

Board of Governors Rule

Governance
Freedom of Information Act Compliance
Responsible Unit: General Counsel's Office
Adopted: January 24, 2018
Effective: February 13, 2018
Revision History: Prior BOG Policy 55
(Originally effective December 11, 2009)
Review Date: December, 2022

BOG GOVERNANCE R. 1.10 WEST VIRGINIA FREEDOM OF INFORMATION ACT

SECTION 1: PURPOSE & SCOPE.

- 1.1 West Virginia University is committed to complying with the West Virginia Freedom of Information Act (“W. Va. FOIA”), 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.
- 1.2 As a public entity, the University will appropriately respond to all requests for public records made pursuant to W. Va. FOIA, in accordance with its obligations under the law. However, some University records may be specifically exempt from disclosure under W. Va. FOIA.
- 1.3 This Rule shall apply to West Virginia University, West Virginia University Institute of Technology, and West Virginia University Potomac State College (collectively the “University”) and their employees who may receive W. Va. FOIA requests or who have access to responsive materials.

SECTION 2: COMPLIANCE WITH W. VA. FOIA

- 2.1 The University’s Office of General Counsel shall establish a program to ensure compliance with the W. Va. FOIA and this Rule that includes:
 - 2.1.1 A procedure on how the University would appropriately process any W. Va. FOIA request;
 - 2.1.2 Fees reasonably calculated to reimburse the University for its actual cost in making reproductions of records W. Va. FOIA requests; and

- 2.1.3 Appropriate training and assistance to the University community, including faculty and staff, regarding W. Va. FOIA, this Rule, and any developed procedures.
- 2.2 All employees, including faculty and staff, must comply with this Rule and any related procedures developed in accordance with this Rule. An employee's failure to comply with this Rule and any related procedures may subject the employee to appropriate discipline.
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SECTION 3: DEFINITIONS

- 3.1 Unless otherwise stated, specific terms used in this Rule or any related procedures developed in accordance with this Rule shall have the same definitions specified within the W. Va. FOIA.
- 3.2 "General Counsel" means the University's General Counsel or his or her designee.
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SECTION 4: DELEGATION.

- 4.1 The Board of Governors delegates to the General Counsel the authority to adopt additional internal policies and procedures to effectuate the implementation of this Board of Governors Rule. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Rule.
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SECTION 5: AUTHORITY.

- 5.1 W. Va. Code §§ 18B-1-6 and 29B-1 *et seq.*
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SECTION 6: SUPERSEDING PROVISIONS.

- 6.1 This Rule also supersedes and replaces West Virginia University Board of Governors Policy 55, and any internal policy or procedure which relates to the subject matter contained within this Rule.
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