

Chapter 132F-168 WAC

ACCESS TO PUBLIC RECORDS

WAC

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WAC 132F-168-010 Access to public records. This chapter shall be known as Seattle Community College District rules on public records.

[Order 16, § 132F-168-010, filed 10/4/73.]

WAC 132F-168-020 Purpose. Seattle Community College District shall comply with the provisions of chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records, while at the same time preserving the orderly operation of the Seattle Community College District and the privacy of the students and employees of the school.

[Order 36, § 132F-168-020, filed 11/21/77; Order 16, § 132F-168-020, filed 10/4/73.]

WAC 132F-168-030 Request for document inspection. (1) As defined by RCW 42.17.020(26), a public record "includes any writing containing information relating to the conduct of government 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." Public records are presumptively available for public access, except as restricted by WAC 132F-168-050. Any person wishing to inspect a public record shall submit Form 1, "request for inspection of public records" WAC 132F-168-100. Each request must be presented to a dean of instruction, dean of students, registrars, district director of employee relations and personnel, business managers, or to their secretaries during regular office hours of the school, as defined in WAC 132F-168-080.

(2) The officer to whom the request is presented shall, by the close of the following business day: (a) Make the requested document available, or (b) state that such a document does not exist, or (c) ask for clarification of the document requested, or (d) deny access because the document is exempt from public inspection under WAC 132F-168-050. The action taken shall be marked on Form 1 and returned to the person submitting the form.

[Order 36, § 132F-168-030, filed 11/21/77; Order 16, § 132F-168-030, filed 10/4/73.]

WAC 132F-168-040 Appeal. (1) If request is denied by the officer pursuant to WAC 132F-168-030, the person

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requesting the document may appeal to the appropriate campus president or to the district president. The appellant shall file Form 2, together with Form 1 as returned, with the secretary to the campus president or district president, during the day the appeal is returned, if returned prior to 3 p.m., or by 11 a.m. the following business day if returned after 3 p.m. A campus president or the district president shall answer the appeal by returning Form 2 to the person requesting the record before the end of the second business day following the original denial of inspection on Form 1, unless a later time is indicated in the form. In all cases, the person requesting the record shall be notified by the end of the second business day of the disposition of the request.

(2) If an appeal is filed after the time required in WAC 132F-168-040(1), then the return date shall be the end of the second business day following the filing of the appeal.

(3) The filing of a request and the return of Form 1 and Form 2 indicating disposition, is made by leaving the form with the secretary of the officer. The secretary of the officer shall mark the time and date of: (a) The receipt of the form, (b) the return of the form with disposition, and (c) the demand made for return by the person submitting the form. A request shall be deemed denied or an appeal denied only after the person filing the form has been notified by the secretary of the dean, personnel officer, president or district president. In all cases, the person shall be notified by the end of the second business day.

(4) Administrative remedies shall not be considered exhausted until the campus president or the district president has returned the appeal form by the close of the second business day. An appeal may then be made to the board at the next scheduled board meeting.

[Order 36, § 132F-168-040, filed 11/21/77; Order 16, § 132F-168-040, filed 10/4/73.]

WAC 132F-168-050 Exemptions. (1) Public access shall not be granted to documents exempt under RCW 42.17.310, "certain personal and other records exempt," unless the officer determines that disclosure would not affect any vital governmental interest. If the interest can be protected by deletion of personal references, access shall be granted following deletion of such material, and a reasonable time shall be allowed for deleting the material.

(2) Examination of individual files of Seattle Community College District students shall be in accordance with the provisions of district policy 310, student records and federal register, Part 99 - Privacy rights of parents and students.

(3) Individual files of applicants, employees, and officers of Seattle Community College District are available only to members of the faculty and staff of Seattle Community College District who are entrusted with the care and custody of the files, to supervisory personnel, and to the business staff for purposes necessary to carrying out their functions. The

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only information contained in the individual file of an employee which shall be available for public inspection shall be the name, status, salary and teaching duties of the employee. The employee, however, shall have full access to his personnel file as agreed upon in the employee-organization contract.

[Order 36, § 132F-168-050, filed 11/21/77; Order 16, § 132F-168-050, filed 10/4/73.]

WAC 132F-168-060 Copying. Persons granted access to public records pursuant to Form 1 shall be allowed to obtain copies of such documents as they desire upon the payment of twenty-five cents per copy page. Copies of documents will be made by an authorized staff member of the Seattle Community College District on any available copier. Payment for copies shall be made to a cashier of the college who will issue a receipt which must be presented to the person in charge of the copying machine. The charge of twenty-five cents per copy page is the reasonable cost of paper and copying charges for Seattle Community College District.

[Order 36, § 132F-168-060, filed 11/21/77; Order 16, § 132F-168-060, filed 10/4/73.]

WAC 132F-168-070 Protection of privacy. Any student, employee or applicant who believes a document has been or is about to be released, and who believes his or her right to privacy will be infringed by public inspection of the document, may file a protest with the appropriate campus president or the district president. If, after consideration of the request for inspection and the protest, the campus president or the district president believes inspection should be denied, he should take appropriate action as listed in RCW 42.17.330, "court protection of public records."

[Order 36, § 132F-168-070, filed 11/21/77; Order 16, § 132F-168-070, filed 10/4/73.]

WAC 132F-168-075 Judicial review of agency action. Per RCW 42.17.340, "Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a specific public record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is required."

[Order 36, § 132F-168-075, filed 11/21/77.]

WAC 132F-168-080 Office hours. For purposes of this chapter, the regular office hours of Seattle Community College District shall be considered 9 a.m. through 4 p.m., Monday through Friday; except for legal holidays for state employees.

[Order 16, § 132F-168-080, filed 10/4/73.]

WAC 132F-168-090 Sanctions. If a person granted access to public records pursuant to this chapter destroys, mutilates or who returns the documents in an unreasonably disorganized fashion, a campus or district president may order that that person be denied further access to documents of the Seattle Community College District. Any person wish-

ing to contest such an order may request a hearing before the president or his designee concerning the charges, and such a hearing shall be considered a contested case for purposes of chapter 28B.19 RCW.

[Order 36, § 132F-168-090, filed 11/21/77; Order 16, § 132F-168-090, filed 10/4/73.]

WAC 132F-168-100 Request for inspection of public records—Form 1.

COMMUNITY COLLEGE DISTRICT VI
REQUEST FOR INSPECTION OF
PUBLIC RECORDS—FORM 1

To be completed by applicant

To:

The applicant requests inspection of the following documents:

- 1.
- 2.
- 3.

The applicant agrees to return the documents unharmed and in an orderly fashion.

Signed

Address

Present this form to a dean of instruction, dean of students, district director, employee relations and personnel, business managers, or the secretary of one of the above officials.

To be completed by campus official

- The requested document is available for inspection.
- The district is not in possession of such a document.
- Please clarify precisely what documents are being requested as it cannot be determined from your application what documents are desired.
- The request is denied because the document is:
 - (a) Personal information in a file maintained for a student of this institution.
 - (b) Personal information in a file maintained for an employee of the district, disclosure of which would violate the employee's right to privacy.
 - (c) A preliminary draft, note, recommendation or intra-agency memorandum in which opinions are expressed or policies formulated or recommended, which document has not been publicly cited by this agency in connection with an agency action.
 - (d) A record which is relevant to a controversy to which this agency is a party which record would not be available to another party under the rules of pretrial discovery.
 - (e) The document contains personal information which, when deleted, can be released, and such deletions will be completed by
 - (f) Other

Signed

Title

Time/Date Form Received

Time/Date Form Returned to Applicant

Applicant's Demand Date for Return of Request

A refusal to make a record available for inspection may be appealed to a campus president or the district president. If the request is denied prior to 3 p.m., the appeal should be filed by the close of the business day. If the request is denied after 3 p.m., the appeal should be filed by 11 a.m. of the next business day.

[Order 36, § 132F-168-100, filed 11/21/77.]

WAC 132F-168-110 Request for inspection of public records—Form 2.

COMMUNITY COLLEGE DISTRICT VI
REQUEST FOR INSPECTION OF
PUBLIC RECORDS—FORM 2

To:
(Appropriate campus/district president)

The applicant has been denied inspection of a document which is possessed by Seattle Community College District. The denial was made following submission of Form 1 (attached hereto).

The applicant appeals the disposition made on Form 1 and requests you to review this denial prior to the close of the second business day following the denial of the request.

Signed

Address

Present this form to the secretary of the campus president or the district president.

The appellant understands the president is not available until., and agree to an extension of the return time until.

Signed

DISPOSITION

- Inspection of the documents is granted.
- Inspection will be granted following deletion of personal materials in the requested documents.
- Inspection of the document is denied because
.....
.....

Signed

Title

Time/Date Form received

Time/Date Form returned to applicant

Applicant's demand date for return of request

[Order 36, § 132F-168-110, filed 11/21/77.]