

TRANSMITTAL OF RULES ADOPTED BY INSTITUTION OF HIGHER EDUCATION

FROM: Community College District VIII
(Name of Institution)

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

The enclosed rules Permanent rules , being Order No. 32
Emergency rules
relating to (Name of rules or description of subject matter)

Amendment and Additions to WAC 132H-120 - The Student Code of Community College District VIII

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

pursuant to Notice No. 5341 (1) filed with the code reviser on July 11, 1975 (2) were regularly adopted as permanent rules of this institution at Bellevue Community College 8-5-75 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 5th day of August 1975.

STATE OF WASHINGTON
FILED
AUG 7 1975
CODE REVISER'S OFFICE
DOCKET #638 FILE #1

Community College District VIII
(INSTITUTION)
[Signature]
By Merle E. Landerholm
Secretary, Board of Trustees
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
COMMUNITY COLLEGE DISTRICT VIII
BOARD OF TRUSTEES

RESOLUTION NO. 64

Administrative Order 32

A RESOLUTION relating to the amendment of permanent rules and the adoption of permanent rules - The Student Code of Community College District VIII.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT VIII, STATE OF WASHINGTON.

WAC 132H-120-070 Confidentiality of Student Records - The Student Code of Community College District VIII is hereby amended.

WAC 132H-120-072 through WAC 132H-120-079 new sections to The Student Code of Community College District VIII are hereby adopted.

APPROVED AND ADOPTED August 5, 1975.

BOARD OF TRUSTEES


Neil L. McReynolds, Chairperson


Abstained
Delores E. Teutsch, Vice-Chairperson

Absent
C. W. Duffy, Member


Roy S. Peterson, Member


Claire Thomas, Member

ATTEST:


Merle E. Vanderholm
Secretary, Board of Trustees

AMD

WAC 132H-120-070 CONFIDENTIALITY OF STUDENT RECORDS. The college continually receives requests from outside sources for information about students, both past and present. The staff and faculty of the college are reminded that Public Law 93-380, The Family Educational Rights and Privacy Act of 1974 states the college adopt a policy on student education records to insure that information contained in such records is treated in a responsible manner with due regard to the personal nature of the information contained in these records. In order to prevent embarrassment or possible legal involvement of the college and its employees because of improper disclosure of information, it is important that college policy be implemented in the release of such information.

NEW

WAC 132H-120-072 DEFINITION OF A STUDENT. A student is defined as any person who is or has been officially registered at the College and with respect to whom the College maintains education records or personally-identifiable information.

NEW

WAC 132H-120-073 EDUCATION RECORDS—STUDENT'S RIGHT TO INSPECT. (1) A student has the right to inspect and review his education records. A list of the types of education records maintained by the College and the record locations may be obtained by the student at College's Student Records Office.

(a) For purposes of this section the term 'education records' means those records, files, documents and other materials which contain information directly related to a student.

(b) The term 'education records' does not include:

(i) Records of instructional, supervisory and 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 of the Campus Security Department which are kept apart from those records described in WAC 132H-120-073 (1)(a) and which are maintained solely for law enforcement purposes and which are not made available to persons other than law enforcement officials of the same jurisdiction.

(iii) In the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose.

(iv) Records on a student which are created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his 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; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

(2)(a) Recommendations, evaluations or comments concerning a student that are provided in confidence, either expressed or implied, as between the author and the recipient, shall be made available to the student, except as provided in paragraphs (b), (c) and (d) of this section.

(b) The student may specifically release his right to review where the information consists only of confidential recommendations respecting:

- (i) Admission to any educational institution, or
 - (ii) An application for employment, or
 - (iii) Receipt of an honor or honorary recognition.
- (c) A student's waiver of his or her right of access to confidential statements shall apply only if:
- (i) The student is, upon request, notified of the names of all persons making confidential statements concerning him, and
 - (ii) Such confidential statements are used solely for the purpose for which they are originally intended, and
 - (iii) Such waivers are not required as a condition for admission to receipt of financial aid from, or receipt of any other services or benefits from the college.
- (d) Recommendations, evaluations or comments concerning a student that have been provided in confidence, either expressed or implied, as between the author and the recipient, prior to January 1, 1975, shall not be subject to release under WAC 120-073(2)(a). Such records shall remain confidential and shall be released only with the consent of the author. Such records shall be used by the institution only for the purpose for which they were originally intended.
- (3) Where requested records or data include information on more than one student, the student shall be entitled to receive or be informed of only that part of the records or data that pertains to the student.
- (4) Students have the right to obtain copies of their education records. Charges for the copies shall not exceed the cost normally charged by the College (except in cases where charges have previously been approved by the Board of Trustees action for certain specified services, such as transcripts and grade sheets).
- (5) The Registrar is the official custodian of academic records and therefore is the only official who may issue a transcript of the student's official academic record.
- (6) Student education records may be destroyed in accordance with a department's routine retention schedule. In no case will any record which is requested by a student for review in accordance with WAC 120-073 and WAC 120-075 be removed or destroyed prior to providing the student access.

NEW WAC 132H-120-075 REQUESTS AND APPEAL PROCEDURES. (1) A request by a student for review of information should be made in writing to the College individual(s) or office(s) having custody of the particular record.

(2) An individual(s) or office(s) must respond to a request for education records within a reasonable period of time, but in no case more than 45 days after the request has been made. A College individual(s) or office(s) which is unable to comply with a student's request within the above-stated time period shall inform the student of that fact and the reasons in writing.

(3)(a) A student who feels his or her request has not been properly answered by a particular individual(s) or office(s) should contact the appropriate dean or director responsible for the individual(s) or office(s) for mediation.

(b) In cases where a student remains dissatisfied after consulting with the appropriate dean or director, the student may then request a hearing by the College's Records Committee. Following the hearing, the College's Records Committee shall render its decision within a reasonable period of time. In all cases the decision of the College's Records Committee shall be final.

(c) In no case shall any request for review by a student be considered by the College's Records Committee which has not been filed with that body in writing within 90 days from the date of the initial request to the custodian of the record.

(d) The College's Records Committee shall not review any matter re-

garding the appropriateness of official academic grades.

NEW

WAC 132H-120-077 RELEASE OF PERSONALLY -IDENTIFIABLE RECORDS. (1)

The College shall not permit access to or the release of education records or personally-identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than the following:

(a) College staff, faculty and students when officially appointed to a faculty council or administrative committee, when the information is required for a legitimate educational interest within the performance of their responsibilities to the College, with the understanding that its use will be strictly limited to the performance of those responsibilities.

(b) Federal and state officials requiring access to education records in connection with the audit and evaluation or a federally-or-state-supported education program or in connection with the enforcement of the federal or state legal requirements which relate to such programs. In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation or enforcement of legal requirements.

(c) Agencies or individuals requesting information in connection with a student's application for, or receipt of, financial aid.

(d) Organizations conducting studies for or on behalf of the College for purposes of developing, validating or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than representatives of such organizations, and such information will be destroyed when no longer needed for the purposes for which it was provided.

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

(f) Any person or entity designated by judicial order or lawfully-issued subpoena, upon condition that the student is notified of all such orders or subpoenas in advance of the compliance therewith. Any College individual(s) or office(s) receiving a subpoena or judicial order for education records should immediately notify the Attorney General.

(2) Where the consent of a student is obtained for the release of education records, it shall be in writing, signed and dated by the person giving such consent, and shall include:

(a) A specification of the records to be released,

(b) The reasons for such release, and

(c) The names of the parties to whom such records will be released.

(3) In cases where records are made available without student release as permitted by WAC 132H-120-077 (1)(b), (c), (d), (e) and (f), the College shall maintain a record kept with the education record released, which will indicate the parties which have requested or obtained access to a student's records maintained by the College and which will indicate the legitimate interest of the investigating party. Releases in accordance with WAC 132H-120-077 (1)(a) need not be recorded.

(4) Personally-identifiable education records released to third parties, with or without student consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally-identifiable form to any other parties without obtaining consent of the student.

(5) The term "directory information" used in WAC 132H-120-077 (1) is defined as student's name, address, telephone number, date and place of birth, major field of studies, participation in officially-recognized activities in sports, weight and height of members of athletic teams, dates

of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Students may request that the College not release directory information only through written notice to the Registrar's Office.

(6) Information from education records may be released 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 person(s).

NEW

WAC 132H-120-078 COLLEGE RECORDS. All College individual(s) or office(s) which have custody of education records will develop procedures in accord with WAC 132H-120-070 through WAC 132H-120-079. Any supplementary regulations found necessary by departments will be filed with the College's Records Committee, which will be responsible for periodic review of policy and procedures.

(1) Disciplinary records shall be kept separate and apart from academic records, and transcripts of a student's academic record shall contain no notation of any disciplinary action. Special precautions shall be exercised to insure that information from disciplinary or counseling files is not revealed to unauthorized persons. Provision shall be made for periodic review and routine destruction of inactive disciplinary records by offices maintaining such records.

(2) No records shall be kept that reflect a student's political or ideological beliefs or associations.

NEW

WAC 132H-120-079 RECORDS COMMITTEE. The College's Records Committee shall be responsible for reviewing unusual requests for information and for assisting in the interpretation of these rules. The committee shall also be responsible for hearing appeals as defined in WAC 132H-120-075. The committee shall consist of the Registrar/Records Officer, Executive Assistant to the President, two (2) faculty (2) students and one (1) faculty or administrator at large. Members shall be appointed by the President of College District VIII.