Chapter 132Q-276 WAC
PUBLIC RECORDS—INITIATIVE 276

WAC

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WAC 132Q-276-010 Purpose. The purpose of this chapter shall be to insure compliance by Washington Community College District 17 with the provisions of chapter 42.17 RCW, Disclosure—Campaign finance—Lobbying—Records: And, in particular, with RCW 42.17.250 - 42.17.-340 dealing with public records.

[Statutory Authority: RCW 42.17.250. WSR 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-010, filed 4/22/83.]

WAC 132Q-276-020 Definitions. (1) **"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.

(2) **"Writing"** means handwriting, typewriting, printing, photocopying, 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) **"Washington State Community College District 17"** is a state agency created and organized by statute pursuant to RCW 28B.50.040, and shall hereinafter be referred to as the "district." Where appropriate, the term "district" shall also refer to college personnel and board of trustees of the district.

(4) **"District facilities"** of Washington State Community College District 17 include any or all real property owned, operated or maintained by the board of trustees of Community Colleges of Spokane, and shall include all buildings and appurtenances affixed thereon or attached thereto.

[Statutory Authority: RCW 28B.50.140. WSR 04-10-065, § 132Q-276-020, filed 4/30/04, effective 5/31/04. Statutory Authority: RCW 42.17.250. WSR 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-020, filed 4/22/83.]

WAC 132Q-276-030 Central and field organization. Washington State Community College District 17 is a community college district organized under RCW 28B.50.040. The administrative office of the district and its staff is located at 501 North Riverpoint Boulevard, P.O. Box 6000, Spokane, Washington, 99217-6000. The district operates two colleges, Spokane Community College, located at 2000 North Greene Street, Spokane, Washington, 99217-5499; and Spokane Falls Community College, located at 3410 West Fort George Wright Drive, Spokane, Washington, 99224-5288. The district also delivers instructional programming in the counties of Ferry, Lincoln (except Consolidated School District 105-157-166J and the Lincoln County portion of Common School District 167-202), Pend Oreille, Spokane, Stevens, and Whitman.

[Statutory Authority: RCW 28B.50.140. WSR 13-15-154, § 132Q-276-030, filed 7/23/13, effective 8/23/13; WSR 04-10-065, § 132Q-276-030, filed 4/30/04, effective 5/31/04. Statutory Authority: RCW 42.17.250. WSR 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-030, filed 4/22/83.]

WAC 132Q-276-040 Operations and procedures. Washington State Community College District 17 is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. District 17 is operated under the supervision and control of a board of trustees appointed by the governor as provided in RCW 28B.50.-100. The chief administrative officer of the district is the chancellor/chief executive officer, who also serves as secretary to the board of trustees. The day-to-day operation of the district, pursuant to policy established and approved by the board of trustees, is implemented through the office of the chancellor/chief executive officer or designee.

The board of trustees meets the third Tuesday of each month at 8:30 a.m. in the board room of the Spokane Community College administrative offices located at 2000 North Greene Street, Spokane, Washington, 99217-5499, unless public notice is given of a special meeting. At such time, the trustees exercise the powers and duties granted to the board by RCW 28B.50.140.

[Statutory Authority: RCW 28B.50.140. WSR 04-10-065, § 132Q-276-040, filed 4/30/04, effective 5/31/04. Statutory Authority: RCW 42.17.250. WSR 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-040, filed 4/22/83.]

WAC 132Q-276-050 Public records available. All public records of the district, as defined in WAC 132Q-276-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 132Q-276-100.

[Statutory Authority: RCW 42.17.250. WSR 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-050, filed 4/22/83.]

WAC 132Q-276-060 Public records officer. The district's public records shall be in the charge and control of the public records officer designated by the district president. The person so designated shall be located in the administrative office of the district. The public records officer shall be

responsible for implementing the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure of chapter 42.17 RCW.

[Statutory Authority: RCW 42.17.250. WSR 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-060, filed 4/22/83.]

WAC 132Q-276-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the district. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. until noon and from 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 42.17.250. WSR 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-070, filed 4/22/83.]

WAC 132Q-276-080 Requests for public records. In accordance with requirements of RCW 42.17.290, 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 district which shall be available at its administrative office. The form shall be presented to the public records officer or to any member of the district's administrative staff, if the public records officer is not available, at the district office during customary office hours. The request shall include the following information:

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

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

(c) The nature of the request;

(d) The matter requested as referenced within the current index maintained by the records officer, or if the matter is not identifiable by reference in the district'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 other 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 42.17.250. WSR 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-080, filed 4/22/83.]

WAC 132Q-276-090 Copying. No fee shall be charged for the inspection of public records of Washington State Community College District 17. The district may charge a fee per page for providing copies of public records, for use of the district's copy equipment and postage. This charge shall be an amount necessary to reimburse the district for its actual costs directly incident to such copying.

[Statutory Authority: RCW 28B.50.140. WSR 04-10-065, § 132Q-276-090, filed 4/30/04, effective 5/31/04. Statutory Authority: RCW 42.17.250. WSR 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-090, filed 4/22/83.]

WAC 132Q-276-100 Exemptions. (1) The district reserves the right to determine that the public record requested in accordance with the procedures outlined in WAC 132Q-276-080 is exempt under the provisions of chapter 42.17 RCW.

(2) In addition, pursuant to RCW 42.17.260, the district 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 42.17 RCW. The public records officer shall fully justify any 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 records withheld.

[Statutory Authority: RCW 42.17.250. WSR 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-100, filed 4/22/83.]

WAC 132Q-276-110 Appeal of denials. (1) Any person who objects to the denial of a request for a public record of Washington State Community College District 17 may appeal such decision by tendering a written request for appeal. The written request shall specifically refer to the written statement by the public records officer or other staff member that constituted or accompanied the denial.

(2) Immediately after receiving a written request for appeal of a decision denying a public record of District 17, the public records officer or other administrative staff member denying the request shall refer the written request to the chancellor/chief executive officer or designee. The chancellor/chief executive officer or designee shall immediately consider the matter, may consult with the office of the attorney general, and either affirm or reverse such denial of access to a public record. In any case, the request shall be returned with a final decision within two business days following the filing of the written request for review.

(3) Administrative remedies shall not be considered exhausted until the district has returned the petition with a decision or until the close of the second business day following a request for appeal, whichever occurs first.

[Statutory Authority: RCW 28B.50.140. WSR 04-10-065, § 132Q-276-110, filed 4/30/04, effective 5/31/04. Statutory Authority: RCW 42.17.250. WSR 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-110, filed 4/22/83.]

WAC 132Q-276-120 Protection of public records. It is the policy of the district, in order to protect public records from damage or disorganization and to prevent excessive interference with other essential functions of the district, that original copies of records are not to be taken from the district designated area of custody or storage. Any examination and copying of records subject to these regulations is to occur at places designated by the district through the public records officer and/or his designee. The fullest assistance to inquiries and the most timely possible action on request for information consistent with protection of the public records is to be supplied.

[Statutory Authority: RCW 42.17.250. WSR 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-120, filed 4/22/83.]

WAC 132Q-276-130 Records index. (1) The district has available to all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated since 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, statutes 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 consultants 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 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 state, the public, a subdivision of state government or any private agency.

(2) The current index described in WAC 132Q-276-130(1) shall be available to all persons under the same rules and on the same conditions as they are applied to public records available for inspection.

[Statutory Authority: RCW 42.17.250. WSR 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-130, filed 4/22/83.]

WAC 132Q-276-140 Adoption of form. The district shall adopt a form for use by all persons requesting inspection and/or copying or copies of its public records.

[Statutory Authority: RCW 42.17.250. WSR 83-10-004 (Order 83-29, Resolution No. 21), § 132Q-276-140, filed 4/22/83.]