LANSING COMMUNITY COLLEGE

SUMMARY OF FREEDOM OF INFORMATION ACT PROCEDURES AND GUIDELINES

The Freedom of Information Act, being 1976 PA 442 (MCL 15.231 to 15.246) ("FOIA" or the "Act"), mandates disclosure of most public records. To fulfill this mandate, the College adopted "Freedom of Information Act Procedures and Guidelines" (the "Procedures") for handling FOIA requests. This document summarizes the College's Procedures in accordance with FOIA.

I. Submitting a FOIA Request

You must submit a request for College records in writing to the College's FOIA Coordinator. The FOIA Coordinator has been designated by the College Board of Trustees as the College's FOIA Coordinator. You may request either (a) to receive a copy of College records, or (b) to review College records.

You may submit the written FOIA request for records in person, by mail, or via electronic means (i.e., fax, e-mail, or other electronic means). Written requests submitted in person or by mail are deemed received as of the date of receipt. Requests submitted to the College via electronic means are deemed received by the FOIA Coordinator one (1) business day after the date the electronic transmission is made.

II. College's Response to a FOIA Request

Once the College receives your FOIA request, the College must respond to your request within five business days, unless the College extends the period to respond to the request by not more than ten business days, in addition to the usual five business days.

In response to a FOIA request, the College may: (1) grant the request (and provide either a copy of the requested record or the opportunity to review the record, in accordance with your request); (2) deny the request if no such record exists or the record is exempt pursuant to one of the exemptions under the Act that are applicable to the College; or (3) grant the request in part and deny the request in part.

If the College issues a ten-business-day (10) extension to respond to the FOIA request, the College's written response to a FOIA request will include (1) an estimate as to when the College will provide the requested records to you, and (2) if there is a charge to respond to the request, a detailed summary on the estimate of cost to provide the records to you.

Please note that FOIA does not require the College to make a compilation, summary, or report of the information.

III. Reviewing College Records

You may request to review College records. If you make such a request, the College will make facilities available to inspect the requested records during the College's normal business hours and when the records can be reasonably made available. You must submit a request form describing the requested documents prior to the College allowing the inspection of the records.

You cannot write or take any notes on original College records that you are reviewing, and you will only be allowed to have an erasable pencil with you to take notes. No pens or indelible writing instruments are allowed. A College official will be present during the inspection of College records if original records are involved, and you may be charged a fee to defray the College's cost of the monitoring service to protect the records from loss, unauthorized alteration, mutilation, or destruction. Original records cannot be removed from the area provided for inspection and note-taking.

IV. Requesting Copies of College Records

You may request to receive copies of College records. The College will review the available records and provide you with copies of the records unless the records do not exist, are not in possession of the College, or are exempt from disclosure under FOIA.

V. Calculation and Payment of Fees; Deposit

Under FOIA, the College may charge a fee for providing you with a copy of a public record, including labor costs, where the failure to charge a fee would result in unreasonably high costs to the College because of the nature of your request. If the time required to respond to a FOIA request exceeds one hour, the request will be deemed to result in unreasonably high costs to the College. Prior to responding to a request, the College will provide you with a written estimate of the applicable fees. The College may require the payment of a deposit or, in certain circumstances, waive payment of the fee altogether.

A. Calculation of Fee

The College may charge you a fee for searching, reviewing, redacting, copying, and mailing requested records. The fee will be limited to actual mailing costs, and to the actual incremental cost of duplication or publication including labor, the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information pursuant to Section 14 of FOIA. The College will mail the available requested records to you upon payment of the applicable fees. The fees charged by the College for responding to your request may include:

a) a fee for the College's labor costs directly associated with (1) making copies (including paper or digital copies), (2) searching for, locating, and examining the requested records, and (3) the necessary review of and separation and deletion of exempt information from nonexempt information. You will not be charged for the redaction of documents if the College previously redacted the public record in question and the redacted version is still in the College's possession.

b) the College's actual cost of mailing for sending the records to you. The College will not send documents via overnight delivery service or expedited shipping (or obtain shipping insurance on such mailing) unless you specifically request such services in writing and agree to pay for such costs.

c) The cost to copy the records. The incremental cost of copying the records is ten cents per 8 1/2″ x 11″ or 8 1/2″ x 14″ sheet of paper. The College may copy records using double-sided printing (if available). If the College needs to send the records to a commercial copy center for copying, you will be charged for those costs.

d) the College's actual costs to copy photographs, audio or videotapes, microforms, maps or plans including any costs incurred to have a third-party make such copies. If a College official or employee is required to deliver and/or pick up the public records and/or copies of public records, you will be charged for the labor hours (calculated in accordance with the Procedures) spent and applicable mileage (at the then-current IRS mileage reimbursement rate).

For labor costs to comply with a request, the College will charge the hourly wage of its lowest-paid employee capable of performing the necessary task regardless of whether that person is available or who actually performs the labor. The labor charges will be billed in increments of 15 minutes or more, and all partial time increments will be rounded downward. The labor charge will include an amount equal to one-half (50 percent) of the applicable hourly wage to cover (or partially cover) the cost of the fringe benefits (if any) for the lowest-paid employee; provided, however, that such amount will not exceed the actual costs of the fringe benefits.

A College official or employee may perform the review and separation of exempt from non-exempt information or, if necessary, outside legal counsel. For services performed by outside legal counsel, the College may charge the legal counsel's time; the charge will not exceed an amount equal to six times the then-current state minimum hourly wage rate. The College will provide you with a notice as to the name of the contracted person or firm in the College's detailed itemization of costs. The charges for such services will be billed in increments of 15 minutes or more, and all partial time increments will be rounded downward.

B. Fee Waiver

The College may waive all or a portion of the fees for the search and copying of records if the College determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public. A public record search shall be made, and a copy of a public record shall be furnished without charge for the first $20.00 of the fee for each request by a person submitting an affidavit stating that they are indigent. If a requesting person is ineligible for a fee reduction or waiver, the College shall provide written notice of ineligibility and the reasons for ineligibility in the College's response to the FOIA request.

Under the Procedures, you may be ineligible for a fee reduction or waiver if: (a) you previously received discounted copies of public records from the College twice during the calendar year; (b) you are making the records request in conjunction with outside parties who are offering or providing payment or other remuneration to you to make the request; or (c) you are a specific type of nonprofit corporation (as provided in FOIA and the Procedures).

C. Deposit

If it is anticipated that a charge will exceed Fifty and 00/100 ($50.00) Dollars, you may be required to pay a good faith deposit prior to the College fulfilling the request for the records. Still, the deposit will not exceed one-half of the total anticipated fee. In certain

circumstances, the College may require payment of a deposit equal to 100% of the estimated charge for fulfilling your request for records, if you previously failed to pay the total amount due from a prior FOIA request to the College.

VI. Rights to Appeal

You can appeal decisions made with respect to the records that you requested, if the request was denied or denied in part, or the amount of the calculated fee for responding to your request. An appeal from a determination by the FOIA Coordinator or from a decision of the College Board of Trustees may be taken to the Ingham County Circuit Court.

A. Appeal of Denial of Records (in whole or in part)

You have the right to submit to the FOIA Coordinator a written appeal, to be determined by the College Board of Trustees, that specifically states the word "appeal" and identifies the reason or reasons that you assert in support of reversal of the failure of disclosure of the public records that were not disclosed. In the alternative, you have the right to seek judicial review of the denial or nondisclosure.

Under Section 10 of FOIA, you have the right to receive attorney fees and damages if, after judicial review, the Ingham County Circuit Court determines that the College has not complied with Section 5 of FOIA and that the court orders disclosure of all or a portion of a public record that had not been disclosed to you by the College.

B. Appeal of Calculation of Fee

A requesting person may appeal the amount of a fee to the College Board of Trustees or the Ingham County Circuit Court if that fee exceeds the amount permitted under these Procedures and FOIA.

An appeal on the amount of the fee to the College Board of Trustees must specifically include the word "appeal" and identify how the required fee exceeds the amount permitted under the Procedures or the Act.

If you, the requesting person, file a fee appeal with the Circuit Court, the College will not complete the processing of the written request for the public record at issue until the court resolves the fee dispute.

Within 10 business days after receiving a written appeal of the fee, the College Board of Trustees is required to: (1) Waive the fee; or (2) reduce the fee and provide written notice as to the basis for the remaining fee; or (3) uphold the fee and provide written notice as to the basis for the fee; or (4) issue a notice extending for not more than 10 business days the period during which the College Board of Trustees must respond to the appeal (the notice will include a detailed reason or reasons why the extension is necessary).

Any appeal will be deemed received as of the date of the first regularly scheduled meeting of the College Board of Trustees following submission of the written appeal.

A deposit required to be paid by the College is considered a "fee."

VII. Additional Information; Revisions to Summary and Procedures

Additional information may be found in the College's Procedures, which may be obtained from the College at the College's Washington Court Place 309 N. Washington, Suite 150, Lansing, MI 48933 at no charge.

This Summary and the Procedures may be modified from time to time by the College and without notice.