

**SCHOOLCRAFT COLLEGE**  
18600 Haggerty Road, Livonia, Michigan 48152-2696

**IMPLEMENTATION OF THE FREEDOM OF INFORMATION ACT**

The Board of Trustees of Schoolcraft College has adopted the policy that, pursuant to, and in compliance with the *Michigan Freedom of Information Act, Act No. 442, Public Acts of Michigan of 1976*, as amended from time to time (herein called the "FOIA"), all persons are entitled to full and complete information regarding the affairs of the College and the official acts of those who represent them as College officials and employees, consistent with the FOIA and these procedures, but recognizing the need to exempt from disclosure certain information in the interest of protecting the privacy of students and other individuals and in the interest of the effective administration of the College, all as permitted by the FOIA and these procedures. The College shall comply with Board Policy No. 1072 and the FOIA through the following procedures:

**WRITTEN PUBLIC SUMMARY OF FOIA PROCEDURES AND GUIDELINES**

Consistent with Public Act 563 of 2014 amending the Michigan Freedom of Information Act (FOIA), the following is the Written Public Summary of the College's FOIA Procedures and Guidelines relevant to the general public.

1. HOW DO I SUBMIT A FOIA REQUEST TO SCHOOLCRAFT COLLEGE?
  - a. Requests to inspect or obtain copies of public records prepared, owned, used, possessed, or retained by Schoolcraft College must be submitted in writing.
  - b. A request must sufficiently describe a public record so as to enable the College to find it.
  - c. No specific form to submit a written request is required. However, a FOIA Request form for your use and convenience is available on the College's website at [www.schoolcraft.edu](http://www.schoolcraft.edu).
  - d. Written requests can be made in person by delivery to the Jeffress Center, Room 406, 18600 Haggerty Road, Livonia, MI 48152.
  - e. Requests can also be made by facsimile to 734-462-4340.
  - f. A request may also be submitted by e-mail. To ensure prompt response, e-mail requests should contain the term "FOIA" or "FOIA Request" in the subject line and be sent to [foia@schoolcraft.edu](mailto:foia@schoolcraft.edu).

*Note: If you are serving a sentence of imprisonment in a local, state, or federal correctional facility you are not entitled to submit a request for a public record.*

2. WHAT KIND OF RESPONSE CAN I EXPECT TO MY REQUEST?

- a. Within five (5) days of receipt of a FOIA request, the College will issue a response. If a request is received by facsimile or e-mail the request is deemed to have been received on the following business day. The College will respond to your request in one of the following ways:
  - 1) Grant the request.
  - 2) Issue a written notice denying the request.
  - 3) Grant the request in part and issue a written notice denying in part the request, which can include redacted records.
  - 4) Issue a notice indicating that due to the nature of the request the College needs a one-time additional ten (10) business day's extension to respond.
  - 5) Issue a written notice indicating that the public record requested is available at no charge on the College's website.
- b. If the request is granted, or granted in part, the College will ask that payment be made for the allowable fees associated with responding to the request before the public record is made available. If the cost of processing the request is expected to exceed \$50.00, or if you have not paid for a previously granted request, the College will require a deposit before processing the request.

3. WHAT ARE THE COLLEGE'S FEE DEPOSIT REQUIREMENTS

- a. If the College has made a good faith calculation that the total fee for processing the request exceeds \$50.00, the College will require that you provide a deposit in the amount of 50% of the total estimated fee. When the College requests the deposit it will provide you a non-binding best efforts estimate of how long it will take to process the request following receipt by the College of your deposit.
- b. If the College receives a request from a person who has not paid the College for copies of public records made in fulfillment of a previously granted written request, the College will require a deposit of 100% of the estimated processing fee before it begins to search for the public record for any subsequent written request when all of the following conditions exist.
  - 1) The final fee for the prior written request is not more than 105% of the estimated fee;
  - 2) The public records made available contained the information sought in the prior written request and remain in the College's possession;
  - 3) The public records were made available to the individual, subject to payment, within the time frame estimated by the College to provide the records;
  - 4) 90 days have passed since the College notified the individual in writing that the public records were available for pickup or mailing;
  - 5) The individual is unable to show proof of prior payment to the College; and

- 6) The College has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.
- c. The College will not require the 100% estimated fee deposit if any of the following apply:
  - 1) The person making the request is able to show proof of prior payment in full to the College;
  - 2) The College is subsequently paid in full for all applicable prior written requests; or
  - 3) 365 days have passed since the person made the request for which full payment was not remitted to the College.

4. HOW DOES THE COLLEGE CALCULATE FOIA PROCESSING FEES?

- a. A fee will not be charged for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the College because of the nature of the request in the particular instance, and the College specifically identifies the nature of the unreasonably high costs.
- b. The Michigan FOIA statute permits the College to assess and collect a fee for six designated processing components. The College may charge for the following costs associated with processing a request:
  - 1) Labor costs associated with searching for, locating, and examining a requested public record.
  - 2) Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information that is disclosed.
  - 3) Labor costs associated with duplication or publication, which includes making paper copies, making digital copies, or transferring digital public record to non-paper physical media or through the Internet.
  - 4) The cost of computer discs, computer tapes, or other digital or similar media when the requester asks for records in non-paper physical media.
  - 5) The cost of duplication or publication, not including labor, of paper copies of public records.
  - 6) The cost to mail or send a public record to a requestor.
- c. Labor Costs
  - 1) All labor costs will be estimated and charged in 15 minute increments with all partial time increments rounded down.
  - 2) Labor costs will be charged at the hourly wage by the lowest-paid College employee capable of doing the work in the specific fee category, regardless of who actually performs the work.
    - 3) Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.
- d. Non-Paper Physical Media

- 1) The cost for records provided on non-paper physical media, such as computer discs, computer tapes, or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
  - 2) This cost will only be assessed if the College has the technological capability necessary to provide the public record in the requested non-paper physical media.
- e. Paper Copies
- 1) Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
  - 2) The College may provide records using double-sided printing, if cost-saving and available.
- f. Mailing Costs
- 1) The cost to mail public records will use a reasonably economical and justified means.
  - 2) The College may charge for the least expensive form of postal delivery confirmation.
  - 3) No cost will be made for expedited shipping or insurance unless requested.

5. HOW DO I QUALIFY FOR A REDUCTION OF THE PROCESSING FEES?

- a. The College may waive or reduce the fee associated with a request when the College determines that to do so is in the public interest because release of the information is considered as primarily benefitting the general public.
- b. The College will waive the first \$20 of the processing fee for a request if you submit an affidavit stating that you are:
- c. Indigent and receiving public assistance; or
- d. If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.
- e. You are not eligible to receive the \$20.00 waiver if you:
  - 1) Have previously received discounted copies of public records from the College twice during the calendar year; or
  - 2) Are requesting information on behalf of other persons who are offering or providing payment to you to make the request.
- f. An affidavit is a sworn statement. For your convenience, the College has provided an Affidavit of Indigency form for the waiver of FOIA fees on its website.
- g. The College will waive the fee for a nonprofit organization which meets all of the following conditions:
  - 1) The organization is designated by the State under federal law to carry out activities under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Public Law 106-402) and the Protection and Advocacy

for Individuals with Mental Illness Act (Public Law 99-319) or their successors;

- 2) The request is made directly on behalf of the organization or its clients;
- 3) The request is made for a reason wholly consistent with the provisions of federal law under Section 931 of the Mental Health Code; and
- 4) The request is accompanied by documentation of the organization's designation by the State.

6. HOW MAY I CHALLENGE A DENIAL OF A PUBLIC RECORD?

a. Appeal of a Denial of a Public Record

If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may file an appeal of the denial with the Office of the President. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons you are seeking a reversal of the denial.

Within ten (10) business days of receiving the appeal the President will respond in writing by:

- 1) Reversing the disclosure denial; or
- 2) Upholding the disclosure denial; or
- 3) Reverse the disclosure denial in part and uphold the disclosure denial in part; or
- 4) Under unusual circumstances, issue a notice extending the appeal period for not more than ten business days.

Whether or not you submitted an appeal of a denial to the Office of the President, you may file a civil action in Wayne County Circuit Court within 180 days after the College's final determination to deny your request. Should you prevail in the civil action the court will award you reasonable attorneys' fees, costs, and disbursements. If the court determines that the College acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1,000.00.

b. Appeal of an Excessive FOIA Processing Fee

If you believe that the fee charged by the College to process your FOIA request exceeds the amount permitted by state law, you must first submit a written appeal for a fee reduction to the Office of the President. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.

Within ten (10) business days after receiving the appeal, the President will respond in writing by:

- 1) Waiving the fee; or
- 2) Reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee; or

- 3) Upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or
- 4) Issuing a notice detailing the reason or reasons for extending for not more than ten (10) business days the period during which the President will respond to the written appeal.

Within 45 days after receiving notice of the President's determination of the processing fee appeal, you may commence a civil action in Wayne County Circuit Court for a fee reduction. If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the court may award all or an appropriate amount of reasonable attorneys' fees, costs, and disbursements. If the court determines that the College acted arbitrarily and capriciously by charging an excessive fee, the court may also award you punitive damages in the amount of \$500.00.

Need more details or information?

This is only a summary of the Schoolcraft College's FOIA Procedures and Guidelines. For more details and information, copies of the Schoolcraft College's FOIA Procedures and Guidelines are available at no charge at the VP/CFO's office in the Jeffress Center, Room 406, Livonia Campus and on the College's website: [www.schoolcraft.edu](http://www.schoolcraft.edu).

## **FREEDOM OF INFORMATION ACT PROCEDURES AND GUIDELINES**

### **PREAMBLE: STATEMENT OF PRINCIPLES**

It is the policy of Schoolcraft College that all persons, except those who are serving a sentence of imprisonment, consistent with the Michigan Freedom of Information Act (FOIA), are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people shall be informed so that they fully participate in the democratic process.

Schoolcraft College's policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request.

Schoolcraft College acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. Schoolcraft College acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of the College and to protect the privacy of individuals.

Schoolcraft College will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. Schoolcraft College's policy is to disclose public records consistent with and in compliance with State law.

Schoolcraft College has established the following written procedures and guidelines to implement the FOIA and will create a written public summary of the specific procedures

and guidelines relevant to the general public regarding how to submit written requests to the College and explaining how to understand the College's written responses, deposit requirements, fee calculations, and avenues for challenging and appeal.

### SECTION 1: GENERAL POLICIES

The College acting pursuant to the authority at MCL 15.236 designates the Vice President and Chief Financial Officer as the FOIA Coordinator. He or she is authorized to designate other College staff to act on his or her behalf to accept and process written requests for the College's public records and approve denials.

If a request for a public record is received by facsimile or e-mail, the request is deemed to have been received on the following business day. If a request is sent by e-mail and delivered to a College spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request.

The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.

The College is not obligated to create a new public record or make a compilation or summary of information that does not already exist. Neither the FOIA Coordinator nor other College staff is obligated to provide answers to questions contained in the requests for public records or regarding the content of the records themselves.

The FOIA Coordinator shall keep a copy of all written requests for public records received by the College on file for a period of at least one year.

The College will make this Procedures and Guidelines document and the Written Public Summary publically available without charge. If it does not, the College cannot require deposits or charge fees otherwise permitted under the FOIA until it is in compliance.

A copy of this Procedure and Guidelines document and the Written Public Summary must be publicly available by providing free copies both in the College's response to a written request and upon request by visitors at the VP/CFO's office.

The Procedures and Guidelines document and the College's Written Public Summary will be maintained on the College's website at [www.schoolcraft.edu](http://www.schoolcraft.edu) so a link to those documents will be provided in lieu of providing paper copies of those documents.

## SECTION 2: REQUESTING A PUBLIC RECORD

A person requesting to inspect or obtain copies of public records prepared, owned, used, possessed, or retained by Schoolcraft College must do so in writing. The request must sufficiently describe a public record so as to enable College personnel to identify and find the requested public record.

No specific form to submit a request for a public record is required. However, a FOIA Request form for your use and convenience is available on the College's website at [www.schoolcraft.edu](http://www.schoolcraft.edu).

Written requests for public records may be submitted in person or by mail to the College at the Jeffress Center, Room 406, 18600 Haggerty Road, Livonia, MI 48152.

Requests may also be submitted electronically by facsimile and e-mail. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

A person may request that public records be provided on non-paper physical media, electronically mailed, or otherwise provided to him or her in lieu of paper copies. The College will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued, or disseminated by Schoolcraft College on a regular basis. A subscription is valid for up to six months and may be renewed by the subscriber.

A person who makes a verbal, non-written request for information believed to be available on the College's website, where practicable and to the best ability of the employee receiving the request, shall be informed of the pertinent website address.

A person serving a sentence of imprisonment in a local, state, or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

## SECTION 3: PROCESSING A REQUEST

Unless otherwise agreed to in writing by the person making the request, within five (5) business days of receipt of a FOIA request the College will issue a response. If a request is received by facsimile, e-mail, or other electronic transmission, the request is deemed to have been received on the following business day. The College will respond to the request in one of the following ways:

1. Grant the request; or
2. Issue a written notice denying the request; or
3. Grant the request in part and issue a written notice denying in part the request;  
or



4. Issue a notice indicating that due to the nature of the request the College needs an additional ten (10) business days to respond. Only one such extension is permitted; or
5. Issue a written notice indicating that the public record requested is available at no charge on the College's website.

#### When a Request is Granted

If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available. The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request. A copy of these Procedures and Guidelines shall be provided to the requestor with the response to a written request for public records, however, if these Procedures and Guidelines and its Written Public Summary are maintained on the College's website, then a website link to those documents may be provided in lieu of providing paper copies.

If the cost of processing a FOIA request is \$50 or less, the requester will be notified of the amount due and where the documents can be obtained.

If based on a good faith calculation by the College, the cost of processing a FOIA request is expected to exceed \$50, or if the requestor has not fully paid for a previously granted request, the College will require a good-faith deposit before processing the request. In making the request for a good-faith deposit, the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the College to process the request and also provide a best efforts estimate of a time frame it will take the College to provide the records to the requestor. The best efforts estimate shall be nonbinding on the College, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.

#### When a Request is Denied or Denied in Part:

If the request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial that shall provide in the applicable circumstance:

1. An explanation as to why a requested public record is exempt from disclosure; or
2. A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the College; or
3. An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and

4. An explanation of the person's right to submit an appeal of the denial to either the office of the President or seek judicial review in the Wayne County Circuit Court; and
5. An explanation of the right to receive attorneys' fees, costs, and disbursements as well as actual or compensatory damages, and punitive damages of \$1,000 should they prevail in Circuit Court.
6. The Notice of Denial shall be signed by the FOIA Coordinator.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this section.

#### Requests to Inspect Public Records:

The College shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect College records from loss, alteration, mutilation or destruction, and to prevent excessive interference with normal College operations.

#### Requests for Certified Copies:

The FOIA Coordinator, upon written request, shall furnish a certified copy of a public record at no additional cost to the person requesting the public record.

### SECTION 4: FEE DEPOSITS

If the fee estimate is expected to exceed \$50.00 based on a good-faith calculation by the College, the requestor will be asked to provide a deposit not exceeding one-half the total estimated fee.

If a request for public records is from a person who has not fully paid the College for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:

1. The final fee for the prior written request is not more than 105% of the estimated fee;
2. The public records made available contained the information sought in the prior written request and remain in the College's possession;
3. The public records were made available to the individual, subject to payment, within the time frame estimated by the College to provide the records;

4. 90 days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing;
5. The individual is unable to show proof of prior payment to the College; and
6. The FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.

The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:

1. The person making the request is able to show proof of prior payment in full to the College;
2. The College is subsequently paid in full for the applicable prior written request; or
3. 365 days have passed since the person made the request for which full payment was not remitted to the College.

#### SECTION 5: CALCULATION OF FEES

A fee will not be charged for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the College because of the nature of the request in the particular instance, and the College specifically identifies the nature of the unreasonably high costs.

The following factors shall be used to determine an unreasonably high cost to the College:

1. The particular request incurs costs greater than incurred from the typical or usual request received by the College.
2. Volume of the public record requested.
3. Amount of time spent to search for, examine, review, and separate exempt from non-exempt information in the record requested.
4. Whether public records from more than one College department or various College offices is necessary to respond to the request.
5. The available staffing to respond to the request.
6. Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The College may charge for the following costs associated with processing a FOIA request:

1. Labor costs directly associated with searching for, locating and examining a requested public record.
2. Labor costs associated with the review of a record to separate and delete information exempt from disclosure of information that is disclosed.

3. Labor costs associated with duplication or publication, including making paper copies, making digital copies or transferring digital public records to non-paper physical media or through the Internet or other electronic means.
4. The actual cost of computer discs, computer tapes, or other digital or similar media.
5. The cost of duplication of publication, not including labor, of paper copies of public records.
6. The actual cost of mailing or sending a public record.

Labor Costs will be calculated based on the following requirements:

1. All labor costs will be estimated and charged in 15 minute increments with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
2. Labor costs will be charged at the hourly wage of the lowest-paid College employee capable of doing the work in the specific fee category, regardless of who actually performs work.
3. Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. The College may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
4. Overtime wages will not be included in labor costs until agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
5. Contracted labor costs will be charges at the hourly rate of \$48.90 (Six (6) times the state minimum hourly wage).

The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

1. Computer disks, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
2. This cost will only be assessed if the College has the technological capability necessary to provide the public record in the requested non-paper physical media format.
3. In order to ensure the integrity and security of the College's technological infrastructure, the College will procure any requested non-paper media and will not accept non-paper media from the requestor.

The cost to provide paper copies of records will be based on the following requirements:

1. Paper copies of public records made on standard letter (8 ½ x 11) or legal (8½ x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
2. The College may provide records using double-sided printing, if cost-saving and available.

The cost to mail records to a requestor will be based on the following requirements:

1. The actual cost to mail public records using a reasonably economical and justified means.
2. The College may charge for the least expensive form of postal delivery confirmation.
3. No cost will be made for expedited shipping or insurance unless requested.

If the FOIA Coordinator does not respond to a written request in a timely manner, the following shall be required:

Reduce the labor costs by 5% for each day the College exceeds the time permitted under FOIA up to a 50% maximum reduction, if any of the following applies:

1. The late response was willful and intentional.
2. The written request, within the first 250 words of the body of a letter facsimile, e-mail or e-mail attachment conveyed a request for information.
3. The written request included the words, characters, or abbreviations for "freedom of information", "information", "FOIA", "copy", or a recognizable misspelling of such or legal code reference to MCL 15.231 et seq or 1976 Public Act 442 on the front of an envelope or facsimile cover page.
4. Fully note the charge reduction in the Detailed Itemization of Costs Form.

#### SECTION 6: WAIVER AND DISCOUNTED FEES

##### ***Waiver:***

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because such can be considered as primarily benefitting the general public.

##### ***Discounted:***

The FOIA Coordinator will waive the first \$20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are:

1. Indigent and receiving specific public assistance; or
2. If not receiving public assistance stating facts demonstrating an inability to pay because of indigency.

An individual is not eligible to receive the waiver if:

1. The requestor has previously received discounted copies of public records from the College twice during the calendar year; or
2. The requestor requests information in connection with other persons who are offering or providing payment to make the request.

An affidavit is a sworn statement. The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.

A nonprofit organization designated to by the State to carry out activities under Subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 200 and the Protection and Advocacy for Individuals with Mental Illness Act, or their successors, if the request meets all of the following requirements:

1. Is made directly on behalf of the organization or its clients;
2. Is made for a reason wholly consistent with the mission and provisions of those laws under Section 931 of the Mental Health Code, MCL 330.1931;
3. Is accompanied by documentation of its designation by the State.

### SECTION 7: APPEAL OF A DENIAL OF A PUBLIC RECORD

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may file an appeal of the denial with the Office of the President. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial.

Within 10 business days of receiving the appeal the President will respond in writing by:

1. Reversing the disclosure denial;
2. Upholding the disclosure denial; or
3. Reverse the disclosure denial in part and uphold the disclosure denial in part.
4. Under unusual circumstances, such as the need to examine or review a voluminous amount of separate and distinct public records, or the need to collect the requested records from numerous facilities located apart from the office receiving or processing the request, the President may issue not more than one (1) notice of extension for not more than 10 business days to respond to the appeal.

If the College President fails to respond to a written appeal, or if the President upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action in Wayne County Circuit Court.

Whether or not a requestor submitted an appeal of a denial to the President, he or she may file a civil action in Wayne County Circuit Court within 180 days after the College's final determination to deny the request.

If the court determines that the public record is not exempt from disclosure, the court will award the appellant reasonable attorneys' fees, cost and disbursements. If the court determines that the appellant prevails only in part, the court in its discretion may award all or an appropriate portion of reasonable attorneys' fees, costs and disbursements.

If the court determines that the College arbitrarily and capriciously violated the FOIA by refusing or delaying the disclosure of copies of a public record, it shall award the appellant punitive damages in the amount of \$1,000. The court shall also order that the public body pay a civil fine of \$1000 to the general fund of the State Treasury.

#### SECTION 8: APPEAL OF AN EXCESSIVE FOIA PROCESSING FEE

“Fee” means the total fee or any component of the total fee calculated under Section 4 of the FOIA, including any deposit.

If a requestor believes that the fee charged by the College to process a FOIA request exceeds the amount permitted by state law, he or she must first submit a written appeal for a fee reduction to the Office of the President. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.

Within 10 business days after receiving the appeal, the President will respond in writing and may:

1. Waive the fee;
2. Reduce the fee and issue a written determination indicating the specific basis that supports the remaining fee, accompanied by a certification by the President that the statements in the determination are accurate and the reduced fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA;
3. Uphold the fee and issue a written determination indicating the specific basis under Section 4 of the FOIA that supports the required fee, accompanied by a certification by the President that the statements in the determination are accurate and the fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA; or
4. Issue a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the President will respond to the written appeal.

Within 45 days after receiving notice of the President’s determination of a fee appeal, a requestor may commence a civil action in Wayne County Circuit Court for a fee reduction. If a civil action is filed appealing the fee, the College is not obligated to process the request for the public record until the Court resolves the fee dispute.

If the court determines that the College required a fee that exceeds the amount permitted, it shall reduce the fee to a permissible amount.

An action shall not be filed in circuit court unless **one** of the following applies:

1. The College does not provide for appeals of fees.
2. The College failed to respond to a written appeal, as required.
3. The College issued a determination to a written appeal.

If a court determines that the College required a fee that exceeds the amount permitted under its publicly available Procedures and Guidelines or Section 4 of the FOIA, the court shall reduce the fee to a permissible amount.

If the requesting person prevails in court by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages.

If the court determines that the College has acted arbitrarily and capriciously by charging an excessive fee, the court shall also award the appellant punitive damages in the amount of \$500.

### SECTION 9: CONFLICT WITH PRIOR FOIA POLICIES AND PROCEDURES

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by the College Commission or the College Administration, these Procedures and Guidelines are controlling. To the extent that any administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of this resolution is found to be in conflict with any previous policy promulgated by the College, the administrative rule promulgated by the FOIA Coordinator is controlling.

To the extent that any provision of these Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control. The FOIA Coordinator is authorized to modify this policy and all previous policies adopted by the College, and to adopt such administrative rules as he or she may deem necessary, to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statute, provided that such modifications and rules are consistent with State law. The FOIA Coordinator shall inform the College of any change to these Policies and Guidelines.

These FOIA Policies and Guidelines become effective July 1, 2015.

### SECTION 10: APPENDIX OF SCHOOLCRAFT COLLEGE FOIA FORMS

1. Request Form
2. Appeal Forms
3. Affidavit of Indigency
4. Detailed Itemization of Fees Form



Revised—December 23, 1981  
Retyped—Title Changes  
July 20, 1984  
Retyped—Title Change  
October 12, 1995  
Revised—January 15, 1996  
Revised—October 13, 1997  
Revised—January 16, 2007  
Revised—February 20, 2007  
Revised—September 16, 2008  
Revised – July 1, 2015



18600 Haggerty Road  
 Livonia, MI 48152-2696  
 734-462-4400  
 www.schoolcraft.edu

**FOIA Request for Public Records**  
 Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq.*

Name	Firm/Organization	
Phone	Fax	
Street	Email	
City	State	Zip

**Request for:**

- Copy    
  Certified copy    
  Record inspection    
  Subscription to record issued on regular basis

**Delivery Method:**

- Will pick up    
  Will make own copies onsite    
  Mail to address above    
  Email to address above  
 Deliver on digital media provided by the College:
- 

*Note: The College is not required to provide records in a digital format or on digital media if the College does not already have the technological capability to do so.*

**Describe the public record(s) as specifically as possible.** You may use this form or attach additional sheets:

Requestor's Signature	Date

*(Complete both sides)*

**Request No.:** \_\_\_\_\_ **Date Received:** \_\_\_\_\_ **Date Became Aware (if delivered to Junk Mail):** \_\_\_\_\_

Check if received via:  Email     Fax     Other Electronic Means     Postal Service

### Records Located on Website

If the College directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any labor charges to redact (*separate exempt information from non-exempt information*).

If the FOIA coordinator knows or has reason to know that all or a portion of the requested information is available on its website, the College must notify the requestor in its written response that all or a portion of the requested information is available on its website. The written response, to the degree practicable in the specific instance, must include a specific webpage address where the requested information is available. On the detailed cost itemization form, the College must separate the requested public records that are available on its website from those that are not available on the website and must inform the requestor of the additional charge to receive copies of the public records that are available on its website.

If the College has included the website address for a record in its written response to the requestor and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or other form, including digital media, the College must provide the public records in the specified format (if the College has the technological capability) but may use a fringe benefit multiplier greater than the 50%, not to exceed the actual costs of providing the information in the specified format.

### Request for Copies/Duplication of Records on College Website

I hereby stipulate that, even if some or all of the records are located on the College website, I am requesting that the College make copies of those records and deliver them to me in the format I have requested above. I understand that some FOIA fees may apply.

Requestor's Signature

Date

### Request for Discount: Indigence

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by an individual who is entitled to information under this act and who:

- 1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, **OR**
- 2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if **ANY** of the following apply:

- (i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year;
- (ii) The individual requests the information on behalf of other persons who are offering or providing payment to you to make the request.

**Office Use:**  Affidavit Received  Eligible for Discount  Ineligible for Discount

I am submitting an affidavit and requesting that I receive the discount for indigence for this FOIA request:

Requestor's Signature:

Date:

### Request for Discount: Nonprofit Organization

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act or their successors, if the request meets **ALL** of the following requirements:

- (i) the organization is designated by the State under federal law to carry out activities under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act or their successors;
- (ii) the request is made directly on behalf of the organization or its clients;
- (iii) the request is made for a reason wholly consistent with the provisions of federal law under Section 931 of the Mental Health Code; and
- (iv) the request is accompanied by documentation of the organization's designation by the State.

**Office Use:**  Documentation of State Designation Received  Eligible for Discount  Ineligible for Discount

I stipulate that I am a designated agent for the nonprofit organization making this FOIA request and that this request is made directly on behalf of the organization or its clients and is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931:

Requestor's Signature:

Date:



18600 Haggerty Road  
Livonia, MI 48152-2696  
734-462-4400  
www.schoolcraft.edu

**FOIA Appeal Form—To Appeal a Denial of Records**  
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Name	Firm/Organization	
Phone	Fax	
Street	Email	
City	State	Zip

**Request for:**

- Copy    
 Certified copy    
 Record inspection    
 Subscription to record issued on regular basis

**Delivery Method:**

- Will pick up    
 Mail to address above    
 Email to address above

**Record(s) You Requested:** *(Listed here or see attached copy of original request)*

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**Reason(s) for Appeal:** *(The appeal must identify the reason(s) for the denial. You may use this form or attach additional sheet)*

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Requestor's Signature:

Date:

Please send all Appeal Forms to:     Office of the President  
18600 Haggerty Road  
Livonia, MI 48152

**College Response:** The College must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.

**Request No.:** \_\_\_\_\_ **Date Received:** \_\_\_\_\_ **Date of this notice:** \_\_\_\_\_  
Check if received via:  Email    Fax    Other Electronic Means    Postal Service

**College Determination:**  Denial Reversed    Denial Upheld    Denial Reversed in Part and Upheld in Part  
 Letter Mailed on \_\_\_\_\_ *(please attach to this sheet)*



18600 Haggerty Road  
Livonia, MI 48152-2696  
734-462-4400  
www.schoolcraft.edu

**FOIA Appeal Form—To Appeal an Excess Fee**  
**Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.**

Name	Firm/Organization	
Phone	Fax	
Street	Email	
City	State	Zip

**Request for:**

- Copy     
 Certified copy     
 Record inspection     
 Subscription to record issued on regular basis

**Delivery Method:**

- Will pick up     
 Mail to address above     
 Email to address above

**Record(s) You Requested:** *(Listed here or see attached copy of original request)*

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**Reason(s) for Appeal:** *(The appeal must specifically identify how the required fee(s) exceed the amount permitted. You may use this form or attach additional sheets)*

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Requestor's Signature:

Date:

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**Request No.:** \_\_\_\_\_ **Date Received:** \_\_\_\_\_ **Date of this notice:** \_\_\_\_\_

Check if received via:  Email  Fax  Other Electronic Means  Postal Service

**College Determination:**  Fee Waived  Fee Reduced  Fee Upheld

Letter Mailed on \_\_\_\_\_ *(please attach to this sheet)*







18600 Haggerty Road  
 Livonia, MI 48152-2696  
 734-462-4400  
 www.schoolcraft.edu

**Freedom of Information Act Request Detailed Cost Itemization**

Date: \_\_\_\_\_

Request No: \_\_\_\_\_

The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to Schoolcraft College's FOIA Policies and Guidelines. These fees are being charged because failure to do so will result in unreasonably high costs to the College that are excessive and beyond the normal or usual amount for those services compared to the College's usual FOIA requests.

**Labor Cost to Locate: Total**

This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request.

**Hourly Wage Charged:** \_\_\_\_\_ **Minutes to Locate:** \_\_\_\_\_  
 (Rate of Lowest-Paid Employee capable of work) (15 Min Increments, Rounded Down)

\$ -

**Labor Cost for Separating Exempt from Non-Exempt (Redacting): Total**

This is the cost of labor of a college employee, including necessary review, directly associated with separating and deleting exempt from nonexempt information.

**Hourly Wage Charged:** \_\_\_\_\_ **Minutes to Locate:** \_\_\_\_\_  
 (Rate of Lowest-Paid Employee capable of work) (15 Min Increments, Rounded Down)

\$ -

This is the cost of labor of a contracted employee, including necessary review, directly associated with separating and deleting exempt from nonexempt information.

**Hourly Wage Charged:** \$ 48.90 **Minutes to Locate:** \_\_\_\_\_  
 (Not to exceed 6 times State Min. Hourly Wage) (15 Min Increments, Rounded Down)

\$ -

**Labor Cost for Copying/Duplication Total**

This is the cost of labor directly associated with duplication of publication, including making paper copies, digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.

**Hourly Wage Charged:** \_\_\_\_\_ **Minutes to Locate:** \_\_\_\_\_

\$ -



(Rate of Lowest-Paid Employee capable of work)

(15 Min Increments, Rounded Down)

Material Cost for Copying/Duplication	Total
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Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (*for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection*). The cost shall be no more than the actual cost of the copy (paper, toner, etc.)

Letter (8.5 x 11) per sheet:	\$ <u>0.03</u>	No. of Sheets: _____	\$	-
Legal (8.5 x 14) per sheet:	\$ <u>0.03</u>	No. of Sheets: _____	\$	-
Tabloid (11 x 17) per sheet:	\$ <u>0.04</u>	No. of Sheets: _____	\$	-

*The following media will be charged per Actual Cost:*

Oversized Prints per sheet: _____	No. of Sheets: _____	\$	-
Compact Discs: _____	No. of Discs: _____	\$	-
Portable Drive: _____	No. of Drives: _____	\$	-

Mailing Cost	Total
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Schoolcraft College will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required. The college **may** charge for the least expensive form of postal delivery confirmation. The college **cannot** charge more for expedited shipping or insurance unless specifically requested by the requester.

Actual cost of envelope of packaging: _____	\$	-
Actual cost of postage: _____	\$	-
Actual cost of delivery confirmation: _____	\$	-
Expedited shipping or insurance <i>as requested</i> : _____	\$	-

<b>Total Due:</b>	<b>\$ -</b>
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