

## Chapter 132J-164 WAC

# BUCKLEY FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT POLICY

### WAC

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**WAC 132J-164-010 Purpose of the Buckley Family Educational Rights and Privacy Act policy for Green River Community College.** (1) The Family Educational Rights and Privacy Act of 1974 requires that colleges adopt policies and guidelines concerning the rights of students to inspect their educational records and the releasing of such records to third parties. The act also provides that such students shall have the right of hearings to correct or delete inaccurate, misleading or inappropriate data. The act also provides that students shall be informed of the categories of records maintained by the college which are related and identifiable to the student.

(2) Green River Community College is committed to conform to the minimum requirements of Section 438, Public Law 90-247 Title IV, as amended, 88 Stat 571-574 (20 U.S.C. 1232g) otherwise known as the Buckley Amendment Family Educational Rights and Privacy Act.

(3) Green River Community College is also committed to conform to the minimum requirements of the statement of the rights and responsibilities of the student body of Green River Community College (chapter 132J-120 WAC — see Appendix).

(4) In compliance with the above-stated guidelines this policy is designed to insure continued confidentiality of student records and to govern the release of personally identifiable information therein.

[Order 77-3, § 132J-164-010, filed 8/30/77.]

**WAC 132J-164-020 Definitions.** (1) "Administrative unit" shall mean any one of a number of offices under the direction of a particular administrator, and set up to maintain a variety of records and processes for the college.

(2) "Administrator" shall mean those employees whose job duties are administrative by job description and who exercise supervisory or other managerial responsibilities over other employees.

(3) "Classified person" shall mean any employee who is contracted for a job that is listed and classified with the higher education personnel board of the state of Washington.

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(4) "College" shall mean Green River Community College, District 10, state of Washington and the personnel thereof, and any other community college centers or facilities established within District 10, state of Washington.

(5) "Confidentiality" shall mean the state of being held in secrecy or privacy, so as not to be available to third parties.

(6) "Coordinator of admissions" is the college employee who is charged with the responsibility for maintaining applications, transcripts from other institutions, closed program records, and other records required or developed in the admissions process.

(7) "Credentialed" shall mean those records and recommendations kept on file by the placement office for job or college placement purposes.

(8) "Dean for students" shall mean the dean for students of Green River Community College, District 10, state of Washington.

(9) "Directory information" includes the following information relating to a student: The student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, and other similar information.

(10) "Educational records" are official transcripts, documents, references, or other such information which is in writing and is preserved as evidence.

(11) "Faculty" shall mean any employee of Green River Community College, District 10, state of Washington who has employment as a teacher, counselor, librarian, or other position for which the training, experience, and responsibilities are comparable as determined by the appointing authority, except administrative appointments.

(12) "Financial aids officer" is the college employee who is charged with the responsibility for maintaining applications for financial aids, student financial records, records of financial aids awards, work-study, and other information as may pertain to the operations of the financial aid office.

(13) "Identifiable information" shall mean any record or information of such a nature as to aid in or cause the identification of the person to whom it relates.

(14) "Placement officer" is the college employee who is charged with the responsibility for maintaining credentials, recommendations, and other information as may relate to the placement office.

(15) "President" is the chief executive of the college appointed by the board of trustees.

(16) "Registrar" is the college administrative employee who is charged with the responsibility for maintaining transcripts, grades, and grade rosters.

(17) "Student" is any person enrolled at the college.

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(18) "Student body of Green River Community College" includes all persons who are enrolled in classes at the college.

(19) "Student body president" shall mean the person elected to the position so-titled by a vote of the student body of Green River Community College.

(20) "Third parties" shall mean any and all persons and/or organizations other than the college or the student.

[Order 77-3, § 132J-164-020, filed 8/30/77.]

**WAC 132J-164-030 Informing parents of students and eligible students of their rights.** (1) This policy shall be included in the regular college catalog as a means of informing parents and eligible students of their rights.

(2) For the purposes of this part, whenever a student has attained eighteen years of age, or is attending an institution of postsecondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student.

(3) Dependent status of the student does not affect his rights under this code.

[Order 77-3, § 132J-164-030, filed 8/30/77.]

**WAC 132J-164-040 Procedures for parents and eligible students to request or inspect personal records or to release their personal records to designated persons.** (1) A written request, dated and signed, must be submitted by the parent or eligible student to the office maintaining the student's record. Each office maintaining records shall be treated as an independent entity so far as record requests are concerned.

(a) The person responsible for the record shall respond to the request within a reasonable period of time, but in no case more than 45 academic days, unless an unavoidable hardship would be incurred by the response within that time. In such cases an extension shall be mutually agreed on and the extension agreement signed by the parties involved in the request.

(b) If a student is denied access to his/her record, the person responsible for that administrative unit shall respond in writing stating the reasons for the denial and the procedures for appealing the denial.

(2) Persons making the request must pay the specified fee or an appropriate cost of duplicating the record which shall include cost of materials and personnel time, if appropriate. The fee shall be a minimum of 25¢ and a maximum of \$1.00 per page, unless extraordinary circumstances require a higher fee. The exact fee shall be determined by the administrative unit providing the copy according to current fee costs of materials and salary schedules.

(3) The college will disclose those records as required by federal or state statutes so long as there is no violation of the Buckley Family Educational Rights and Privacy Act.

(4) No student shall be required to waive his/her rights to either maintain confidentiality or disclose his/her records.

(5) No record will be destroyed during a time when an outstanding disclosure request has been filed on that record.

(6) Student directory information will not be released without a written waiver by the student involved.

(7) A record of disclosures shall be maintained for each record disclosed to other than the student identified in the

record and college employees who are authorized or designated to inspect or use such files.

(8) The following administrative units and college personnel are authorized and recognized to maintain student records:

(a) Registration - The registrar has the responsibility to establish and maintain students records as related to student enrollment, class achievement, attendance, and rosters.

(b) Admissions - The coordinator of admissions shall maintain all requests for admissions, which shall include high school records, test scores, letters of recommendation and copies of all correspondence as related to admissions. These records are normally purged after two years of inactivity, after which no admissions record is maintained.

(c) Financial aids - The financial aids officer has the responsibility to compile personal financial information in the determination of students eligibility for financial aids.

(d) Placement - The placement officer has the responsibility to aid students and faculty to develop professional credentials for students for employment purposes. The credentials may contain confidential letters of recommendation and grade records.

(e) Veterans services - The veterans services coordinator has the responsibility to establish and maintain veteran students and dependent students of veterans records for verification of enrollment, completion, and other records as may be needed for compliance with veterans administration requirements.

(f) Dean for students - The office of the dean for students is responsible for records of students involved in extraordinary situations, such as disciplinary problems, records of irregular behavior, violations of parking or other college policies, local, state, or federal laws, or other types of situations which are outside the normal education program.

(g) Health services - The health services office maintains records regarding selective student interviews, receipt of medication and participation in the health services program.

(h) All other records shall be considered incidental and not falling under the jurisdiction of this policy.

(i) Financial records of the parents are not at the students disposal.

[Order 77-3, § 132J-164-040, filed 8/30/77.]

**WAC 132J-164-050 Students waiving right to review records.** (1) A student may waive his/her right to review his/her record and confidential statements. This waiver would normally be given for records such as those involving, but not limited to, confidential recommendations, admissions to other institutions, honorary recognition, application for employment, etc.

(2) Written waivers shall state which record may be examined and for what purposes.

[Order 77-3, § 132J-164-050, filed 8/30/77.]

**WAC 132J-164-060 Appeal of accuracy of records.** (1) When a student believes that his/her academic record is inaccurate, an appeal may be made to the academic board, which will make a determination about the accuracy of the record.

(2) The accuracy of all other records may be appealed to an ad hoc records committee consisting of six persons:

(a) Two students appointed by the current student body president,

(b) Two faculty appointed by the current faculty representative unit president,

(c) One classified person appointed by the current classified staff representative unit president, and

(d) One administrator appointed by the president of the college.

(e) The dean for students shall act as a nonvoting executive secretary for the committee.

(f) The informal hearing shall be held within forty-five academic days of the written request, unless both parties mutually agree on a later date.

(g) The time and location of the hearing shall be determined by the dean for students and shall be so far as practical to the convenience of the concerned parties.

(h) The committee shall be selected for each case and dissolved at the determination of the case.

(i) The procedures and operations of the committee shall be determined by the committee.

(j) The dean for students must be notified if the student wishes to be represented during the hearing.

(k) Any appeals may be made to the president of the college within ten academic days. In all cases, the decisions of the college president shall be final.

[Order 77-3, § 132J-164-060, filed 8/30/77.]

**WAC 132J-164-070 Use of student records.** (1) The college may use a student's record for those purposes for which the record was developed, and for other required activities or programs conducted by the college. These uses may include, but not be limited to: Admissions, development of employment credentials, transcripts, degree achievement, honors program evaluation, eligibility for student body offices, athletic eligibility, and payroll.

(2) All administration, staff, faculty and other persons approved by the appropriate administrative unit shall have access to students records when serving in a normal educational interest.

(3) Federal, state, county or other agencies may have access to students records if their access is required for the maintenance and operation of the college, accreditation, student financial aid, judicial order or subpoena, or in cases of emergency when the student's health and safety is in jeopardy.

[Order 77-3, § 132J-164-070, filed 8/30/77.]

**WAC 132J-164-080 Exclusion.** (1) Exclusions from the category of educational records and therefore from the effects of the Buckley amendment's requirements for inspection and disclosure are:

(a) Records generated and maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his/her capacity,

(b) Records made and maintained by a law enforcement unit of an educational institution solely for the purpose of law enforcement,

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(c) Records of instructional, supervisory, and administrative personnel which are in the sole possession of the maker thereof,

(d) Records relating to an individual who is employed by the institution other than as a result of his/her student status, and

(e) All records developed prior to January 1, 1975, letters of recommendation made prior to January 1, 1975, or written with assurance of confidentiality, and all records which have been obtained in accordance with the proper procedures, shall be exempt from this policy and not subject to access by the student.

(2) These records may only be reviewed by a physician or certified appropriate professional of mutual agreement by the student and the administrative unit managing the record for the college. If no mutual agreement can be reached, the president of the college shall select an appropriate person to review the record.

[Order 77-3, § 132J-164-080, filed 8/30/77.]