

Title/Subject: **FREEDOM OF INFORMATION POLICY**

Applies to: faculty staff students student employees visitors contractors

Effective Date of This Revision: February 22, 2019

Contact for More Information: Office of General Counsel

Board Policy Administrative Policy Procedure Guideline

PURPOSE:

The Freedom of Information Act requires that each public body publish rules in connection with fees charged for services under the Freedom of Information Act (Act). The Act provides that a public body may make reasonable rules necessary to protect its public records and to prevent excessive and unreasonable interference with the discharge of its functions. This Policy, and the rules and procedures implementing it, are established pursuant to the Act.

POLICY:

I. GENERAL RULES

The Freedom of Information Act requires full disclosure of public records, unless those records are exempted under the Act. Central Michigan University will grant all requests for information which is to be disclosed under the standards of the Act, subject to the exemptions. All University personnel shall endeavor to assist, guide, and cooperate with those persons requesting information in conformity with the rules and procedures of the University and in a manner promoting efficiency, economy, and informed participation in the democratic process.

The President is designated as the Freedom of Information Coordinator, who shall have final authority with respect to all matters under this Policy and the rules and procedures and all matters involving information held or owned by the University. The Associate General Counsel shall be the Freedom of Information (FOI) Officer as designated by the FOI Coordinator, and shall respond to requests. In the event a requester appeals the denial of a request, the FOI Coordinator shall respond, in accordance with the Act.

The fees charged by the University for copies of public records will be in accordance with standards of the Act. A schedule of the fees charged for providing access to, or copies of, public University records is found in Section III of this Policy.

II. RULES AND PROCEDURES

The following procedures shall be followed:

1. A person may request to inspect, copy or have copies made of public University records. The request must be made in writing and describe the public record(s) sufficiently to enable the University to find the public record. A request must include the requesting person's complete name, address and contact information. An address must be written in compliance with United States Postal Service addressing standards. Contact information must include a valid telephone number or

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Title/Subject: **FREEDOM OF INFORMATION POLICY**

electronic e-mail address. The written request may be transmitted by mail, personal delivery, electronic mail (foiarequest@cmich.edu), facsimile or other electronic means and should be submitted to the FOI Officer .

2. University personnel shall assist individuals making public record requests so they can locate the FOI Officer.
3. University personnel receiving a request for public records shall immediately refer the request to the FOI Officer for response.
4. The FOI Officer shall respond to a request within 5 business days after receipt of the request, but may take one 10 business day extension, if necessary. The University's reply may inform the requester of how the University will respond to the request, and may not include the requested records. This reply, if not including records, shall also inform the requester that he/she will be told at the time records are provided what exemptions have resulted in non-disclosure of some records.
5. If a requester submits separate requests on the same day or consecutive days, the University may group them together. At the end of 5 business days from the first request, it will respond that it is considering them all as one request and will answer them as one.
6. A requester may inspect or copy public records at a pre-scheduled time during regular business hours prevailing in the office where the inspection or copying is performed. Such inspection or copying shall be done in the presence of an office employee or other University personnel.
 - A. If the FOI Officer determines that inspection within an office where records are kept would unduly or unnecessarily disrupt University functions or processes, then such inspection or copying shall be performed at such other alternative locations(s) as the FOI Officer shall designate.
 - B. University personnel shall take appropriate steps to protect the records of the University while the records are being inspected or copied by a requester.
7. The destruction or defacing of any record of the University by any person shall be prosecuted to the fullest extent allowable under the law, is cause for discipline including discharge for employees and is a violation of the Code of Student Rights, Responsibilities and Disciplinary Procedures and subject to the sanctions set forth in that Code of Student Rights.
8. Some records, e.g., transcripts and subpoenaed records, have established fees and procedures for release. The University will follow those procedures. Release of educational records is provided for under the Family Educational Rights and Privacy Act.

III. SCHEDULE OF FEES

1. Fees for providing copies of public records will be assessed according to the following schedule.
 - A. Copying charges
 1. Requesters will be charged \$0.10 for each page of public records copied. This rate represents the incremental cost of copying public records that are maintained by the University in the form of a paper record. The same rate will be charged for copies made from microfilm or microfiche.
 2. Charges for copies of public records that are maintained in other forms, such as audiotapes, videotapes and photographs, shall be determined on a case-by-case basis. The actual cost of preparing a duplicate of such a public record will be charged, based on the method of duplication required.
 3. If the requester asks that records be downloaded onto floppy disks, CD, etc., the actual cost of the disks, CD, etc., may be charged to the requester.
 - B. Mailing costs

Title/Subject: **FREEDOM OF INFORMATION POLICY**

1. The University may charge actual costs of mailing public records to the requester by first-class mail. If the records exceed the weight limits for first-class mail, they will be shipped via parcel post or commercial carrier and actual costs of shipping will be charged to the requester.

2. If the requester asks that the records be shipped via an express mail or other special service, the additional cost for such service will be charged to the requester.

C. Labor charges

1. Where more than one hour of University personnel time is necessarily expended performing the following tasks, the University may charge a fee for the actual time expended: searching for, retrieving, examining, reviewing and photocopying records; duplicating public records by means other than photocopying; and deleting and/or separating exempt from non-exempt material. Labor charges will be calculated at the current hourly wage of the lowest paid employee capable of performing these tasks, and may include fringe benefits. The fees assessed under this section will be in addition to any applicable copying and/or mailing costs.

2. The costs described in C.1. apply when a requester asks for a copy of a public record as well as when he/she requests to inspect a record and those tasks are necessary before inspection can take place.

3. The University may charge for personnel time expended in monitoring a requester's inspection of original records if that time exceeds one hour. Such charge will be calculated at the current hourly wage of the lowest paid employee capable of performing these tasks, and may include fringe benefits.

D. General

1. A copy of a public record will generally be furnished without charge where the total fees for the request are less than \$3.00. When total fees are between \$3.00 and \$50.00, prepayment of the amount is required before copies of the public records are furnished to the requester.

2. Where total fees are estimated to exceed \$50.00, a good faith deposit, not exceeding one-half of the total estimated fee, is required from the requester. The University will not begin processing the request until this deposit is received. The remaining amount due must be paid before copies of the records are provided to the requester, even if the total charges exceed the estimate.

3. If a deposit is not received within 45 days from receipt by the requesting person of the notice that a deposit is required, the request shall be considered abandoned by the requesting person and the University is no longer required to fulfill the request. Notice of a deposit requirement is considered received 3 days after it is sent, regardless of the means of transmission, and must include notice of the date by which the deposit must be received, which is 48 days after the date the notice is sent.

4. The FOI Officer may waive or reduce the total fee if the Officer finds that a waiver or reduction is in the public interest because searching for or providing records can be considered as primarily benefiting the general public.

5. A public record search shall be made and copies of a public record shall be furnished without charge for the first \$20.00 of the fee for each request to an individual who is entitled to information under the FOIA and who submits an affidavit stating that he/she is then receiving public assistance, or, if not receiving such assistance, stating facts showing inability to pay the cost because of indigence.

***Central Michigan University reserves the right to make exceptions to, modify or eliminate this policy.
This document supersedes all previous policies, procedures and directives relative to this subject.
Please refer questions or concerns to the Originating Department.***