

# Chapter 132V-15 WAC

## CONFIDENTIALITY OF STUDENT RECORDS

### WAC

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**WAC 132V-15-010 General policy.** The Family Educational Rights and Privacy Act of 1974, as amended, is a federal law which requires institutions of higher education to establish written policies and guidelines governing the review, inspection, release, confidentiality and maintenance of students' educational records. Tacoma Community College hereby establishes the policies and guidelines in this chapter to comply with the intent of the act and to ensure that the educational records and personally identifiable information of its students are treated responsibly.

[Statutory Authority: RCW 28B.50.140(13), WSR 96-16-034, § 132V-15-010, filed 8/1/96, effective 9/1/96; WSR 89-20-013 (Order 89-1), § 132V-15-010, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-020 Definitions.** (1) Act: The Family Educational Rights and Privacy Act of 1974 (Buckley Amendment), as amended.

(2) College: Tacoma Community College, District 22, and its personnel and facilities.

(3) College official: A college employee acting in the student's educational interest within the limitations of his/her need to know. May include faculty, administrators, clerical and professional employees and other persons who manage student records information.

(4) Directory information: Information authorized for external release by the college without the student's written consent shall include student name, degrees and awards received. The college may also confirm dates of attendance, date of birth, major field of study, participation in officially recognized sports and activities and the most recent previous educational institution attended.

(5) Disclosure: Permitting access to or the release, transfer or other communication of a student's educational records or other personally identifiable information orally, in writing, by electronic means or any other means to any party.

(6) Educational records:

(a) Are those documents, materials, files, transcripts or other such information directly related to a student and maintained by the college. May be referred to as "records" in this chapter.

(b) The term "educational records" does not include the following:

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

(ii) Records and documents of the security department which are kept apart from records described in (a) of this subsection, are maintained solely for law enforcement purposes, and are not made available to persons other than law enforcement officials of the same jurisdiction;

(iii) Records made and maintained by the college in the normal course of business which relate exclusively to a person's capacity as an employee and are not available for any other purpose; however, employee records relating to an individual in attendance at the college who is employed as a result of his or her status as a student would be considered educational records; or

(iv) Records concerning a student which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, and which are created, maintained, or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment, except that such records may be personally reviewed by a physician, or other appropriate professional of the student's choice; or

(v) Records created after a student is no longer a student, such as alumni records and the college foundation giving records.

(7) Eligible student: A student who has reached the age of 18 or is officially enrolled in classes at the college. Interchangeably used with "student" in this chapter.

(8) Legitimate educational interest: The demonstrated need to know by college officials determined to act in a student's educational interest. May include faculty, administrators, clerical and professional employees, and other persons who manage student records information.

(9) Office of record: The official site where the originals of specific student records are maintained and authorized for student access.

(10) Parent: The mother, father, legal guardian of a student or the individual authorized to act on behalf of the student.

(11) Personally identifiable information: Data or documents which include

(a) The name of the student, the student's parents or other family members;

(b) The student's address;

(c) A personal identifier such as a Social Security or student number; and

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

(12) Instructional day: Any day or evening, excluding Saturdays and Sundays, on which classes or examinations are scheduled and held.

[Statutory Authority: RCW 28B.50.140(13), WSR 96-16-034, § 132V-15-020, filed 8/1/96, effective 9/1/96; WSR 89-20-013 (Order 89-1), § 132V-15-020, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-030 Type—Location—Responsibility of records.** (1) The college maintains the following student educational records in the offices of record listed and under the control of the designated college official:

(a) Admissions center - A designated records custodian oversees the maintenance and processing of student applications for admission, residency and materials which influence student access to the college.

(b) Advising center - A designated records custodian is responsible for creating, maintaining and processing student educational records, such as copies of registration forms, unofficial transcripts and assessment scores.

(c) Cooperative education - A designated records custodian reviews, monitors and maintains such student records as program orientation forms, student enrollment forms and program evaluation forms.

(d) Counseling and career information center - A designated records custodian is responsible for the maintenance, security and access of such student educational records as interest inventories, advising transcripts, test scores, agency evaluations, and individual counseling case notes.

(e) Adult learning center - A designated records custodian is responsible for the development and retention of student attendance and academic progress records.

(f) Financial aid office - A designated records custodian is charged with collecting, analyzing, processing and maintaining personal fiscal data of students to assist in determining their eligibility for financial aid. Student records generated from this office include those associated with grants, loans, scholarships, employment and job placement.

(g) Registration/records center - The registrar is responsible for maintenance, security and access of student registration, transcript and graduation records.

(h) Veterans services - A designated records custodian collects and maintains for veteran students such records as forms for verification of enrollment for program completion and others which are required for compliance with Veteran Administration guidelines.

(i) Security and parking services - A designated records custodian is assigned the responsibility of processing and maintaining incident reports.

(j) International student services - A designated records custodian manages such student records as high school transcripts from foreign countries; copies of I-20 identification cards; copies of I-94s; the student's arrival documents; copies of visas; copies of I-538s; reinstatement forms; proofs of financial support; proofs of English proficiency; and proofs of student transfers.

(k) Student assessment office - A designated records custodian is responsible for the reporting and maintenance of assessment scores.

(l) Dean of student services office - A designated records custodian is responsible for maintaining academic standards records and student discipline records.

(m) Occupational education - The occupational program coordinators service as designated records custodians responsible for those student records essential to document admissions criteria, program progress, and program completion.

(n) Off-campus centers and continuing education - A designated records custodian is responsible for maintenance, security and access to student registration and fee collection records at each site.

(o) Business office - A designated records custodian is responsible for student fee payment records.

(p) Occasional records - The appropriate college official for student educational records not listed above will collect and maintain such occasional records.

(2) The college shall retain the educational records of students pursuant to the retention schedules established by each office of record.

(3) The college shall establish a student educational records retention system in such other offices of record which may be created.

[Statutory Authority: RCW 28B.50.140(13), WSR 96-16-034, § 132V-15-030, filed 8/1/96, effective 9/1/96; WSR 89-20-013 (Order 89-1), § 132V-15-030, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-040 Right to review and inspect records.** (1) A student shall have the right to review and inspect his/her educational records provided he/she:

(a) Identifies the specific record(s) to be reviewed. In some instance, written requests for information will be required;

(b) Presents identification sufficient to validate his/her identity;

(2) After a student submits such a request, the college official of the office of record shall respond to the request within a reasonable period of time, but in no case more than forty-five days after the request has been made.

(3) A student authorized to review or inspect his/her educational records shall be accompanied by a staff person of the office of record assigned to explain and interpret the record(s) of interest.

(4) A student may have copies made of his/her educational records provided no financial hold has been placed on his/her records by any administrative unit. All copies produced shall be at the student's expense, and he/she shall be charged a fee set by the TCC board of trustees.

(5) A student shall maintain his/her right to review and inspect his/her educational records irrespective of his/her outstanding financial obligation to the college.

[Statutory Authority: RCW 28B.50.140(13), WSR 96-16-034, § 132V-15-040, filed 8/1/96, effective 9/1/96; WSR 89-20-013 (Order 89-1), § 132V-15-040, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-050 Rights of student.** (1) If, after a review of his/her records, a student believes they contain information that is inaccurate, misleading or in violation of his/her privacy or other rights, the student may submit a written appeal to the dean of student services.

(2) Within a reasonable time, but no more than twenty instructional days after the receipt of an appeal, the dean of student services shall establish an ad hoc committee consisting of two students, two faculty, one classified staff member, and one administrator to review the appeal.

[Statutory Authority: RCW 28B.50.140(13). WSR 96-16-034, § 132V-15-050, filed 8/1/96, effective 9/1/96; WSR 89-20-013 (Order 89-1), § 132V-15-050, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-060 Conduct of appeal.** (1) A hearing shall normally be held within twenty instructional days after the dean of student services receives the appeal.

(2) The hearing shall be conducted by the dean of student services or his/her designee who shall be an official of the college who does not have a direct interest in the final decision of the committee.

(3) In presenting his/her appeal, the student may have assistance from or be represented by an individual or an attorney of his/her choice and at his/her own expense. The college may choose to be represented by its assistant attorney general.

(4) Within ten instructional days after the hearing the dean of student services or his/her designee shall prepare a final written decision based solely on the evidence presented during the hearing. A copy of the final decision shall be made available to the student.

(5) If the final decision of the dean of student services mandates amendments to the student's educational records, the college official of the office of record shall make said amendments within ten instructional days after the notification and so inform the student in writing.

(6) If the student disagrees with the final decision, he/she shall have the right to place a statement to this effect in his/her educational records. This statement shall be retained in the student's file and shall become a permanent part of the student's education record for as long as the record is maintained.

[Statutory Authority: RCW 28B.50.140(13). WSR 96-16-034, § 132V-15-060, filed 8/1/96, effective 9/1/96; WSR 89-20-013 (Order 89-1), § 132V-15-060, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-070 Limitations on a student's right to review and inspect.** (1) Pursuant to section 438 of the act, the college shall not permit a student to review and inspect the following records:

(a) The confidential financial records and statements of parents or any information contained in such records/statements;

(b) Confidential letters and confidential statements of recommendation which were placed in the educational records of the student prior to January 1, 1975; provided that the letters/statements were solicited with the written assurance of confidentiality and are to be used only for the purposes for which they were specifically intended;

(c) Confidential letters of recommendation and confidential statements of recommendations which were placed in the educational records of the student after January 1, 1975 pertaining to admission to an educational institution, to an application for employment, or to the receipt of an honor or honorary recognition which a student has waived his/her inspection/review rights under WAC 132V-15-080; and

(d) The educational records of a student which contains information on more than one student. Only the specific information pertaining to the student requesting access shall be considered for release.

(8/1/96)

(2) The college shall retain the educational records of students pursuant to the retention schedules established by each office of record.

[Statutory Authority: RCW 28B.50.140(13). WSR 96-16-034, § 132V-15-070, filed 8/1/96, effective 9/1/96; WSR 89-20-013 (Order 89-1), § 132V-15-070, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-080 Waiving right to inspect and review.** (1) A student may waive any or all of his/her all rights under the act, subject to the following:

(a) That the college did not require the waiver;

(b) That no college services be denied a student who fails to supply a waiver;

(c) That he/she completes and signs TCC Form TCC-REG-062, and identifies which records may be examined; and

(d) That the documents to which a student has waived the right to access are used only for the purposes for which they were collected. If the college uses them for other purposes, the waiver shall be voided and the documents may be inspected.

[Statutory Authority: RCW 28B.50.140(13). WSR 89-20-013 (Order 89-1), § 132V-15-080, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-090 Third party access to records—External.** (1) The college may authorize the following persons/agencies to have access to students' educational records or other personally identifiable information without consent:

(a) Officials of other schools or school systems or institutions in which the student seeks or intends to enroll;

(b) Persons in connection with a student's application for or receipt of financial aid;

(c) Accrediting agencies carrying out their accreditation function;

(d) Persons in compliance with a judicial order after written notification to the student;

(e) Persons acting pursuant to any lawfully issued subpoena;

(f) Persons, in response to an emergency, whose actions are considered to protect the health or safety of students or other persons;

(g) Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction and/or services; Provided, that the studies are conducted in a manner which will not permit the personal identification of student and their parents by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purposes for which the study was conducted. The term "organizations" includes, but is not limited to, federal, state and local agencies, and independent organizations;

(h) State and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974;

(i) Alleged victim of any crime may obtain the results of any disciplinary proceeding conducted by the college against the alleged perpetrator of such crime with respect to such crime; and

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(j) Public requesting information designated as directory information by the college.

[Statutory Authority: RCW 28B.50.140(13). WSR 96-16-034, § 132V-15-090, filed 8/1/96, effective 9/1/96; WSR 89-20-013 (Order 89-1), § 132V-15-090, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-100 Third party access to records—**

**Internal.** (1) Within the Tacoma Community College community, only those persons, individually and collectively, acting in the student's educational interest shall be allowed access to a student's educational records or other personally identifiable records. These persons include employees in the

(a) Admissions, advising, assessment and registration centers;

(b) Financial aid office;

(c) Office of the dean of student services;

(d) Security and parking services; and

(e) Offices of record; and

(f) Other college officials within the limitations of their need to know.

[Statutory Authority: RCW 28B.50.140(13). WSR 96-16-034, § 132V-15-100, filed 8/1/96, effective 9/1/96; WSR 89-20-013 (Order 89-1), § 132V-15-100, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-110 Student records as directory information.** (1) A student may withhold from release directory information by completing TCC Form TCC-REG-062 and submitting it to the registrar or by notifying the registrar in writing within two weeks after the first day of classes for any quarter.

(2) The college will honor a student's request for nondisclosure for only the current academic year; therefore, a student must file a request to withhold directory information annually.

(3) The college may release directory information by telephone.

[Statutory Authority: RCW 28B.50.140(13). WSR 96-16-034, § 132V-15-110, filed 8/1/96, effective 9/1/96; WSR 89-20-013 (Order 89-1), § 132V-15-110, filed 9/26/89, effective 10/27/89.]

**WAC 132V-15-120 Annual notification on rights. (1)**

The college shall notify students and parents of students currently in attendance of their rights under the act

(a) By making copies of this chapter available in the admissions and registration centers during fall quarter registrations for currently enrolled, new and returning students;

(b) By publishing an announcement regarding the existence of this chapter in the college quarterly mailer;

(c) By publishing a summary of this chapter in the college's biennial catalog.

[Statutory Authority: RCW 28B.50.140(13). WSR 96-16-034, § 132V-15-120, filed 8/1/96, effective 9/1/96; WSR 89-20-013 (Order 89-1), § 132V-15-120, filed 9/26/89, effective 10/27/89.]