

GLENVILLE STATE UNIVERSITY POLICIES

POLICY 48

FREEDOM OF INFORMATION ACT REQUESTS

48.1. GENERAL

1.1. Scope - This policy establishes Glensville State University's process regarding requests made for Public Records pursuant to Chapter 29B of the West Virginia Code (the West Virginia Freedom of Information Act ("WVFOIA")). This policy shall apply to all Glensville State University units and divisions under the jurisdiction of the Glensville State University Board of Governors; and their employees who at any time may receive WVFOIA requests or who may have access to potentially responsive materials.

1.2. Authority – W. Va. Code §§ 18B-1-6; §29B-1-1 et seq.; Title 153 Legislative Rule, Series 52

1.3. Effective Date – June 10, 2020

1.4. Revision of Former Policy. Repeals and replaces Glensville State University Policy 48 – Freedom of Information Act Requests [2015][2016].

48.2. Definitions

2.1. Unless otherwise stated, specific terms used in this Policy or any related procedures developed in accordance with this Policy shall have the same definitions specified within the WVFOIA.

2.2. Custodian – "Custodian" for the purposes of this Policy and the WVFOIA means the President or President's designee.

48.3. POLICY

3.1. Glensville State University is committed to complying with the WVFOIA, which is a state law that allows any person to inspect, view, or copy Public Records that are prepared, owned, and maintained by a public body.

3.2. As a public entity, the University will appropriately respond to all requests for public records made pursuant to the WVFOIA in accordance with its obligations under the law. However, some categories of information and University records may be specifically exempt from disclosure under applicable provisions of the WVFOIA.

3.3. All employees, including faculty and staff, must comply with this Rule and any related procedures developed in accordance with this Policy.

48.4. WVFOIA REQUEST SUBMISSION AND RESPONSES

4.1 All WVFOIA requests shall be submitted directly to:

FOIA Request
Office of the President
Glennville State University
200 High Street
Glennville, WV 26351
Teresa.Sterns@glennville.edu
Facsimile: (304) 462-7610

4.2. Requests must be submitted in writing via mail, facsimile, or email. All requests must include the name and mailing address of the requestor.

4.3. The President or President's designee shall be responsible for reviewing any requests for information and for referral to the appropriate employee for assistance in the preparation of a response. Any department, unit, or employee other than the President or President's designee receiving a WVFOIA request shall immediately stamp the request with the date of receipt and hand deliver the request or forward the request electronically to the President's Office. Upon receipt of a WVFOIA request from the President or designee, University employees shall identify and locate potentially responsive Public Records. Potentially responsive Public Records must be provided to the President's Office in accordance with any instructions given by the President or designee.

4.4. Within a maximum of five (5) business days of receipt, a professional staff member from the President's Office shall, on behalf of the University, coordinate the following action:

- (a) Furnish copies of the requested Public Records;
- (b) Advise the requestor of the time and place at which they may inspect and request copies of the Public Records during business hours;
- (c) Deny the request, in whole or in part, stating in writing the reasons for such denial;
- (d) Request a clarification of the WVFOIA request and set a timeframe for such clarification to be provided; or
- (e) For requests seeking documents that might reasonably be provided but not within the initial five (5) day response time frame or for requests seeking documents that require additional time to process, inform the requestor that an extension of time is necessary to fulfill the WVFOIA request.

(f) Provide timely updates, as appropriate, regarding WVFOIA request(s) which are still pending review or are in the process of review.

For the purposes of this Policy, the five (5) business day response period shall begin on the first business day after the request is received if receipt is during regular business hours. Regular business hours shall be defined as Monday through Friday, 8:00 am to 4:00 pm. For the avoidance of doubt, Saturdays, Sundays, legal or University holidays, and any day upon which the University closes, in part or in whole (e.g., an early closure as a result of inclement weather), are not considered a "business day" for purposes of this Policy.

4.6. Under normal circumstances, responsive Public Records shall be provided in paper format. If the person or entity making the request seeks responsive Public Records in magnetic, electronic format and the requested Public Records exist, at the time of the request, in magnetic, electronic or computer format, the requested Public Records shall be provided in the requested format.

4.7. If a public record exists in magnetic, electronic or computer format, and requires the removal or redaction of information, those Public Records shall not be provided in magnetic, electronic or computer format unless agreed to by the President at his or her discretion.

4.8. Responsive Public Records will be provided to the person or entity making the request following the removal or redaction of information exempt from disclosure by the provisions of the WVFOIA or other applicable law, rule or privilege.

Pursuant to the WVFOIA, all responses to requests that have been completed will clearly state that the University's duty to respond to the request is at an end and, if any requested information has not been disclosed, the specific WVFOIA exemption applicable to the nondisclosed information. If information requested has not been disclosed, all responses will also include notice to the person or entity that suits for declaratory and injunctive relief may be instituted in the Circuit Court where the Public Records are kept.

Requests requiring clarification provided pursuant to 4.4(d) of this Policy will be considered withdrawn and at an end if no response is received by the University by the specified deadline or within sixty (60) calendar days for responses with no set deadline.

The University will comply with applicable rules and related procedures established by the West Virginia Secretary of State requiring the submission of information related to WVFOIA requests received and processed to an end by the University in accordance with Section 4.7 of this Policy.

48.5. FEES

5.1. A reasonable per page reproduction fee for the actual costs of reproduction shall be charged commensurate with the University's current fee schedule in effect at the time the University receives the WVFOIA request.

5.2. The University may charge actual postage and/or shipping fees when responsive documents or other electronic media are mailed or shipped to requestors.

5.3. If requested information is provided on electronic media (e.g., a flash drive, DVD, CD, etc.), the requestor shall pay for the actual cost of the media.

5.4 If a person or entity requests, in writing, an alternate delivery method that requires additional shipping cost (certified mail, etc.), the University shall deliver the responsive Public Records via the alternate delivery method requested and shall bill the requesting person or entity the actual cost of shipping.

5.5. Depending upon the nature of the WVFOIA request, the University may estimate the final shipping and/or reproduction fees for processing the request. If the estimated fee exceeds one-hundred dollars (\$100), the requestor shall pay a deposit, up to and including the amount of the original estimate, before the University processes and/or responds to the request. If a fee or a requested deposit is not paid within fifteen (15) calendar days of the request, the request will be considered withdrawn and at an end. The location and identification of potentially responsive Public Records shall be paused until such deposit is received by the University.

5.6. All fees shall be paid to GSU prior to the release of the Public Records, unless otherwise provided for by the President at his or her discretion.

48.6. DELEGATION

6.1. The Board of Governors delegates to the President or designee the authority to adopt additional internal policies and procedures to effectuate the implementation of this Policy. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Policy and applicable law.