

## BLUE RIDGE COMMUNITY AND TECHNICAL COLLEGE NOTICE OF PROPOSED RULE

**SERIES:** 1 **General**  
**RULE:** 12.1 **West Virginia Freedom of Information Act**

### PURPOSE

X **New Rule**  
**Amendment of Rule**  
**Repeal of Rule**

The primary purpose of this new rule is:

- To establish a Blue Ridge Community and Technical College Board of Governors rule regarding requests made for public records pursuant to chapter 29B of the West Virginia Code (the West Virginia Freedom of Information Act ("WVFOIA")).

### SUBMISSION OF COMMENTS

**Comment Period Start Date:** August 6, 2014  
**Comment Period End Date:** September 5, 2014

Please submit any comments concerning this proposed rule to:

The Office of the President  
Blue Ridge Community and Technical College  
13650 Apple Harvest Drive  
Martinsburg WV 25403  
304-260-4380  
304-260-4376  
[rulecomments@blueridgectc.edu](mailto:rulecomments@blueridgectc.edu)

*To be considered by the Board of Governors, a comment must be submitted in writing by the comment period due date.*

# BLUE RIDGE COMMUNITY AND TECHNICAL COLLEGE BOARD OF GOVERNORS

**SERIES:** 1 **General**  
**RULE:** 71.1 **West Virginia Freedom of Information Act**

**Scope:** This rule shall apply to all units, schools, divisions, and departments under the jurisdiction of the Blue Ridge Community and Technical College Board of Governors; and their employees who at any time may receive WVFOIA requests or who have access to responsive materials.

**Authority:** W.Va. Code § 18B-1-6; W.Va. Code § 29B-1 *et seq.*

**Approval Date:**

**Effective Date:**

**Revision History:** This is the first written rule enacted by the Blue Ridge CTC Board of Governors specifically related to requests for public records made pursuant to the WVFOIA.

## **SECTION 1. Purpose.**

- 1.1 To establish a Blue Ridge Community and Technical College Board of Governors rule regarding requests made for public records pursuant to chapter 29B of the West Virginia Code (the West Virginia Freedom of Information Act ("WVFOIA")).

## **SECTION 2. Definitions**

- 2.1 **Public Record.** A public record is "any writing containing information relating to the conduct of the public's business, prepared, owned and retained by a public body." (W.Va. Code § 29B-1-2(4))
- 2.2 **Writing.** A writing is defined as any book, paper, map, photograph, card, tape, recording or other documentary materials regardless of physical form or characteristics. (W.Va. Code § 29B-1-2(5))
- 2.3 **Exemptions.** Those records which the College, in the sole discretion of the Office of the President, could withhold pursuant to W. Va. Code § 29B-1-4(a).
- 2.4 **Custodian.** WVFOIA Officer shall be the Custodian as defined by W. Va. Code § 29B-1-2(1).
- 2.5 **Covered Entities.** All units, schools, divisions, and departments under the jurisdiction of the Blue Ridge Community and Technical College Board of Governors; and their employees.

## **SECTION 3. Rule**

- 3.1 The West Virginia Freedom of Information Act is a state law that allows any person to inspect, view or copy any public record that is prepared, owned and maintained by a public body. As a public entity, Blue Ridge Community and Technical College (BRCTC) will respond to all requests for public records made pursuant to WVFOIA in accordance with its obligations under the law.
- 3.2 Blue Ridge Community and Technical College may establish fees reasonably calculated to reimburse it for its actual cost in making reproductions of records requested pursuant to WVFOIA.

- 3.3 Some records in the possession of a public body are specifically exempt from disclosure under WVFOIA.
- 3.4 All BRCTC employees are obligated to comply with the directives of the WVFOIA Officer.
- 3.5 WVFOIA Officer: The WVFOIA Officer is located within the Division of Enrollment Management. A professional staff member shall serve as the WVFOIA Officer and shall perform the duties outlined below. The WVFOIA Officer shall be the Custodian as defined in W. Va. Code § 29B-1-2(1).
- 3.5.1 Ensure compliance with the WVFOIA, this rule and any related procedures.
- 3.5.2 Assist in understanding and applying this rule and any related procedures.
- 3.5.3 Train faculty and staff on key aspects of the WVFOIA, this rule and any related procedures.

#### **SECTION 4. Responsibility for Interpretation**

- 4.1 Responsibility for interpretation of this rule rests solely with the Office of the President.

#### **SECTION 5. Responsibility for Application/Development of Procedures**

- 5.1 Responsibility for application of this rule, as well as the development of specific procedures, rests with the Office of the President. Any procedures developed by the Office of the President or material changes thereto shall be posted for ten (10) working days before the procedures become effective.
- 5.2 For additional information regarding the application of this rule, please refer to WVFOIA Administrative Procedure AP1201.

#### **DISTRIBUTION LIST:**

President  
Executive Assistant to the President  
Vice President of Workforce & Engineering Technologies  
Vice President of Instruction  
Vice President of Business and Technology  
Vice President of Enrollment Management  
VP of Human Resources  
Chief Financial Officer  
VP of IT  
Faculty Council Chair  
Classified Staff Council Chair  
Student Board Representative  
WVCTCS Chancellor

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Board of Governors Chair

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Date

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President

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Date