

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 subpoena 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 478-121 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 identifica-

tion 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, email 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 17-15-068, § 478-140-024, filed 7/14/17, effective 8/18/17; 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.]