

# Chapter 132U-276 WAC

## ACCESS TO PUBLIC RECORDS AND DOCUMENTS AT WHATCOM COMMUNITY COLLEGE

**WAC**

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**WAC 132U-276-100 Purpose.** The purpose of this chapter shall be to ensure compliance by Community College District No. 21 with the provisions of chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records; and in particular sections 250-340 of that act, dealing with public records.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-276-100, filed 7/8/88.]

**WAC 132U-276-110 Definitions.** (1) **Public records.** "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; provided, however, that the personal and other records cited in RCW 42.17.310 are exempt from the definition of public record.

(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.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-276-110, filed 7/8/88.]

**WAC 132U-276-120 Description of organization.** (1) Community College District No. 21 is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located at 237 - West Kellogg Rd., Whatcom County, Washington. The college service center comprises the central headquarters for all operations of the district.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of

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trustees normally meets twice each month, as provided in WAC 132U-104-030. The board of trustees employs a president, an administrative staff, members of the faculty and other employees. The board of trustees takes such actions and promulgates such rules, regulations, and policies in harmony with the rules and regulations established by the state board for community college education, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained within the *Policies and Procedures Manual for Community College District No. 21*, a current copy of which is available for inspection at the administrative office of the district.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-276-120, filed 7/8/88.]

**WAC 132U-276-130 Operations and procedures.** (1) Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 28B.19 RCW, the State Higher Education Administrative Procedure Act (HEAPA).

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the *Policies and Procedures Manual of Community College District No. 21*, a current copy of which is available for inspection at the administrative office of the district.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-276-130, filed 7/8/88.]

**WAC 132U-276-140 Substantive rules and policies of general applicability.** (1) Except as provided in subsection (2) of this section, all of the district's substantive rules and policies of general applicability.

(a) The violation of which subject an individual to a penalty or administrative sanction; or

(b) Which establish, alter, or revoke any procedures, practice, or requirement relating to institutional hearings; or

(c) Which establish, alter, or revoke any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law, are promulgated by the board of trustees in accordance with the requirements of chapter 28B.19 RCW, and are contained within Title 132U of the Washington Administrative Code.

(2) Those of the district's substantive rules and policies of general applicability which relate primarily to the following subjects are not promulgated by the board of trustees in accordance with the requirements of chapter 28B.19 RCW and are not contained within Title 132U WAC, but rather are adopted by resolution of the board of trustees or by action of

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the president and are contained within the *Policies and Procedures Manual of Community College District No. 21*, a current copy of which is available for inspection at the administrative office of the district: Standards for admission; academic advancement, academic credits, graduation and the granting of degrees; tuition and fees, scholarships, financial aid, and similar academic matters; employment relationships; fiscal processes; and matters concerning only the internal management of the district and not affecting private rights or procedures available to the general public.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-276-140, filed 7/8/88.]

**WAC 132U-276-150 Public records available.** All public records of the district, as defined in WAC 132U-276-110, are deemed to be available for public inspection and copying pursuant to this chapter, except as otherwise provided by RCW 42.17.310 and WAC 132U-276-190.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-276-150, filed 7/8/88.]

**WAC 132U-276-160 Public records officer.** The district's public records shall be in the charge of the public records officer designated by the chief administrative officer of the district. The person so designated shall be located in the district administrative office as set forth in WAC 132U-276-120. The public records officer shall be responsible for the following: Implementation of the district's rules and regulations regarding release of public records, coordinating the district employees in this regard, and generally insuring compliance by district employees with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-276-160, filed 7/8/88.]

**WAC 132U-276-170 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the district. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays and holidays established by the college calendar.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-276-170, filed 7/8/88.]

**WAC 132U-276-180 Requests for public records.** In accordance with the requirement of chapter 42.17 RCW 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 are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at the district administrative office. The form shall be presented to the public records officer or, if the public records officer is not available, to any member of the district's staff at the district administrative office during customary office hours. 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 nature of the request;

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

(e) If the requested matter is not identifiable by reference to the 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 person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-276-180, filed 7/8/88.]

**WAC 132U-276-190 Copying.** No fee shall be charged for the inspection of public records. The district may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate district official. All charges must be paid by money order, cashier's check or cash in advance.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-276-190, filed 7/8/88.]

**WAC 132U-276-200 Determination regarding exempt records.** (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132U-276-180 is exempt pursuant to the provisions set forth in RCW 42.17.310. Such determination may be made in consultation with the public records officer, president of the college district, or an assistant attorney general assigned to the district.

(2) Pursuant to RCW 42.17.260, the district reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy; provided, however, in each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within two business days as to whether his request for a public record will be honored.

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

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-276-200, filed 7/8/88.]

**WAC 132U-276-210 Review of denials of public record 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 a review of such denial. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the president of the district, or his designee.

(3) Within two business days after receiving the written request by a person petitioning for prompt review of a decision denying a public record, the president of the district, or his or her designee, shall complete such review.

(4) During the course of the informal hearing the president or his or her designee shall consider the obligations of the district fully to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-276-210, filed 7/8/88.]

**WAC 132U-276-220 Protection of public records.** Requests for public records shall be made at the administrative office of the district at Whatcom County, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated for their inspection. Copies of such records may be arranged according to the provisions of WAC 132U-276-190.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-276-220, filed 7/8/88.]

**WAC 132U-276-230 Records index.** (1) The district has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the district after June 30, 1972:

(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) The current index maintained by the district 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.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-276-230, filed 7/8/88.]

**WAC 132U-276-240 Adoption of form.** The district hereby adopts for use by all persons requesting inspection and/or copying or copies of its records the following form:

REQUEST FOR PUBLIC RECORD TO  
COMMUNITY COLLEGE DISTRICT NO. 21

(a) .....  
Name (please print) ..... Signature

.....  
Name of Organization, if applicable

.....  
Mailing Address of applicant ..... Phone

(b) .....  
Date Request made ..... Time of Day  
Request made

(c) Nature of Request .....

(d) Identification Reference on current index (please describe)  
.....

(e) Description of record, or matter, requested if not identifiable by reference to the Community College District 21  
.....

Request: Approved ..... Denied ..... Date .....

By .....  
Name Title

Reasons for Denial: .....

Referred to ..... Date .....

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-276-240, filed 7/8/88.]