMENDATORY SECTION

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 College shall make periodic review of its records to insure compliance with this provision.

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

AMENDATORY SECTION

WAC 106-172-761 RIGHT TO A HEARING. (1) The College shall provide students an opportunity for a hearing (~~((by the College))~~) in order to challenge the content of ((such)) a student's education records ((in order)) to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students. ~~((, and to provide an opportunity for the correction of any such inaccurate, misleading or otherwise inappropriate data contained therein and to insert into such records a written explanation by the eligible student respecting the content of such records.~~

~~(2) -- Whenever possible the College shall attempt to settle such disputes through informal proceedings.~~

~~(3) -- It shall be incumbent on the Associated Students of Central to insure that information printed in the Campus Directory appears there only with each student's written permission.~~

~~(4) -- When requested by either party, a formal hearing regarding education records will be held under provisions of the Academic Grievance Procedure of the Faculty Senate of Central Washington State College.~~

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

NEW SECTION

WAC 106-172-763 INFORMAL PROCEEDINGS. (1) Whenever possible the College 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 College official who has custody of the education records; and

(b) second, discuss with the Dean of Student Development or his/her designee the nature of the corrective action recommended by the student.

NEW SECTION

WAC 106-172-765 CONDUCT OF THE HEARING. (1) If informal proceedings fail to resolve the complaint of a student, the student may file with the Dean of Student Development a written request for the hearing before a Hearing Officer of the College to be designated by the Dean of Student Development, and who does not have a direct interest in the outcome of the hearing.

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

(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, the decision is:

(a) to amend the record, the College 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 officer shall be advised by the Assistant Attorney General representing the College.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

(1) WAC 106-172-725 WAIVERS.

(2) WAC 106-172-770 CONSENT AND CONFIDENTIALITY.