

TRANSMITTAL OF RULES ADOPTED BY INSTITUTION OF HIGHER EDUCATION

FROM: CLARK COLLEGE
(Name of Institution)

TO: CODE REVISER
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)
OLYMPIA 98504

The enclosed rules Permanent rules Emergency rules, being Order No. 77-3 d
relating to (Name of rules or description of subject matter)

PUBLIC RECORDS: 1) WAC 132N-276-005 BOARD POLICY STATEMENT--PUBLIC RECORDS; 2) WAC 132N-276-010 ADMINISTRATIVE PROCEDURES--PURPOSE; 3) WAC 132N-276-020 ADMINISTRATIVE PROCEDURES--DEFINITIONS; 4) WAC 132N-276-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF COMMUNITY COLLEGE DISTRICT NO. 14; 5) WAC 132N-276-040 OPERATIONS AND PROCEDURES; 6) WAC 132N-276-050 PUBLIC RECORDS AVAILABLE; 7) WAC 132N-276-060 PUBLIC RECORDS OFFICER; 8) WAC 132N-276-070 OFFICE HOURS; 9) WAC 132N-276-080 REQUESTS FOR PUBLIC RECORDS; 10) WAC 132N-276-090 COPYING; 11) WAC 132N-276-100 EXEMPTIONS; 12) WAC 132N-276-110 REVIEW OF DENIALS OF (ALTERNATIVE A. Use only for adoption of permanent rules)

continued

pursuant to Notice No. 7545 (1) filed with the code reviser on April 27, 1977 (2) were regularly adopted as permanent rules of this institution at Clark College AD 011 on 6/21/77 and are herewith filed in the office of the code reviser pursuant to chapter 28B.19 RCW. The effective date of such rules shall be _____ (3)

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order, that the immediate adoption of these rules is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, were regularly adopted as emergency rules of this institution at _____ on _____ and are herewith filed in the office of the code reviser pursuant to chapter 28B.19 RCW.

The undersigned hereby certifies that the requirements of chapter 28B.19 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW have been fulfilled.

Dated this 21st day of June 19 77.
STATE OF WASHINGTON
FILED
AUG 29 1977
CODE REVISER'S OFFICE
DOCKET # _____ FILE # _____

CLARK COLLEGE

(INSTITUTION)

Richard A. Jones
By Richard A. Jones
Presidnet
Title _____

- ① Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice)
- ② Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice)
- ③ Unless a later date is specified in this order or is prescribed in another statute, rules are effective 30 days after filing: RCW 28B.19.050(2). Leave this space blank except in such special cases.

STATE OF WASHINGTON
CLARK COLLEGE BOARD OF TRUSTEES
CLARK COMMUNITY COLLEGE DISTRICT NO. 14

ADMINISTRATIVE ORDER NO.: 77-3d

Be it resolved by the Clark College Board of Trustees of the State of Washington, after due notice and in a meeting open to the public, held at Clark College, Vancouver, WA, on June 21, 1977, as required by chapters 28B.19 and 42.30 RCW, do promulgate and adopt as permanent rules of the governing body, the annexed rules:

WAC 132N-276 PUBLIC RECORDS

Pursuant to the requirements of WAC 1-13-040 that each order shall set forth an appropriate statement of state statutory authority, this rule is promulgated under the general rule-making authority of Clark College as authorized in RCW 28B.50 RCW.

This order after being first recorded in the order register of this governing body shall be forwarded to the Code Reviser for filing pursuant to chapter 28B.19 RCW and chapter 1-13 WAC

APPROVED AND ADOPTED June 21, 1977

BY: Betty Mage
Betty Mage, Chairman
Clark College Board of Trustees

PUBLIC RECORDS REQUESTS; 13) WAC 132N-276-~~130~~ PROTECTION OF PUBLIC RECORDS;
14) WAC 132N-276-130 RECORDS INDEX; 15) WAC 132N-276-140 ADOPTION OF FORM;
16) WAC 132N-276-150 REQUEST FOR PUBLIC RECORDS.

NEW SECTION

WAC 132N-276-005 BOARD POLICY STATEMENT—PUBLIC RECORDS. Clark College shall be responsible for the efficient and proper disclosure of public records as required by the laws and regulations of the state of Washington. Public records information shall include fully detailed administrative procedures.

NEW SECTION

WAC 132N-276-010 ADMINISTRATIVE PROCEDURES—PURPOSE. The purpose of this chapter shall be to ensure compliance by the Community College District No. 14 with the provisions of chapter 42.17 RCW as now existing or hereafter amended and in particular with RCW 42.17.250 through 42.17.340 dealing with public records.

NEW SECTION

WAC 132N-276-020 ADMINISTRATIVE PROCEDURES—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.

(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 No. 14. The Community College District No. 14 is an agency organized by statute pursuant to chapter 28B.50 RCW. The community college district shall hereinafter be referred to as the "district." Where appropriate, the term board refers to the board of trustees of the district.

NEW SECTION

WAC 132N-276-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OR COMMUNITY COLLEGE DISTRICT NO. 14. District No. 14 is a community college district organized under RCW 28B.50.040. The administrative office of the district and its staff are located at Clark Community College, 1800 East McLoughlin Boulevard, Vancouver, WA 98663.

NEW SECTION

WAC 132N-276-040 OPERATIONS AND PROCEDURES. The district is established under chapter 28B.50 RCW to implement the educational purposes established by chapter 28B.50 RCW. The district is operated under the supervision and control of a board of trustees. The board of trustees is made up of five members each appointed by the governor

to a term of five years. The trustees usually meet once a month in regular session on a date and at a time and place specified by public notice and at such special meetings as are announced by public notice. On occasion, the trustees may not meet at all in a particular calendar month. At such time the trustees exercise the powers and duties granted them under law.

NEW SECTION

WAC 132N-276-050 PUBLIC RECORDS AVAILABLE. All public records of the district, as defined in WAC 132N-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 132N-276-100.

NEW SECTION

WAC 132N-276-060 PUBLIC RECORDS OFFICER. The district's public records shall be in the charge of the public records officer designated by the college president. The person so designated shall be located in the administrative office of the district. The public records officer shall be responsible for the following: The implementation of 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 requirements of RCW 42.17.250 through 42.17.340.

NEW SECTION

WAC 132N-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 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 132N-276-080 REQUESTS FOR PUBLIC RECORDS. In accordance with the requirements of RCW 42.17.250 through 42.17.340 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 staff, if the public records officer is not available, at the administrative office of the district 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 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 district's current index, an appropriate description of the record requested.

(2) The public records officer shall reply to written requests before the close of business on the day following the date of the request by informing the requestee in writing of:

(a) The availability of the requested record(s); and

(b) A definite time and place (within five business days) when such requested record(s) may be inspected or copies provided.

(3) 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.

NEW SECTION

WAC 132N-276-090 COPYING. No fee shall be charged for the inspection of public records. The district shall charge a fee of ten cents per page of copy for providing copies of public records and for use of the district's copy equipment. This charge is the amount necessary to reimburse the district for its actual costs incident to such copying. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the district will provide copies at a rate sufficient to cover any additional cost. All fees must be paid by money order, cashier's check, or cash in advance.

NEW SECTION

WAC 132N-276-100 EXEMPTIONS. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132N-276-080 exempt under the provisions of RCW 42.17.310.

(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.

The public records officer will fully justify such deletion in writing.

NEW SECTION

WAC 132N-276-110 REVIEW OF DENIALS OR 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 or his designee shall immediately consider the matter and either affirm or reverse such denial or consult with the attorney general 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 district has returned the petition with a decision or until the close of the second business day following the denial or inspection, whichever occurs first.

NEW SECTION

WAC 132N-276-120 PROTECTION OF PUBLIC RECORDS. Requests for public records shall be made in the administration building of Clark Community College. 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 designed for their inspection. Copies shall be made at Clark Community College. If copying facilities are not available at the college, the college will arrange to have copies made commercially according to the provision of WAC 132N-276-090.

NEW SECTION

WAC 132N-276-130 RECORDS INDEX. (1) INDEX. 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, 1973:

(a) Final options, 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 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 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 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.

NEW SECTION

WAC 132N-276-140 ADOPTION OF FORM. The district hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "Request for Public Record."

NEW SECTION

WAC 132N-276-150 APPENDIX A--FORM--REQUEST FOR PUBLIC RECORD.

REQUEST FOR PUBLIC RECORD TO
Community College District No. 14

(a)
Signature (Please Print) Signature

.....
Name of Organization, if Applicable

.....
Mailing Address of Applicant Phone Number

(b)
Date Request Made at Community College District No. 14 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 No. 14's Current Index.....

Request: Approved By.....
Date Public Records Officer

Date Denied

Reasons for Denial:.....

.....

.....

Referred to Date.....

By.....

Public Records Officer