

withholding of the record or part or record:

(3) If withheld, briefly explain how the exemption applies to the record withheld.

(4) If request granted, time _____, day _____.

FORM B
COMMITTEE FOR DEFERRED COMPENSATION, PUBLIC RECORDS ACCESS

STATE OF WASHINGTON }
COUNTY OF _____ } ss. AFFIDAVIT TO
RELEASE PUBLIC RECORDS

(Name and Address)

having been duly sworn, deposes and says:

1. I have requested copies of the following public records:
2. I understand that Washington state law, RCW 42.17.260(5), prohibits the use of lists of individuals for commercial purposes.
3. I understand that the use for commercial purposes of said records may also violate the rights of the individuals named therein and may subject me to liability for such commercial use.
4. I understand that section 2 and 3 herein apply when I use said records for commercial purposes and when others use said records or copies of same for commercial purposes. I understand that I may be liable in either case.
5. I understand that "commercial purposes" means that the person requesting the record intends that the list will be used to communicate with the individuals named in the record for the purpose of facilitating profit expecting activity.
6. Therefore, I do hereby swear and affirm on oath and under penalty of law that I will not use said records for commercial purposes and that further, it is my affirmative duty to prevent others from using said records for commercial purposes.
7. I do further swear and affirm on oath and under penalty of law that I will protect and hold harmless, including the cost of defending, the agency and its agents and employees from which I have obtained said records from any and all claims arising either directly or indirectly from the commercial use of said records.

Signature

SUBSCRIBED AND SWORN to before me this _____ day
of _____, 19 ____.

Notary Public in and for the
state of Washington residing at

[Statutory Authority: Chapter 41.04 RCW. 91-05-084, § 154-300-120, filed 2/20/91, effective 3/23/91.]

Title 172 WAC

EASTERN WASHINGTON UNIVERSITY

Chapters

172-123

Scholarships.

172-190

Implementation of the Family Educational Rights and Privacy Act of 1974.

Chapter 172-123 WAC

SCHOLARSHIPS

WAC

172-123-010 Scholarships.

WAC 172-123-010 Scholarships. Detailed information concerning the criteria, eligibility, and procedures for application and other information regarding scholarships at Eastern Washington University is available in the EWU Office of Financial Aid and Scholarships; Cheney, WA 99004-2496.

[Statutory Authority: RCW 28B.35.120(12). 92-02-052, § 172-123-010, filed 12/30/91, effective 1/30/92.]

Chapter 172-190 WAC

IMPLEMENTATION OF THE FAMILY
EDUCATIONAL RIGHTS AND PRIVACY ACT OF
1974

WAC

- 172-190-010 Purpose.
- 172-190-020 Definitions.
- 172-190-030 Right of inspection.
- 172-190-035 Availability of directory information.
- 172-190-040 Access permitted to university and certain other officials without consent.
- 172-190-050 Distribution of information to others.
- 172-190-060 Notice of rights given under Family Educational Rights and Privacy Act of 1974.
- 172-190-070 Requests for access to student records.
- 172-190-080 Determination regarding records.
- 172-190-090 Review proceeding available.
- 172-190-100 Right of students to register objections.

WAC 172-190-010 Purpose. The purpose of this chapter is to comply with the requirements of Public Law 93-380, § 513, of 1974, also annotated as 20 U.S.C.A. 1232, which law represents amendments to the General Education Provisions Act. As indicated in the aforesaid law, its purpose is to assure that students attending institutions of higher education such as Eastern Washington University shall have a right to inspect certain records and files intended for school use or made available to parties outside the university.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-010, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-010 (codified as WAC 172-190-010), filed 3/3/75.]

WAC 172-190-020 Definitions. The following definitions shall apply in interpreting these regulations:

- (1) "Education records" are defined as records, files, documents, and other materials which contain informa-

tion directly related to a student and are maintained by the university. Also included are records relating to an individual in attendance at the university who is employed as a result of his or her status as a student. The definition of "education records," however, does not include any materials used by any university instructor in the course of assessing a student's academic performance, including but not limited to academic grades conferred, essays, tests, written evaluations given during directed studies, and the like, nor materials maintained by the university's counseling center, or by any psychologist paraprofessional acting in a professional or paraprofessional capacity for the benefit of the university.

(2) "Student" is defined as a person who is or has been in attendance at Cheney, Spokane, or any other location at which the university confers credit and regarding whom the university maintains educational records.

[Statutory Authority: RCW 28B.35.120(12), 92-02-053, § 172-190-020, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-020 (codified as WAC 172-190-020), filed 3/3/75.]

WAC 172-190-030 Right of inspection. Any student shall have a right, subject to the procedural requirements outlined in WAC 172-190-070 through 172-190-090, to inspect any education records directly related to him or her that are intended for school use or are available for parties outside the school or school system. In the case of any education records relating to a student which also include information regarding another student, the responsible university officials shall delete any personally identifiable information relating to the identity of the other student.

[Statutory Authority: RCW 28B.35.120(12), 92-02-053, § 172-190-030, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-030 (codified as WAC 172-190-030), filed 3/3/75.]

WAC 172-190-035 Availability of directory information. Except as hereinafter provided, the following information contained in a student's education records shall be available to members of the public: Student's name, address, telephone listing, date and place of birth, and participation in officially recognized activities and sports; weight, height and birth dates of athletic team members; dates of attendance at the university, degrees and awards received, and the most recent previous educational agency or institution attended by the student. The information shall be deemed "directory information." The university will give public notice to students of the matters contained in the above-designated "directory information" that is available to members of the public at the time the student registers for enrollment in the academic quarter. On the day of registration each student shall indicate on the university registration form whether he or she will not consent to the university's release of directory information to others.

[Statutory Authority: RCW 28B.35.120(12), 92-02-053, § 172-190-035, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-035 (codified as WAC 172-190-035), filed 3/3/75.]

WAC 172-190-040 Access permitted to university and certain other officials without consent. (1) The following persons, individuals, agencies, or organizations

shall be entitled to access to official records, files, and data of any student, subject to the limitations outlined in subsection (2) of this section, without the written consent of the student:

(a) Other school officials, including instructors within the university who have a legitimate educational interest;

(b) Officials of other universities, schools, or school systems, upon the condition that a reasonable attempt is made to notify the student of the transfer and to provide the student with a copy of the record if he or she desires it and the student has the opportunity to challenge the content of the record, per the procedures outlined in WAC 172-08-090;

(c) Authorized representatives of the controller general of the United States; the Secretary of Health, Education and Welfare; and administrative head of an education agency as defined in § 409 of Public Law 93-380; or state of Washington educational authorities: *Provided*, That except when collection of personally identifiable data is specifically authorized by federal law, any data collected by the controller general, the secretary, administrative head of a United States Education Agency or state educational authorities with respect to individual students shall not include information (including social security numbers) which permit the personal identification of the students.

(d) Authorized representatives of the Office of Education at the U.S. Department of Health, Education and Welfare; the Law Enforcement Assistance Administration of the U.S. Department of Justice; the U.S. Veterans Administration; the Bureau of Indian Affairs; the Washington state council on higher education; the Washington state department of social and health services; lending institutions receiving applications from students or granting to students financial aid; and individual organizations or institutions that provide scholarships to any applicant student when the organizations or individuals make requests for students' education records in connection with a student's application for, or receipt of, financial aid.

(e) State and local officials or authorities, if a state statute adopted prior to November 19, 1974, specifically requires disclosures to those officials and authorities. This does not prevent a state from further limiting the number of type or state or local officials to whom disclosures may be made under that paragraph.

(f) Disclosures to organizations (including, but not limited to, federal, state, local agencies, and independent organizations) conducting studies for, or on behalf of, educational agencies or institutions to:

- (i) Develop, validate, or administer predictive tests;
- (ii) Administer student aid programs; or
- (iii) Improve instruction.

This information may be disclosed if the study is conducted in a manner that does not permit personal identification of parents or students by individuals other than representatives of the organization and the information is destroyed when no longer needed for the purposes for which the study was conducted.

(g) The disclosure is to accrediting organizations to carry out their accrediting functions.

(h) The disclosure is to parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954.

(i) The disclosure is to comply with a judicial order or lawfully-issued subpoena. Information may be disclosed only if the institution or agency makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance.

(j) Disclosure is in connection with a health or safety emergency.

(k) Disclosure is information the educational agency or institution has designated as "directory information."

(l) This section does not forbid or require an educational agency or institution to disclose personally identifiable information from the education records of a student to any parties under (a) through (l) of this subsection.

(2) The university shall maintain a record, kept with the education records of each student, which will indicate all the agencies or organizations referenced in subsection (1)(b) and (c) of this section, which have requested or obtained access to the student's education records. The university employee who is the custodian charged with the maintenance of the student education records shall further indicate specifically the legitimate interest each agency or organization has in obtaining this information.

(3) If any of the agencies or organizations described in subsection (1)(b) or (c) of this section, request access to the education records of ten or more students, they may do so on a form provided by the university that indicates the request is being made on a blanket basis. The form shall also require the agency to identify the legitimate interest the agency has regarding students' education records. The university employee who is the custodian of each student education record requested by an agency or organization referenced in subsection (1)(b) and (c) of this section shall then enter in the education record notice of the agency's or organization's request and the place where the request may be found.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-040, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-040 (codified as WAC 172-190-040), filed 3/3/75.]

WAC 172-190-050 Distribution of information to others. The university shall not furnish in any form any personally identifiable information contained in education records directly related to a student to any person, agency, or organization other than those designated in WAC 172-190-040, unless written consent is first obtained from the student and, specifically identifies the records to be released, the legitimate interests the party has in obtaining the information and to whom the personally identifiable information is to be released. In the case any personally identifiable information contained in a student's education records is to be furnished in compliance with a judicial order or pursuant to a lawfully issued subpoena, the university shall make a reasonable attempt to notify the student in advance of compliance therewith.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-

050, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-050 (codified as WAC 172-190-050), filed 3/3/75.]

WAC 172-190-060 Notice of rights given under Family Educational Rights and Privacy Act of 1974. In accordance with the requirements of the aforesaid federal statute, the university will make its best efforts to notify all students of their rights under this act. The notification shall be done by the registrar through the Washington Administrative Code procedures provided for by the Administrative Procedure Act, notices accomplished through the university catalogs, quarterly course announcements, and other publications and media that the university deems appropriate. The notification shall include at least a statement which indicates where the policy is kept and how copies of the policy may be obtained.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-060, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-060 (codified as WAC 172-190-060), filed 3/3/75.]

WAC 172-190-070 Requests for access to student records. No personally identifiable information relating to a student's education record will be furnished to any person whatsoever unless the person makes a written request to do so and provides to the custodian of the records information sufficient to identify the requesting party as a person who has a right to access to the records. By way of example and not limitation, a requesting party who identifies himself or herself as a student to whom the record relates must provide a department of licensing identification or international driver's license or identification sufficient to identify the student, university identification card, and any other official identifying document that is sufficient to establish the identity of the student. In the case of any persons in the category of those individuals, persons, agencies, or organizations identified in WAC 172-190-040, no personally identifiable information contained in any student's education record will be disclosed without providing information of the same type and nature as that required of a student plus other information as the custodian of the record deems sufficient to ascertain the official capacity of the requesting party.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-070, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-070 (codified as WAC 172-190-070), filed 3/3/75.]

WAC 172-190-080 Determination regarding records. The university reserves the right to determine that a record regarding a student is not an education record or material defined in WAC 172-190-020 or that the provision of personally identifiable information relating to a student was properly given to an authorized agency per WAC 172-190-040. The determination shall be made in writing and may be accomplished in consultation with any of the records officers of the university designated in chapter 172-09 WAC, the president, a vice-president, or an assistant attorney general assigned to the university.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-080, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-080

(codified as WAC 172-190-080), filed 3/3/75.]

WAC 172-190-090 Review proceeding available. (1) Any person objecting to a denial of a request for any university record relating to a student, or any student who contests whether the transfer of any university record relating to him or her is permitted under these regulations, may petition for prompt review of the denial or written objection to transfer. The written request shall:

- (a) Be served on the public records officer provided for in chapter 172-09 WAC;
- (b) Demand prompt review; and
- (c) In the case of objection to transfer, specifically reference the party to whom he or she does not want the record transferred and contain a written statement by the record custodian denying the person's request.

Upon receipt of a proper written objection to transfer of a student record, the university public records officer shall cause the records to not be transferred pending outcome of the proceeding provided for in these regulations.

(2) Within ten days after receipt of the written request by a person petitioning for prompt review of a decision by a custodian of student records, the president of the university or any authorized designees, which for the purposes of this section may include any vice-president of the university, shall consider the petition.

(3) The president or authorized designee may at the end of the ten day period either meet the objecting party's objection and advise the party of the same in writing, or in the alternative, set the matter up for a proceeding before a presiding officer designated by the president or the president's designee. The proceeding shall be conducted within thirty days after the objecting party served the objections on the university's public records officer and shall be a brief adjudicative proceeding, as that term is defined in RCW 34.05.482 through 34.05.494 and shall be conducted as provided for therein. The president or authorized designee shall determine the time and place for the proceeding. At the proceeding, the objecting party shall further explain and identify the exact purpose for seeking the record which has been denied or why he or she has lodged objections to transfer of a student record. Failure by the person requesting the review to appear at the brief adjudicative proceeding shall be deemed a waiver of that person's right to insist upon completion of the review of the request.

(4) During the proceeding conducted by the president, an authorized designee, or by anyone appointed by the president or authorized designee, the person conducting the proceeding shall consider the obligation of the university to fully comply with the Family Educational Rights and Privacy Act, but shall also consider the exemptions provided in the course of these regulations. A record shall be made of the proceeding by mechanical transcriptions or any other means satisfactory to the university.

(5) Within ten days after the hearing has occurred, the president, or authorized designee, or the hearing officer appointed to conduct the informal hearing shall provide the objecting party with a written decision, which decision shall be binding upon the university and upon the objecting party.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-090, filed 12/30/91, effective 1/30/92; Order 75-1 § 172-08-090 (codified as WAC 172-190-090), filed 3/3/75.]

WAC 172-190-100 Right of students to register objections. Any student who objects to the accuracy or truthfulness of any information contained in any Eastern Washington University education records or portion thereof that is related to the student may submit to the university's public records officer his or her written views regarding the same, which written objection shall then be included in the education records: *Provided*, That no student has any right to post objections to academic grades and have the same appear on his or her academic transcript.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-100, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-100 (codified as WAC 172-190-100), filed 3/3/75.]

Title 173 WAC ECOLOGY, DEPARTMENT OF

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