SECTION 1: PURPOSE & SCOPE.

1.1 To establish a West Virginia University Board of Governors policy regarding requests made for public records pursuant to chapter 29B of the West Virginia Code (the West Virginia Freedom of Information Act (“WVFOIA”)). 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 any public records that are prepared, owned, and maintained by a public body.

1.2 As a public entity, West Virginia University (WVU) 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 in the possession of a public body are specifically exempt from disclosure under W. Va. FOIA.

1.3 This Rule shall apply to all units, colleges, and divisions under the jurisdiction of the West Virginia University Board of Governors, West Virginia University Institute of Technology, and West Virginia University-Potomac State College (collectively the “University”) and their employees, who at any time may receive W. Va. FOIA requests or who have access to responsive materials.

SECTION 2: COMPLIANCE WITH W. VA. FOIA

2.1 WVFOIA Officer. The WVFOIA Officer is located within the Office for Legal Affairs. 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). The University’s Office of General Counsel shall develop a program to ensure compliance with this Policy and any related Procedures 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 West Virginia University may establish fees reasonably calculated to reimburse it the University for its actual cost in making reproductions of records W. Va. FOIA requested pursuant to §WVFOIA.; 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.

   Assist in understanding and applying this Policy and any related Procedures.

   Train faculty and staff on key aspects of the WVFOIA, this Policy and any related Procedures.

2.2 All WVU employees are obligated to comply with the directives of the WVFOIA Officer. 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.

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.

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))

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))

Exemptions.—Those records which the University, in the sole discretion of the Office for Legal Affairs, could withhold pursuant to W. Va. Code § 29B-1-4(a).

Custodian.—WVFOIA Officer shall be the Custodian as defined by W. Va. Code § 29B-1-2(1).

Covered Entities.—All units, colleges, and divisions under the jurisdiction of the West Virginia University Board of Governors; and their employees.
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.

Responsibility for interpretation of this Rule rests solely with the General Counsel’s Office.

SECTION 5: AUTHORITY.

5.1 W.Va. Code §§ 18B-1-6 and 29B-1 et seq.

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.