

Section: Business and Support Operations

Section Number: 3.18.1

Subject: Freedom of Information Act

Date of Present Issue: 12/08/95

Date of Previous Issues:

10/77, 08/95

POLICY:

The president, or designee, shall promulgate rules and procedures for implementation of the Freedom of Information Act and for the protection of the University's public records as well as to prevent excessive and unreasonable interference with the discharge of the University's functions.

Lake Superior State University will grant all information requests which are to be disclosed under the standards of the Michigan Freedom of Information Act. All University personnel shall endeavor to assist, guide and cooperate with those persons requesting information in conformity with the Michigan Freedom of Information Act and the rules and procedures of the University.

In general, all records except those specifically cited as exceptions are covered by the Act. It does not matter what form the record is in. The act applies to any handwriting, typewriting, printing, photostating, photographing, photocopying and every other means of recording. It includes letters, words, pictures, sounds or symbols, or combinations thereof, as well as papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums, or other means of recording or retaining meaningful content.

Procedure:

1. Public access to records must be balanced with the right to individual privacy. Each office will refer requests to the freedom of information officer for records not authorized to be released by the supervisor or by statutory exemptions to the Freedom of Information Act.
2. The president is designated by the Board of Trustees as the chief freedom of information officer. He shall have final authority with respect to all matters involving information held or owned by the University. The assistant to the president is the designee as freedom of information officer.
3. Under ordinary circumstances, the records must be made available immediately, but not later than five business days after the request is received. The University can, under unusual circumstances, notify the requester in writing and extend the time limit by ten days. If the request is denied, written notice of the denial must be provided to the requester within five days or within 15 days under unusual circumstances. A failure to respond within the time limits, or failure to respond at all, amounts to a denial.
4. Public records may be inspected or copied only during regular business hours. Hours may be limited or alternate locations designated by the freedom of information officer if undue disruption of University functions may occur.
5. Special categories of information are exempt from disclosure, to include: working papers and research material, minutes of meetings, official's voting records, and staff manuals; records which affect the security of campus and public property, or which would interfere with the discharge of University functions; fragile documents susceptible to damage; information the release of which would substantially increase cost of performing the University's educational mission; specific information about an individual's private affairs, if their right to have the information protected from public scrutiny is greater than the public's right to the information; records which if disclosed would violate the Family Educational Rights and Privacy Act (primarily student records); information subject to the attorney-client privilege or information subject to other enunciated privileges such as counselor-client and those recognized by statute or court rule; appraisals of real property to be required by a public body; test questions and answers, scoring keys and other examination instruments; medical counseling or psychological facts which would reveal an individual's identity; information which may deprive members of the University community of property or reputation without due process.
6. The freedom of information officer may make exceptions to these rules upon showing of unusual or compelling need of the information in connection with the informed and full participation by the requestor in the democratic processes.

Fee Structure for Provision of Public Records

The charge for provision of copies of public records reproduced by machine such as Xerox will be computed on the following basis:

1. Reproduction cost per page, not including labor, covers materials and operational costs.
2. A labor charge, which shall be calculated on the basis of actual time spent in duplications of the requested records, mailing and cost of examination, review, and deletion of exempt information as provided in Section 14 of Act 422. Labor charge will be calculated on basis of lowest clerical rate x .20, multiplied by actual time required, and cost of mailing if requested.
3. Requested copies shall not be delivered to requestor until payment of fees has been received by the University. A deposit may be required as provided for in the Act.

4. Fees for records which cannot be reproduced by processes such as Xerox will be determined by the freedom of information officer or designate, in consultation with appropriate officer under whose jurisdiction said records are kept.
5. The first twenty dollars worth of work must be free for a person who is on welfare or presents facts showing inability to pay because of indigency.

Freedom of Information Act

(Act No. 442, P.A. of 1976)

Log of Requests for Information Under Act 442

NAME OF PERSON REQUESTING: _____

ADDRESS AND TELEPHONE NUMBER OF PERSON REQUESTING: _____

TIME, DATE, AND PLACE OF PRESENTATION OF REQUEST: _____

PERSON TO WHOM REQUEST WAS DIRECTED: _____

DESCRIPTION OF RECORD (-S) REQUESTED: _____

DISPOSITION OF REQUEST: _____

(signed)

(signed)