

TRANSMITTAL OF RULES ADOPTED BY INSTRUCTION OF HIGHER EDUCATION  
(Instruction for Completion of Back of Page)

FROM: Central Washington State College  
(Name of Institution)

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

The enclosed Permanent rules   
Emergency rules  , being order No. 11

relating to (Name of rules or description of subject matter)

WAC 106-276 - Public Records and Legislative  
Liaisons

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 3857 ① filed with the code reviser  
on Feb. 1, 1973 ② were regularly adopted as permanent rules of this  
(date) Samuelson Union Bldg.  
institution at Rms. 204-205, CWSC on 2-23-73 and are herewith  
(place) (date)  
filed in the office of the code reviser pursuant to chapter  
28B.19 RCW (1971 1st ex.s. c 57). The effective date of such rules  
shall be \_\_\_\_\_ . ③

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

pursuant to its finding 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  
(place) (date)  
of the code reviser pursuant to chapter 28B.19 RCW (1971 1st ex.s.  
c 57).

The undersigned hereby certifies that the requirements of chapter  
28B.19 RCW (1971 1st ex.s. ch 57) and of the Open Public Meetings  
Act of 1971, chapter 42.30 RCW (1971 1st ex.s. ch 250) have been  
fulfilled.

Dated this 26th day of February 1973.

STATE OF WASHINGTON <b>FILED</b> FEB 27 1973 CODE REVISER'S OFFICE DOCKET # <u>4023</u> FILE # <u>1</u>
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Central Washington State College  
(INSTITUTION)

Steve Milross  
By

Assistant Attorney General  
Title

Effective 9/7/71

[Form CR-5]

STATE OF WASHINGTON

CENTRAL WASHINGTON STATE COLLEGE

ADMINISTRATIVE ORDER NO. 11

(1) I, Dr. Eugene Brain, Chairman of the Board of Trustees of Central Washington State College of the state of Washington, by virtue of the authority vested in me under chapter 28B.19 RCW (1971 1st ex.s. c57) and chapter 28B.40.120 RCW, do promulgate and adopt the annexed rules and regulations, to wit:

Facilities Scheduling and Use Policy of  
Central Washington State College

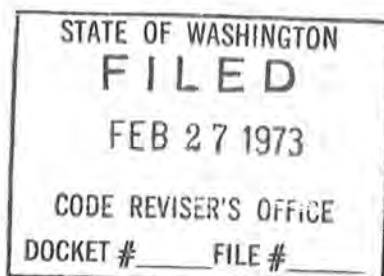
as permanent rules of this institution.

(2) This order after being first recorded in the order register of this institution shall be forwarded to the Code Reviser for filing pursuant to chapter 28B.19 RCW (1971 1st ex.s. c57) 1-13 WAC.

APPROVED AND ADOPTED 2-23, 1973

By Eugene Brain

Chairman of the Board of Trustees,  
Central Washington State College



Chapter 106-276

PUBLIC RECORDS AND LEGISLATIVE LIAISONS

NEW            WAC 106-276-001 PUBLIC RECORDS POLICY. The provisions of WAC 106-276-001 through WAC 106-276-199 shall constitute the Public Records Policy of Central Washington State College, adopted in compliance with Initiative 276 enacted by the voters of the state of Washington on November 7, 1972.

NEW            WAC 106-276-005 DEFINITIONS. As used in the provisions of this chapter, the following definitions shall apply wherever the following words are used:

(1) "Request for a Public Record" means a written request submitted on a proper C.W.S.C. Public Records Request form for a public record, a review of public records or a copy or reproduction of a public record.

(2) "Students in Public Schools" means all past, present and future students enrolled at Central Washington State College.

(3) "Vital governmental interest" includes, but is not limited to, matters affecting national security; the selection of a site or the purchase of real estate when publicity regarding such consideration would cause a likelihood of increased price.

(4) "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.

NEW            WAC 106-276-010 DEFINITION OF PUBLIC RECORD. (1) 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 Central Washington State College, regardless of the physical form or characteristics; provided, however, that in accordance with section 31 of Initiative 276, the following personal and other records are exempt from the definition of public record:

(a) Personal information in any files maintained for students in public schools and the information, data and records subject to the Student Records Policy, WAC 106-172-700 through WAC 106-172-799.

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

(c) 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.

(d) 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.

(e) 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 non-disclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

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

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

(h) 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.

(i) 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.

(j) 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.

(k) 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.

(2) 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.



NEW

WAC 106-276-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION AT CENTRAL WASHINGTON STATE COLLEGE. (1) Central Washington State College is located on a campus in and near the city of Ellensburg, 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 Ellensburg. The college is governed by a board of trustees appointed by the governor; such board normally meets at least once every calendar month, as provided in WAC 106-08-001. The board employs a President, his assistants, members of the faculty and other employees. It establishes such divisions, schools or departments necessary to carry out the purposes of the college, provides the necessary property, facilities and equipment and promulgates such rules, regulations and policies as are necessary to the administration of the college.

(2) The board of trustees, either directly or by delegation, has caused to be created various administrative, academic and support divisions to enable the college to discharge its obligations. Academic matters and student affairs are the concern of the Vice President for Academic Affairs; business and physical planning functions are the concern of the Vice President for Business and Financial Affairs; college services are the concern of the Executive Assistant to the President. These offices report to the President of the college.

NEW

WAC 106-276-040 GENERAL COURSE AND METHOD OF DECISION-MAKING. (1) The formal procedures for decision-making at the college are governed by the board of trustees through rules promulgated by it in accordance with the requirements of RCW 28B.19, the Higher Education Administrative Procedures 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 or 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 through the procedures of the HEAPA and appear in chapter 106 WAC, provided, however, that 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 HEAPA unless otherwise required by law. Internal rules and regulations to the extent not already set forth in the college's published catalogs and handbooks shall be collected in a general college handbook, a copy of which shall be maintained on file in the college library and be available to the public.

NEW

WAC 106-276-050 INFORMAL PROCEDURES REGARDING THE GENERAL COURSE AND METHODS OF DECISION. Informal procedures regarding the methods and general course of operations at the college are, for the purposes of these rules, either:

- (1) decisions made by persons authorized by board resolution, the 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.

NEW

WAC 106-276-060 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 Mitchell Hall at the college; his exact location and name may be determined by inquiry at the office of the president of the college. The public records officer shall also be responsible for compiling and maintaining the index required by Initiative 276.

(3) For purposes of this chapter, the custody of the

college's records shall be deemed divided into the following divisions:

- (a) Office of the President;
- (b) Office of the Vice President for Academic Affairs;
- (c) Office of the Vice President for Business and Financial Affairs;

(d) Office of the Executive Assistant to the President. The above-designated division head shall be deemed custodian of the records in the possession or control of agencies, departments, officers and employees of his division and responsible for the care and custody of records within his division even though such person is not in actual possession or control of such records. Such division heads shall be known as the college "records custodians."

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

NEW

WAC 106-276-070 AVAILABILITY FOR PUBLIC INSPECTION AND COPYING OR REPRODUCTION OF PUBLIC RECORDS. (1) Public records shall be available for inspection, copying and reproduction during the customary office hours of the college. For the purposes of this chapter, the customary 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, acting through the public records officer or a records custodian, agree on a different time.

NEW

WAC 106-276-080 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 106-276-060. 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 "Public Records Officer" or records custodian, or that individual's designee, to assist the member of the public in succinctly identifying the public record requested.

WAC 106-276-090 CHARGES FOR COPYING OR REPRODUCTION.

(1) No fee shall be charged for inspection of public records. The college may impose a reasonable charge for providing copies or reproductions of public records and for the use by any person of agency equipment to copy or reproduce public records; such charges shall not exceed the amount necessary to reimburse the college for its actual costs incident to such copying or reproduction.

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

WAC 106-276-100 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, 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 (1) business day as to whether or not his request for a public record will be granted or denied.

(3) No denial of a request for public records shall be valid unless accompanied by a written statement, signed by the public records officer or his designee, specifying the specific reasons therefor.

WAC 106-276-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record or his duly authorized representative shall petition for prompt review of such decision by tendering to the president's office a written request for a review of such denial. Such written request by a person or his duly authorized representative demanding prompt review shall specifically reference the written statement by the college denying that person's request for a public record.

(2) Within two (2) business days after receiving the written request by a person or his duly authorized representative 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 the public records officer or the records custodians, 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 or his duly authorized representative appear 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 or his duly authorized representative 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 (2) business days. If the petitioner requesting review or his duly authorized representative does appear at such informal hearing, then the period for review by the college shall be extended to a period not exceeding twenty-four (24) hours after such person requesting review or his duly authorized representative 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, the hearing officer shall consider the obligations of the college fully to comply with the intent of Initiative 276 insofar as it requires providing 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.

NEW

WAC 106-276-200 LEGISLATIVE LIAISON POLICY. The provisions of WAC 106-276-200 through WAC 106-276-299 shall constitute the Legislative Liaison Policy of Central Washington State College.

NEW

WAC 106-276-210 DESIGNATION. In accordance with the implementation of Initiative 276, passed by the voters of the state of Washington on November 7, 1972, and effective January 1, 1973, those persons holding the following positions at Central Washington State College are designated legislative liaisons for Central Washington State College:

- (1) Members of the board of trustees;
- (2) The president;
- (3) All vice presidents;
- (4) Legislative liaisons;
- (5) Director, Office of College Information
- (6) All those persons designated in writing by the president, which writing shall be made available among the records maintained by the office of the president of Central Washington State College.

NEW

WAC 106-276-220 RESPONSIBILITY. Such persons designated in WAC 106-276-210 shall be responsible for making available through official channels recommendations regarding legislation or seeking such appropriations as the college may deem necessary for the official conduct of its business.