Chapter 132S-10 WAC
PUBLIC RECORDS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132S-10-015 Responsibility. [Order 73-4, § 132S-10-015, filed 6/18/73.] Repealed by WSR 82-21-012 (Order 82-1), filed 10/11/82. Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW.

WAC 132S-10-010 Designation of legislative liaisons. In accordance with the implementation of Initiative 276, passed by the voters of the state of Washington on November 7, 1972, and effective January 1, 1973, those persons holding the following positions within Community College District No. 19 are designated legislative liaisons for Community College District No. 19:

(1) Members of the board of trustees;

(2) District president; and

(3) All those persons designated in writing by the president of Community College District No. 19, which writing shall be made available among the records maintained by the office of the president of Community College District No. 19.

[Order 73-4, § 132S-10-010, filed 6/18/73.]

WAC 132S-10-016 Public records—Purpose and definitions. The purpose of this chapter shall be to ensure compliance by Community College District 19 with the provisions of chapter 1, Laws of 1973 (Initiative 276) Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25-32 of that act, dealing with public records.

(1) Public records. "Public records" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) Community College District 19. Columbia Basin Community College is the community college created by the legislature pursuant to the Community College Act of 1967. Community College District 19 shall hereinafter be referred to as the "college." Where appropriate, the term college also refers to the staff and employees of the Columbia Basin Community College.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-016, filed 10/11/82. Formerly WAC 132S-17-010 and 132S-17-015.]

WAC 132S-10-020 Operations and procedures. The formal procedures for decision making at the college are determined by the bylaws of the board of trustees at Columbia Basin Community College and rules promulgated in accordance with the requirements of chapter 28B.19 RCW, the Higher Education Administrative Procedure Act (HEAPA). Accordingly, all rules, orders or directives, or regulations of the college which affect the relationship of the general public with the institution, or the relationship of particular segments of the college, such as students, faculty, or other employees, with the college or with each other:

(1) The violation of which subjects the person to a penalty of administrative sanction;

(2) Which establishes, alters, or revokes any procedures, practice, or requirement relating to institutional hearings; or

(3) Which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; are implemented only through the procedures of the HEAPA. In accordance with RCW 28B.19.020(2), the college reserves the right to promulgate as internal rules not created or implemented in accordance with the HEAPA, the following: Rules, regulations, orders, statements, or policies relating primarily to the following: Standards for admissions; academic advancement, academic credits, graduation and the granting of degrees; tuition and fees, scholarships, financial aids, and similar academic matters; employment relationships; fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under this chapter unless otherwise required by law.

Other formal procedures may appear within the policies of Columbia Basin Community College and may relate to such things as matters that must be first considered by the faculty senate or subcommittees thereof or by the associated students of Columbia Basin Community College or subcommittees thereof prior to their consideration by the board of trustees. Requirements regarding such prior considerations by any faculty or student or any other college group also appear in the bylaws of Columbia Basin Community College.

Informal procedures regarding the methods and general course of operations at the college are, for the purposes of these rules, either:

(a) Decisions made by persons authorized by board resolution, the president, vice-president, or any designee to make a decision within the scope of responsibility assigned to such person; or

(b) Methods of human persuasion utilized by any member of the college's constituencies or the public to attempt to influence one in power to make decisions within that person's scope of responsibility.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-020, filed 10/11/82. Formerly WAC 132S-17-025.]

WAC 132S-10-021 Public records available. All public records of the college are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 132S-10-027.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-021, filed 10/11/82. Formerly WAC 132S-17-030.]

WAC 132S-10-022 Public records officer. The college's public records shall be in charge of the public records officer designated by the president. The person so designated shall be located in the administrative office of the college. The public records officer shall be responsible for the following: The implementation of the college's rules and regulations regarding release of public records, coordinating the staff of the college in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-022, filed 10/11/82. Formerly WAC 132S-17-035.]

WAC 132S-10-023 Public records—Office hours. Public records shall be available for inspection for copying during the office hours of 9:00 a.m. to noon, Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-023, filed 10/11/82. Formerly WAC 132S-17-040.]

WAC 132S-10-024 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the college which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the college's administrative staff, if the public records officer is not available at the administrative office in the college during the hours listed above. The request shall include the following information:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The person making the request for public inspection of records shall specify the time of day and date when the person wishes to inspect said records;

(d) The nature of the request;

(e) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;

(f) If the requested matter is not identifiable by reference to the college's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-024, filed 10/11/82. Formerly WAC 132S-17-045.]

WAC 132S-10-025 Public records—Fees. No fee shall be charged for the inspection of public records. The college shall charge a minimum fee of $.25 per page of copy for providing copies of public records and for use of the college's copy equipment. This charge is the amount necessary to reimburse the college for its actual costs incident to such copying.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-025, filed 10/11/82. Formerly WAC 132S-17-050.]

WAC 132S-10-026 Public records—Exemptions. (1) The college reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132S-10-024 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the college reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-026, filed 10/11/82. Formerly WAC 132S-17-055.]

WAC 132S-10-027 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request

shall refer it to the president of the college. The president shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the board of trustees as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the board of trustees has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-027, filed 10/11/82. Formerly WAC 132S-17-060.]

WAC 132S-10-028 Public records index. (1) Index. The college has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) Availability. The current index promulgated by the college shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-028, filed 10/11/82. Formerly WAC 132S-17-065.]

WAC 132S-10-029 Request for public records—Address. All communications with the college including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973 and these rules; requests for copies of the college's decisions and other matters, shall be addressed as follows: Columbia Basin Community College, c/o Public Records Officer, 2600 North Chase Street, Pasco, Washington.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-029, filed 10/11/82. Formerly WAC 132S-17-070.]