

## Chapter 478-140 WAC

# RULES AND REGULATIONS FOR THE UNIVERSITY OF WASHINGTON GOVERNING STUDENT EDUCATION RECORDS

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

478-140-020	General rule. [Order 72-11, § 478-140-020, filed 11/30/72.] Repealed by Order 75-1, filed 3/5/75.
478-140-030	Requests from outside the university. [Order 72-11, § 478-140-030, filed 11/30/72.] Repealed by Order 75-1, filed 3/5/75.
478-140-040	Requests from inside the university. [Order 72-11, § 478-140-040, filed 11/30/72.] Repealed by Order 75-1, filed 3/5/75.
478-140-060	Student records committee. [Order 75-1, § 478-140-060, filed 3/5/75; Order 72-11, § 478-140-060, filed 11/30/72.] Repealed by WSR 99-12-110, filed 6/2/99, effective 7/3/99. Statutory Authority: RCW 28B.20.-130.

**WAC 478-140-010 University policy on student education records.** The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Sec. 1232g, provides for the right of a student to inspect his or her education records, and guidelines concerning the release of those records to third parties. The act further provides that such a student may request a hearing in order to correct or delete inaccurate, misleading or otherwise inappropriate data, and that currently registered students be informed annually of their rights under the act. Any student who alleges a failure by the university to comply with the act has the right to file a complaint with the U.S. Department of Education.

Consistent with the act, this policy on student education records is established to ensure that the education records and the information contained in such records are treated in a responsible manner.

[Statutory Authority: RCW 28B.20.130. WSR 99-12-110, § 478-140-010, filed 6/2/99, effective 7/3/99; Order 75-1, § 478-140-010, filed 3/5/75; Order 72-11, § 478-140-010, filed 11/30/72.]

**WAC 478-140-015 Definition of a student.** For the purposes of these rules, a student is defined as any person who is or has been admitted or is or has been officially registered in courses at the University of Washington for at least one day of an academic program and with respect to whom the university maintains education records; except that a person who has applied to a unit of the university (e.g., college, department, graduate or professional program) is not consid-

ered to be a student of that unit, even if he or she is or has been attending another unit of the university, if he or she never attended the unit applied to and/or the application is denied. For most individuals, this means one day of an academic quarter.

[Statutory Authority: RCW 28B.20.130. WSR 99-12-110, § 478-140-015, filed 6/2/99, effective 7/3/99. Statutory Authority: RCW 28B.20.130(1). WSR 79-05-025 (Order 79-1), § 478-140-015, filed 4/18/79; Order 75-1, § 478-140-015, filed 3/5/75.]

**WAC 478-140-018 Education records—Student's right to inspect.** (1) A student has the right to inspect and review his or her education records except where otherwise provided in this chapter.

(a) The term "education records" means those records, files, documents and other materials which contain information directly related to a student and are maintained by the university.

(b) Types of education records, and the university officials responsible for those records, include, but are not limited to:

(i) Official transcripts of courses taken and grades received, records relating to prior education experience, and admission records. The executive director of admissions and records, whose office is located in Schmitz Hall, is responsible for the maintenance of such records. In addition, the director of graduate admissions, whose office is located in Loew Hall, is responsible for the maintenance of certain admission and current education status records for graduate students, as are the admission directors of the professional schools of dentistry, law, medicine and pharmacy.

(ii) Tuition and fee payment records. The manager of the student accounts office, located in Schmitz Hall, is responsible for the maintenance of such records.

(iii) Student disciplinary records. The vice president for student affairs, whose office is located in Schmitz Hall, is responsible for the maintenance of such records.

(iv) Education records relating to a student's particular field of study may be maintained by the departments and colleges throughout the university. Where such education records are so maintained, the respective chair or dean of the department or college is responsible for maintenance of the records.

(c) The term "education records" does not include:

(i) Any record of instructional, supervisory, administrative or educational personnel which is in the sole possession of the maker thereof and not accessible or revealed to any other person except a substitute. For the purposes of this subsection, substitute means:

(A) A person who is providing instruction in place of or as assistant to the regularly assigned faculty member in a course in which knowledge of the performance of individual students is essential to the provision of instruction, or

(B) A person who is supervising a student's thesis or research progress in place of or as an assistant to the regularly assigned faculty member during a prolonged absence.

(ii) Records created and maintained by the University of Washington police department for the purposes of law enforcement, except that education records created by another university department remain education records while in the possession of the police department.

(iii) Records made and maintained in the normal course of business which relate exclusively to the person's capacity as an employee and are not available for any other purposes; however, records concerning a student who is employed as a result of his or her status as a student (e.g., graduate student service appointments) shall not be considered to relate exclusively to a student's capacity as an employee.

(iv) Health care records on a student that are created or maintained by a health care provider or health care facility in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, the student, or a health care provider of the student's choice (see also chapter 70.02 RCW).

(v) Records of an institution which contain only information relating to a person after that person is no longer a student at the university (e.g., information pertaining to the accomplishment of an alumnus or alumna).

(2)(a) Confidential recommendations, evaluations or comments concerning a student, shall nonetheless be made available to the student, except as provided in (b), (c) and (d) of this subsection.

(b) The student may specifically waive his or her right to inspect and review education records where the information consists only of confidential recommendations respecting the student's:

- (i) Admission to the University of Washington or any other educational institution, or component part thereof, or
- (ii) Application for employment, or
- (iii) Receipt of an honor or honorary recognition.

(c) A student's waiver of his or her right to inspect and review confidential statements shall be valid only if:

(i) The student is, upon request, notified of the names of all persons making confidential statements concerning the student, the dates of such confidential statements and the purpose or purposes for which the statements were provided, and

(ii) Such confidential statements are used solely for the purpose or purposes for which they were provided, 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 university, and

(iv) Such waiver is in writing and signed and dated by the student.

(d) Such a waiver may be revoked, in writing, by the student; however, the revocation will be effective only for confidential statements or records dated after the date of the revocation.

(e) Confidential recommendations, evaluations or comments concerning a student prior to January 1, 1975, shall not be subject to release under WAC 478-140-018 (2)(a); how-

ever, upon request the student shall be notified of the names of the authors of all such confidential records, the dates appearing on such confidential records and the purpose for which each such confidential record was provided. Such records shall remain confidential and shall be released only with the consent of the author. Such records shall be used by the university only for the purpose or purposes for which they were provided.

(3) Where requested education records include information on more than one student, the student making the request shall be entitled to inspect, review or be informed of only the specific portion of the record about that student.

(4) A student may not inspect and review education records that are or contain financial records of his or her parents.

(5) Students may obtain copies of their education records. Charges for copies shall not exceed the cost normally charged by a University of Washington copy center (except in cases where charges have previously been approved for certain specified services).

(a) The university may refuse to provide copies of education records including transcripts and diplomas in the following circumstances:

(i) If the record is a secure exam as determined by the department that maintains the exam, so that the integrity of such exams may be protected;

(ii) If the student has outstanding debts owed to the university, so that the university may facilitate collection of such debts;

(iii) If disciplinary action is pending or sanctions are not completed.

(b) The university must provide copies of education records, subject to the provisions of (a) of this subsection, in the following circumstances:

(i) If failure to do so would effectively prevent the student from inspecting and reviewing a record;

(ii) When records are released pursuant to a student's consent and the student requests copies; and

(iii) When the records are transferred to another educational agency or institution where the student seeks or intends to enroll and the student requests copies.

(6) The office of the registrar is the only office which may issue an official transcript of the student's academic record.

(7) 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 478-140-018 or 478-140-021 be removed or destroyed prior to providing the student access.

[Statutory Authority: RCW 28B.20.130. WSR 03-12-007, § 478-140-018, filed 5/22/03, effective 6/22/03; WSR 99-12-110, § 478-140-018, filed 6/2/99, effective 7/3/99. Statutory Authority: RCW 28B.20.130(1). WSR 79-05-025 (Order 79-1), § 478-140-018, filed 4/18/79; Order 75-3, § 478-140-018, filed 5/22/75; Order 75-1, § 478-140-018, filed 3/5/75.]

**WAC 478-140-019 Student records committee.** The student records committee is appointed by the president of the university and 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 478-140-021. The committee shall consist of an administrator, a graduate student, an undergraduate student, two faculty and two university staff members. The committee will be advised by a representative of the university's attorney general's division.

[Statutory Authority: RCW 28B.20.130. WSR 99-12-110, § 478-140-019, filed 6/2/99, effective 7/3/99.]

**WAC 478-140-021 Requests and appeal procedures.**

(1) A request by a student to inspect and review his or her education records should be made in writing to the university official(s) or office(s) having custody of the particular records.

(2) Individual(s) or office(s) must respond to a request for education records, or explanations or interpretations of those records, within a reasonable period of time, but in no case more than forty-five days after the request has been made.

(3)(a) After reviewing his or her records, a student may ask the university to amend the records if the student believes information contained in the records is inaccurate or misleading. In such cases, the student should contact the appropriate dean or director responsible for custody of the record. The responsible party must inform the student of the party's decision within a reasonable period of time.

If the responsible party grants the student's request, the university shall amend the education records and inform the student in writing of the action taken.

(b) If the party receiving a request to amend an education record denies the student's request, the party must, within a reasonable period of time, inform the student of the decision and the student's right to a hearing before the university student records committee. The student must request in writing, addressed to the office of the registrar in Schmitz Hall, a hearing within ninety days of the date of the denial of his or her request by the custodian of the record.

(c) The committee shall hold a hearing within a reasonable period of time after the student files a request for a hearing. The student must receive notice of the hearing's date, time and place reasonably in advance of the hearing. The committee shall give the student a full and fair opportunity to present evidence relevant to the contested part of the education record. The student may, at his or her own expense, be assisted or represented by one or more individuals, including an attorney. The student records committee will render its decision in writing within a reasonable period of time following the hearing. The decision must be based on the records relevant to the matter and on any evidence presented to the committee. The decision must include a brief summary of the evidence and a statement of the reasons supporting the decision. The decision of the student records committee shall be the university's final decision.

(i) If the university student records committee grants the student's appeal, the university shall amend the education records of the student accordingly and shall inform the student in writing of the action taken.

(ii) If the university student records committee denies the student's appeal, the student shall be given the right to place in the education record a statement commenting upon the information in the education record and/or setting forth any reasons for disagreeing with the decision of the university

student records committee. The university must maintain the statement with the contested part of the record for as long as the record is maintained and must disclose the statement whenever it discloses the portion of the record to which the statement relates.

(d) The student records committee shall not review any matter regarding the appropriateness of official academic grades.

[Statutory Authority: RCW 28B.20.130. WSR 99-12-110, § 478-140-021, filed 6/2/99, effective 7/3/99. Statutory Authority: RCW 28B.20.130(1). WSR 79-05-025 (Order 79-1), § 478-140-021, filed 4/18/79; Order 75-1, § 478-140-021, filed 3/5/75.]

**WAC 478-140-024 Education records—Release.** (1)

The university shall not permit access to or the release of education records or personally identifiable information contained therein, other than "directory information" (as defined in subsection (5) of this section), without the written consent of the student, to any party other than the following:

(a) University staff and faculty, and students when officially appointed to a faculty council or administrative committee, when the information is required for a legitimate educational interest in support of the university's mission of education, research and public service and within the performance of their responsibilities to the university. The use of such information will be strictly limited to the performance of those responsibilities.

(b) Authorized representatives of the comptroller general of the United States, the Secretary of the U.S. Department of Education, or state or local authorities requiring access to education records, in connection with the audit or evaluation of a federally or state-supported education program or in connection with the enforcement of the federal or state legal requirements which relate to such a program.

(c) Agencies or organizations requesting information in connection with a student's application for, or receipt of, financial aid if the information is necessary to determine:

- (i)(A) Eligibility for financial aid;
- (B) The amount of financial aid; or
- (C) The conditions for financial aid;

(ii) Or, enforce the terms and conditions of financial aid.

(d) Organizations conducting studies for or on behalf of the university or educational agencies or institutions for purposes of developing, validating, or administering student aid programs, or improving instruction or student services, if such studies are conducted in such a manner as will not permit the personal identification of students or their parents 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, or as a consequence of the university initiating legal action against a parent or student, upon condition that the university makes a reasonable effort to notify the student of all such orders or subpoenas or of its intent to release records in advance of compliance or release, unless directed otherwise by the court issuing the subpoena. Any university individual(s) or office(s) receiving a sub-

poena or judicial order for education records should immediately notify the attorney general's division.

(g) Alleged victims of a crime of violence or a nonforcible sexual offense requesting the final results of disciplinary proceedings conducted by the university under its student conduct code against the alleged perpetrator of such crime with respect to such crime.

(h) To others, the final results of a disciplinary proceeding when, at its discretion the university believes that disclosure will serve a legitimate educational interest, and determines through a disciplinary proceeding conducted under its student conduct code that the alleged student perpetrator committed a crime of violence or a nonforcible sexual offense that is a violation of the university's rules or policies with respect to such crime or offense. For purposes of this subsection, "final results" means the name of the student perpetrator, the violation committed, and any sanction imposed by the university on that student. Names of other students involved in the violation, such as a victim or witness, will be released only with the written consent of that other student or students.

(i) For the purpose of (g) and (h) of this subsection, a "crime of violence" means:

(i) An offense that has an element the use, attempted use, or threatened use of physical force against the person or property of another, or

(ii) An offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(j) Victims alleging a sexual offense shall be notified of the outcome of disciplinary proceedings through the student conduct code (chapter 478-120 WAC).

(k) Officials of another institution of postsecondary education where the student seeks to enroll; the university shall provide the student a copy of the records released.

(l) Officials of another postsecondary institution or educational agency in which the student is enrolled or from which the student receives services when there is a legitimate educational interest.

(m) State or local officials or authorities, if a state statute adopted before November 19, 1974, specifically requires disclosures to those officials and authorities. The university may limit the number and type of officials to whom disclosure will be made under this subsection.

(n) A parent of a minor student or a nonminor dependent student, as defined in the Internal Revenue Code and upon submission of a copy of the most recent Internal Revenue Service annual tax return showing the student as a dependent.

(o) When, at its discretion, it believes that disclosure will serve a legitimate educational interest, the university may release to a parent or legal guardian of a student, information regarding that student's violation of any federal, state, or local law, or of any rule or policy of the university, governing the use or possession of alcohol or a controlled substance if:

(i) The student is under the age of twenty-one, and

(ii) The university determines that the student has committed a disciplinary violation with respect to such use or possession.

(p) Appropriate persons in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individual(s).

(q) Appropriate persons for whom information about the student's university-sponsored student health insurance status is necessary to protect the welfare of the student (e.g., to pay premiums, provide medical treatment, process claims).

(r) For deceased students, members of the family or to other persons with the approval of the family or representatives of the estate. The request for education records must be accompanied by a copy of the death certificate or obituary. Absent approval from the family or representative of the estate, directory information only will be released to persons upon request.

(2) Where the consent of the student is obtained for the release of education records, it shall be in writing, signed and dated by the student, or through the use of computer technology if the identification of the requesting student can be verified by the university, 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 may be released.

(3) The university shall keep with the education record released, a log which will indicate the parties which have requested or obtained access to a student's records maintained by the university, including the names of additional parties to whom the receiving party was permitted by the university to disclose the record, and which will indicate the interest claimed by the requesting party. The university need not maintain a log of releases made to university officials who have been determined to have a legitimate educational interest; releases to the student; releases made pursuant to a student's written consent, or releases of directory information only. The log of disclosure may be inspected and reviewed by the student, the university official responsible for the custody of the records, and other authorized parties.

(4) Education records, other than directory information, released to third parties, with or without student consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released to any other parties without obtaining consent of the student and must be destroyed when no longer needed for the purposes for which it was provided. Third parties and their agents may use such information only for the purposes for which it was released.

(5) The term "directory information" used in WAC 478-140-024(1) is defined as a student's name, street address, e-mail address, telephone numbers, date of birth, major and minor field(s) of study, class, participation in officially recognized activities and sports, weight and height if the student is a member of an intercollegiate athletic team, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Students may restrict release of directory information, or remove a previous directory release restriction, by going to the registration office (225 Schmitz Hall) in person and presenting photo identification, or using STAR online.

[Statutory Authority: RCW 28B.20.130. WSR 99-12-110, § 478-140-024, filed 6/2/99, effective 7/3/99. Statutory Authority: RCW 28B.20.130(1). WSR 79-05-025 (Order 79-1), § 478-140-024, filed 4/18/79; Order 75-1, § 478-140-024, filed 3/5/75.]

**WAC 478-140-050 University records.** All university individual(s) or office(s) which have custody of education records will develop procedures in accord with WAC 478-140-010 through 478-140-024. Any supplementary policies and procedures found necessary by departments will be filed with the student records committee, which will be responsible for periodic review of policy and procedures.

[Statutory Authority: RCW 28B.20.130. WSR 99-12-110, § 478-140-050, filed 6/2/99, effective 7/3/99; Order 75-1, § 478-140-050, filed 3/5/75; Order 72-11, § 478-140-050, filed 11/30/72.]

**WAC 478-140-070 Notice of university rules governing student education records.** The university will publish in the quarterly *Time Schedule* a notice of students' rights under the Family Educational Rights and Privacy Act of 1974. Copies of the university rules are available through the Washington Administrative Code located in the reference stations on campus. The university shall provide copies of these rules to students upon request.

[Statutory Authority: RCW 28B.20.130. WSR 99-12-110, § 478-140-070, filed 6/2/99, effective 7/3/99. Statutory Authority: RCW 28B.20.130(1). WSR 79-05-025 (Order 79-1), § 478-140-070, filed 4/18/79.]

**WAC 478-140-080 Appeals to the U.S. Department of Education.** Students may file complaints with the U.S. Department of Education concerning alleged failures by the university to comply with the requirements of the Family Educational Rights and Privacy Act or its implementing regulations.

[Statutory Authority: RCW 28B.20.130. WSR 99-12-110, § 478-140-080, filed 6/2/99, effective 7/3/99.]