

WAC 172-191-090 Disclosures authorized without consent. The university will use reasonable methods to identify and authenticate the identity of persons to whom it discloses personally identifiable information from education records and will not permit the access to or the release of education records or personally identifiable information other than "directory information" as defined in WAC 172-191-100, without the student's consent, to any party other than the following:

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

- (a) Determine eligibility for financial aid;
- (b) Determine the amount of financial aid;
- (c) Determine the conditions of financial aid; or
- (d) Enforce the terms and conditions of financial aid.

(2) Authorized representatives of the Comptroller General of the United States, the Attorney 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 federal or state supported education program or in connection with the enforcement of or compliance with federal legal requirements which relate to such a program.

(3) School officials who have a legitimate educational interest in the records.

(a) A "school official" is:

(i) A person employed by the university in an administrative, supervisory, academic, research, support staff, law enforcement, or health care service position;

(ii) A person serving on the university's board of trustees;

(iii) A student serving on an official university committee or assisting another school official in fulfilling their professional responsibilities (examples include, but are not limited to, service on a disciplinary committee and work study students); and

(iv) A contractor, consultant, volunteer or other party to whom the university has outsourced to provide a service and/or to assist another school official in conducting official business (examples include, but are not limited to, an attorney, an auditor, a collection agency, or the National Student Clearinghouse, an agency which acts as a clearinghouse for student loan deferment reporting).

(b) "Legitimate educational interest" exists if the information requested by the school official is necessary for the official to perform a task specified in his/her position description or contract agreement including: The performance of a task related to a student's education; the performance of a task related to the discipline of a student; the provision of a service or benefit relating to the student or student's family, such as a health education, counseling, advising, student employment, financial aid, or other student service related assistance; the maintenance of the safety and security of the campus; and/or the provision of legal assistance regarding a student matter.

(4) 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.

(5) Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

(6) Organizations conducting studies for, or on behalf of, the university for the purpose of developing, validating, or administering predictive tests; administering student aid programs; or improving instruction, if the studies are conducted in a manner that will not permit the personal identification of students or their parents by persons other than representatives of such organizations who have legitimate interests in the information; such information will be destroyed when no longer needed for the purposes for which it was provided; and the university enters into a written agreement with the organization that specifies the purpose, scope and duration of the study and the information to be disclosed, requires the organization to use personally identifiable information from education records only to meet the purpose(s) of the study as stated in the written agreement; and requires the organization to conduct the study in a manner that does not permit personal identification of parents and students to anyone other than representatives of the organization with legitimate interests, and requires the organization to destroy or return all personally identifiable information within a specified time period when it is no longer needed for the purposes for which the study was conducted.

(7) Accrediting organizations to carry out accreditation functions.

(8) Persons or entities designated by a judicial order or lawfully issued subpoena, upon the condition that the university makes a reasonable effort to notify the student of all such orders or subpoenas and of its intent to release records in advance of compliance with the order or subpoena, unless:

(a) It is a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

(b) A subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response not be disclosed; or

(c) An ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b (g) (5) (B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.

(9) Appropriate persons, including parents of an eligible student, in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of the student or other individuals.

(10) Persons who request information that is designated as "directory information."

(11) Victims alleging a crime of violence or a nonforcible sex offense, the final results of a disciplinary proceeding conducted by the university after October 7, 1998, with respect to the alleged crime or offense. Disclosure is permitted regardless of whether the university concluded a violation was committed.

(12) To others, the final results of the 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 those students.

(13) Parent of a student of the university regarding the student's violation of any federal, state, or local law, or of any rule or policy of the university, governing the use of alcohol or controlled substance, if the student is under the age of twenty-one, and the university had determined that the student has committed a disciplinary violation with respect to that use or possession.

(14) When a parent or eligible student initiates legal action against the university or when the university initiates legal action against the parent or eligible student, the university may disclose to the court any education records of the student that are relevant to the legal action.

(15) Students upon providing evidence sufficient to demonstrate that the requesting individual is in fact the student to whom the records relate such as: A driver's license; a university student identification card; or other photographic identification.

(16) For deceased students, members of the family or other persons with the written 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 written approval from the family or representative of the estate, only directory information will be disclosed to persons upon request.

(17) The disclosure concerns sex offenders and other offenders required to register under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, and the information was provided to the educational agency or institution under 42 U.S.C. 14071 and applicable federal guidelines.

(18) The disclosure involves records or information from which all personally identifiable information has been removed.

[Statutory Authority: RCW 28B.35.120(12). WSR 09-19-064, § 172-191-090, filed 9/14/09, effective 10/15/09.]