

Chapter 106-172 WAC

STUDENT RECORDS POLICY

WAC

106-172-700	Purpose.
106-172-711	Definitions.
106-172-721	Notification by educational institution.
106-172-731	Access to education records.
106-172-733	Limitations on access to education records.
106-172-735	Exception to consent requirements and record of access.
106-172-740	Information not to be required.
106-172-750	Timely disposal of records.
106-172-761	Right to a proceeding.
106-172-763	Informal proceedings.
106-172-765	Conduct of the proceeding.
106-172-772	Release of information for health or safety emergencies.
106-172-775	Limitation on liability.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

106-172-710	Definitions and requirements. [Order 10, § 106-172-710, filed 12/7/72.] Repealed by Order 23, filed 7/31/75. Later promulgation, see WAC 106-172-711.
106-172-720	Right to review. [Order 10, § 106-172-720, filed 12/7/72.] Repealed by Order 23, filed 7/31/75. Later promulgation, see WAC 106-172-731.
106-172-725	Waivers. [Order 23, § 106-172-725, filed 7/31/75.] Repealed by Order 35, filed 7/13/77.
106-172-730	Research uses of information. [Order 10, § 106-172-730, filed 12/7/72.] Repealed by Order 23, filed 7/31/75.
106-172-760	Emergency procedures. [Order 10, § 106-172-760, filed 12/7/72.] Repealed by Order 23, filed 7/31/75. Later promulgation, see WAC 106-172-772.
106-172-770	Consent and confidentiality. [Order 23, § 106-172-770, filed 7/31/75.] Repealed by Order 35, filed 7/13/77.

WAC 106-172-700 Purpose. The purpose of WAC 106-172-700 through 106-172-799 is to set forth the policies of Central Washington University regarding the legitimate and appropriate use of official student records developed and used throughout the various offices of the university. 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.

[Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-08-011 (Order 39), § 106-172-700, filed 7/11/78; Order 35, § 106-172-700, filed 7/13/77; Order 29, § 106-172-700, filed 8/2/76; Order 23, § 106-172-700, filed 7/31/75; Order 10, § 106-172-700, filed 12/7/72.]

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

(1) The "university" means Central Washington University as a whole, including any and all of its component departments, offices, or units.

(2) "Directory information" means the student's name, university and permanent home address and telephone number, e-mail address, a photograph, date of birth, dates of attendance, class, major field(s) of study, previous institutions attended, awards and honors (including honor roll), degrees conferred (including dates), and participation in officially recognized sports and activities, and height and weight of members of athletic teams. Central Washington University may release directory information in accordance with the provisions of FERPA. Students may withhold directory

information by giving written notice within two weeks after the beginning of fall quarter. Requests for nondisclosure must be forwarded to the office of the vice-president for student affairs and enrollment management where an appropriate notation will be indicated on the student's file on the student information system. Students may place a nondisclosure indicator on their student record directly on the student information system. Requests for nondisclosure will be honored unless students submit a written request to have the block on their directory information removed. Students who wish to withhold directory information after they graduate, which would include their dates of attendance and degrees conferred, must submit another written request to the vice-president for student affairs and enrollment management. Forms for making requests to withhold directory information are available in the Office of the Vice-President for Student Affairs and Enrollment Management, Bouillon Hall, Room 204, at the Ellensburg campus.

(3) "Eligible student" means any person who is officially registered at this university.

(4)(a) "Education records" mean those records which:

(i) Are directly related to a student, and include admission, academic, financial aid, student account, placement records, and

(ii) Are maintained by the university or by a party acting for the university.

(b) The term education record does not include the following:

(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;

(ii) Records of public safety and police services which are maintained separately and solely for law enforcement officials of the same jurisdiction—provided that education records maintained by the university are not disclosed to the law enforcement unit;

(iii) Records of someone employed by the university, 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;

(iv) Records made by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional directly related to the treatment of a student, and not disclosed to anyone other than individuals providing treatment provided records can be reviewed by a physician or other appropriate professional of the student's choice.

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

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

(b) The student's university and permanent home address,

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

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

(e) Other information which would make 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) "Vice-president for student affairs and enrollment management" means the vice-president for student affairs and enrollment management or the vice-president's designee.

[Statutory Authority: RCW 28B.10.528, 28B.35.120(12) and 41 C.R.F. [C.F.R.] 06-50. 06-23-107, § 106-172-711, filed 11/17/06, effective 12/18/06. Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 94-21-048 (Order CWU AO 75), § 106-172-711, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 86-23-007 (Order 59), § 106-172-711, filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-08-011 (Order 39), § 106-172-711, filed 7/11/78; Order 35, § 106-172-711, filed 7/13/77; Order 29, § 106-172-711, filed 8/2/76; Order 23, § 106-172-711, filed 7/31/75. Formerly WAC 106-172-710 (part).]

WAC 106-172-721 Notification by educational institution. (1) The university 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 official 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 university 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 university has designated as directory information.

(2) Notice of the existence of this policy and the availability of the information described in subsection (1)(a) through (f) of this section may be published in any official university 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 vice-president for student affairs and enrollment management for the information described.

[Statutory Authority: RCW 28B.10.528, 28B.35.120(12) and 41 C.R.F. [C.F.R.] 06-50. 06-23-107, § 106-172-721, filed 11/17/06, effective 12/18/06. Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 94-21-048 (Order CWU AO 75), § 106-172-721, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 86-23-007 (Order 59), § 106-172-721, filed 11/7/86. Statutory Authority: RCW

28B.19.050 and 28B.40.120. 78-08-011 (Order 39), § 106-172-721, filed 7/11/78; Order 35, § 106-172-721, filed 7/13/77; Order 29, § 106-172-721, filed 8/2/76; Order 23, § 106-172-721, filed 7/31/75.]

WAC 106-172-731 Access to education records. The university shall provide each student access to his/her education records 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 university 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 university of reproducing such copies.

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

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

(5)(a) Students wishing access under provisions of this policy to education records maintained by the university 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 forty-five working days. The university registrar is not prohibited from providing a student with a copy of the student's academic transcript from CWU, 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 vice-president for student affairs and enrollment management will maintain a file showing what education records are maintained by any department or entity of the university and the title and address of the official responsible for maintenance of each record.

[Statutory Authority: RCW 28B.10.528, 28B.35.120(12) and 41 C.R.F. [C.F.R.] 06-50. 06-23-107, § 106-172-731, filed 11/17/06, effective 12/18/06. Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 94-21-048 (Order CWU AO 75), § 106-172-731, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 86-23-007 (Order 59), § 106-172-731, filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-08-011 (Order 39), § 106-172-731, filed 7/11/78; Order 35, § 106-172-731, filed 7/13/77; Order 29, § 106-172-731, filed 8/2/76; Order 23, § 106-172-731, filed 7/31/75. Formerly WAC 106-172-720 (part).]

WAC 106-172-733 Limitations on access to education records. Central Washington University shall not make available to a student the following types of materials:

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

(2) Confidential letters and statements of recommendation or evaluation which were provided to the university, 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.

(3) 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:

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

(b) Such recommendations are used solely for the purpose for which they were specifically intended.

[Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 86-23-007 (Order 59), § 106-172-733, filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-08-011 (Order 39), § 106-172-733, filed 7/11/78; Order 35, § 106-172-733, filed 7/13/77.]

WAC 106-172-735 Exception to consent requirements and record of access. (1) The university 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) University 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) Persons or organizations providing financial aid, individuals and organizations charged with oversight of the university, or of federal or state programs in which the university participates;

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

(f) Parents of any student under the age of twenty-one, regardless of the student's dependency status, in cases where the student has violated laws or university rules governing alcohol or controlled substances;

(g) Any personal subpoena and/or subpoena duces tecum, when lawfully prepared and served upon the university or an appropriate administrator of the university. The university will notify the student by certified or registered mail to the address or addresses on file with the university of any such subpoena. Such a notice will be sent to the student in advance of compliance with the subpoena;

(h) Persons in an emergency to protect the health and safety of students or other persons according to WAC 106-172-772;

(i) The U.S. Citizenship and Immigration Service under the terms and provisions of immigration law.

(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 university 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 will:

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

(b) Be available only to the student, to the employees of the university responsible for maintaining the records, and to the parties identified under WAC 106-172-735 (1)(a) and (d).

[Statutory Authority: RCW 28B.10.528, 28B.35.120(12) and 41 C.F.R. [C.F.R.] 06-50. 06-23-107, § 106-172-735, filed 11/17/06, effective 12/18/06. Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 94-21-048 (Order CWU AO 75), § 106-172-735, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-08-011 (Order 39), § 106-172-735, filed 7/11/78; Order 35, § 106-172-735, filed 7/13/77; Order 23, § 106-172-735, filed 7/31/75.]

WAC 106-172-740 Information not to be required.

(1) The university shall not require from any student the following information, for purposes of record:

(a) Religious affiliations or religious/ethical value systems;

(b) Political affiliations or views;

(c) Membership status in any organization not directly connected with recognized educational functions of the university;

(d) Ethnic background.

(2) The university shall enable the student to record this information if he or she should desire.

[Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-08-011 (Order 39), § 106-172-740, filed 7/11/78; Order 23, § 106-172-740, filed 7/31/75; Order 10, § 106-172-740, filed 12/7/72.]

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 university shall make periodic review of its records to ensure compliance with this provision.

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

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 94-21-048 (Order CWU AO 75), § 106-172-750, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-08-011 (Order 39), § 106-172-750, filed 7/11/78; Order 35, § 106-172-750, filed 7/13/77; Order 10, § 106-172-750, filed 12/7/72.]

WAC 106-172-761 Right to a proceeding. (1) The university shall provide students an opportunity for a proceeding in order to challenge the content of a student's education records to insure that the records are not inaccurate, mislead-

ing, or otherwise in violation of the privacy or other rights of students.

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

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12), 94-21-048 (Order CWU AO 75), § 106-172-761, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 28B.19.050 and 28B.40.120, 78-08-011 (Order 39), § 106-172-761, filed 7/11/78; Order 35, § 106-172-761, filed 7/13/77; Order 29, § 106-172-761, filed 8/2/76; Order 23, § 106-172-761, filed 7/31/75.]

WAC 106-172-763 Informal proceedings. (1) Whenever possible the university 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 university official who has custody of the education records; and
- (b) Second, discuss with the vice-president for student affairs and enrollment management or designee the nature of the corrective action recommended by the student.

[Statutory Authority: RCW 28B.10.528, 28B.35.120(12) and 41 C.R.F. [C.F.R.] 06-50. 06-23-107, § 106-172-763, filed 11/17/06, effective 12/18/06. Statutory Authority: RCW 28B.10.528 and 28B.35.120(12), 94-21-048 (Order CWU AO 75), § 106-172-763, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11), 86-23-007 (Order 59), § 106-172-763, filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.40.120, 78-08-011 (Order 39), § 106-172-763, filed 7/11/78; Order 35, § 106-172-763, filed 7/13/77.]

WAC 106-172-765 Conduct of the proceeding. (1) If informal proceedings fail to resolve the complaint of a student, the student may file with the vice-president for student affairs and enrollment management a written request for the proceeding before a proceeding officer of the university to be designated by the vice-president for student affairs and enrollment management, and who does not have a direct interest in the outcome of the proceeding.

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

(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 pre-

sented, and which includes a summary of the evidence and the reasons for the decision.

(5) If, as a result of the proceeding, the decision is:

(a) To amend the record, the university 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 proceeding officer shall be advised by the assistant attorney general representing the university.

[Statutory Authority: RCW 28B.10.528, 28B.35.120(12) and 41 C.R.F. [C.F.R.] 06-50. 06-23-107, § 106-172-765, filed 11/17/06, effective 12/18/06. Statutory Authority: RCW 28B.10.528 and 28B.35.120(12), 94-21-048 (Order CWU AO 75), § 106-172-765, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11), 86-23-007 (Order 59), § 106-172-765, filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.40.120, 78-08-011 (Order 39), § 106-172-765, filed 7/11/78; Order 35, § 106-172-765, filed 7/13/77.]

WAC 106-172-772 Release of information for health or safety emergencies. (1) The university (president or designee, vice-president for student affairs and enrollment management) may release information from education records 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 persons.

(2) The factors which should be taken into account in determining whether records may be released shall include:

- (a) The seriousness of the threat to the health or safety of the student or other persons;
- (b) The need for such records to meet the emergency;
- (c) Whether the persons to whom such records are released are in a position to deal with the emergency; and
- (d) The extent to which time is of the essence in dealing with the emergency.

[Statutory Authority: RCW 28B.10.528, 28B.35.120(12) and 41 C.R.F. [C.F.R.] 06-50. 06-23-107, § 106-172-772, filed 11/17/06, effective 12/18/06. Statutory Authority: RCW 28B.10.528 and 28B.35.120(12), 94-21-048 (Order CWU AO 75), § 106-172-772, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11), 86-23-007 (Order 59), § 106-172-772, filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.40.120, 78-08-011 (Order 39), § 106-172-772, filed 7/11/78; Order 23, § 106-172-772, filed 7/31/75. Formerly WAC 106-172-760 (part).]

WAC 106-172-775 Limitation on liability. The university shall not be liable for student records when information available only from the student is not provided initially or kept up to date by the student. This provision shall apply when the university has made adequate provision for supplying the information.

[Statutory Authority: RCW 28B.19.050 and 28B.40.120, 78-08-011 (Order 39), § 106-172-775, filed 7/11/78; Order 23, § 106-172-775, filed 7/31/75.]