

Chapter 172-09 WAC

ADMINISTRATION OF DUTIES AND OBLIGATIONS REQUIRED BY INITIATIVE 276—ACADEMIC TRANSCRIPTS OF EASTERN WASHINGTON STATE COLLEGE STUDENTS

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WAC 172-09-010 Purpose. The purpose of this chapter is to comply with the requirements of Initiative 276, which is an initiative passed by the voters of the state of Washington on November 7, 1972, and which came into effect in the state of Washington on January 1, 1973. Accordingly, the following rules are hereby promulgated.

[Order 73-1, § 172-09-010, filed 1/23/73.]

WAC 172-09-020 Definition of public record. 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 Eastern Washington State College, regardless of the physical form or characteristics.

[Order 73-1, § 172-09-020, filed 1/23/73.]

WAC 172-09-025 Exempted records. In accordance with section 31 of Initiative 276, the following personal and other records are exempt from the definition of "public record" and will not be produced upon demand:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers or parolees.

(2) Personal information in files maintained for employees, appointees or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(3) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

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(4) Specific intelligence information and specific investigative files compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(5) Information revealing the identity of persons who file complaints with investigative, law enforcement or penology agencies, except as the complainant may authorize.

(6) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.

(7) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the appraisal.

(8) Valuable formulae, designs, drawings and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(9) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(10) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

[Order 73-1, § 172-09-025, filed 1/23/73.]

WAC 172-09-030 Description of central and field organization at Eastern Washington State College. (1) Eastern Washington State College is located on a campus largely contained within the city of Cheney, Washington. This campus comprises the central headquarters for all operations of the college; any "field" activities of the college are directed and administered by personnel located on the campus at Cheney. The college is administered by a board of

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trustees appointed by the governor; such board normally meets at least once every calendar month.

(2) In accordance with the bylaws at Eastern Washington State College, which bylaws are obtainable at the office of the president, the college is organized into divisions administered by vice presidents. Specifically, academic matters are the concern of a vice president for academic affairs, business and physical planning functions and activities are the responsibility of the vice president for business and management, and student affairs are the responsibility of the vice president for student services. All vice presidents are directly responsible for the operations of all deans, department heads, faculty, and classified personnel operating within their divisions. The vice presidents directly report to the president of the college.

[Order 73-1, § 172-09-030, filed 1/23/73.]

WAC 172-09-040 General course and method of decision making. (1) The formal procedures for decision making at the college are determined by the bylaws of the board of trustees at Eastern Washington State 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,

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

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

(c) 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.

(2) Other formal procedures may appear within the bylaws of Eastern Washington State 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 at Eastern Washington State 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 Eastern Washington State College.

[Order 73-1, § 172-09-040, filed 1/23/73.]

WAC 172-09-050 Informal procedures regarding the general course and methods of decision. Informal procedures regarding the methods and general course of operations at Eastern Washington State College are, for the purposes of these rules, either:

(1) 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

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

[Order 73-1, § 172-09-050, filed 1/23/73.]

WAC 172-09-060 Designation of public records officers. (1) In accordance with the requirements of Initiative 276, insofar as such initiative requires state agencies to adopt and enforce reasonable rules and regulations to provide full public access to official records while yet protecting the same from damage and to prevent excessive interference with essentials of the agency, all public records at the college shall be in the charge of persons holding positions as records officers.

(2) Overall responsibility for coordinating responses to requests for examination of public records shall be the responsibility of the person known as the "public records officer." The person holding such position will be headquartered in the administration building of the college; his exact location and name can be determined by inquiring at the office of the president of the college.

(3) Those persons reporting directly to the "public records officer" with other responsibilities relative to public records are:

(a) A "college records officer" who shall be responsible for compiling and maintaining the index required by Initiative 276;

(b) A "policy records officer" who shall be located in the office of the president of the college;

(c) A "civil service personnel records officer" who shall be the personnel director of the college;

(d) A "faculty personnel records officer" who shall be the vice president for academic affairs or his designee; and

(e) An "administrative personnel records officer" who shall be located within the office of the president and reporting directly to the president.

(f) Any other position designated in writing by the president. Such designation shall be available at the office of the president.

(4) In any cases where a question arises as to whether a given public record is a responsibility of one records officer or the other, the determination of such ministerial responsibility shall be made by the public records officer, or the president of the college.

[Order 73-1, § 172-09-060, filed 1/23/73.]

WAC 172-09-070 Availability for public inspection and copying of public records. Public records shall be available for inspection and copying during the customary office hours of the college. For the purposes of this chapter, the cus-

tomy office hours shall be from 9 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays, unless the person making the request and the college or its representative agree on a different time.

[Order 73-1, § 172-09-070, filed 1/23/73.]

WAC 172-09-080 Requests for public records. In accordance with the Initiative 276 requirements 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 which shall be available at the office of the public records officer and shall be presented to the public records officer or any other of the persons designated by this chapter as a custodian of certain college records, per WAC 172-09-060. Such request shall include the following:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made; and
- (c) If the matter requested is referenced within the current index maintained by the college records officer, a reference to the requested record as it is described in such current index;
- (d) If the requested matter is not identifiable by reference to the college records current index, a statement that succinctly describes the record requested;
- (e) A verification that the records requested shall not be used to compile a commercial sales list.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the college person to whom the request is being made to assist the member of the public in succinctly identifying the public record requested.

[Order 73-1, § 172-09-080, filed 1/23/73.]

WAC 172-09-090 Charges for copying. (1) No fee shall be charged for inspection of public records. Eastern Washington State College 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 college for its actual costs incident to such copying.

(2) No person shall be released a record which has been copied by photostatic process until and unless the person requesting the copied public record has tendered payment for such copying to the records official from whom the public record was obtained, or to any person designated by such records official.

[Order 73-1, § 172-09-090, filed 1/23/73.]

WAC 172-09-100 Determination regarding exempt records. (1) The college reserves the right to determine that a public record requested in accordance with the procedures of this chapter is exempt under the provisions of section 31 of Initiative 276. Such determination may be made in consultation with any of the records officers of the college, the presi-

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dent or a vice president of the college, or an assistant attorney general assigned to the college.

(2) Responses to requests for records must be made promptly. For the purpose of these rules, a prompt response occurs if the person requesting the public record is notified within one business day as to whether his request for a public record will be honored.

(3) All denials of requests for public records must be accompanied by a written statement specifying the specific reasons therefor.

[Order 73-1, § 172-09-100, filed 1/23/73.]

WAC 172-09-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record shall petition for prompt review of such decision by tendering a written request for a review of such denial. Such written request by a person demanding prompt review shall specifically reference the written statement by the college denying that person's request for a public record.

(2) 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 college or any of his designees, which for the purposes of this section may include any vice president of the college, shall consider such petition.

(3) During the course of the two business days in which the president or his designee reviews the decision of the public records officer denying the request for a public record, the president or his designee may conduct an informal hearing. During the course of such informal hearing, the president or his designee may require that the person requesting the public record appear in person at a reasonable time and place located on the campus and further explain and identify the exact nature of the public record he is seeking. Failure by the person requesting the review hearing to appear at such informal hearing shall be deemed a waiver of that person's right to insist upon completion of the review of his request within two business days. If the petitioner requesting review does appear at such informal hearing, then the period for review by the college shall be extended to a period not exceeding one business day after such person requesting review has appeared before the president or his designee.

(4) During the course of the informal hearing conducted by the president or his designee under this section, he shall consider the obligations of the college fully to comply with the intent of Initiative 276 insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in section 31 of Initiative 276 and the requirement of section 29 of that same initiative insofar as it requires the college to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and to prevent any unreasonable invasion of personal privacy by deleting identifying details.

[Order 73-1, § 172-09-110, filed 1/23/73.]

WAC 172-09-120 Repealer. Chapter 172-56 WAC, "Access to public records and documents at Eastern Washington State College," which was promulgated by the board of trustees on June 23, 1972, is hereby repealed.

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[Order 73-1, § 172-09-120, filed 1/23/73.]

WAC 172-09-200 Academic transcripts of Eastern Washington State College students. (1) Objective information of a public nature will be provided without a signed release by the students. Public information shall include student name, address, telephone number, dates of attendance, current enrollment status, degree(s) received, and other schools attended.

(2) All other information contained in student records shall be deemed personal information concerning a student, per section 31 of Initiative 276, and will not be released without the written authorization of the student.

(3) Unless the student has instructed the registrar's office not to release copies of his or her transcript without his written authorization, academic information from the transcript will be released when it is clear the institution is being cited as an educational reference.

[Order 73-3, § 172-09-200, filed 2/20/73.]