GLEN OAKS COMMUNITY COLLEGE
FREEDOM OF INFORMATION ACT
WRITTEN PUBLIC SUMMARY

Consistent with the Michigan Freedom of Information Act ("FOIA"), Public Act 442 of 1976, Section 4(4), the following is the written public summary of the specific procedures and guidelines relevant to Glen Oaks Community College ("College") 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 challenge and appeal.

This is only a summary of the College's FOIA Procedures and Guidelines. For more details and information, copies of the College's FOIA Procedures and Guidelines are available at no charge at any College office and on the College's website: glenoaks.edu.

1. **How do I submit a FOIA request to the College?**

- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the College may be submitted on the College's FOIA Request Form (see below), in any other form or writing (letter, fax, email, etc.), or by verbal request.
- Written requests may be delivered to the College in person or by mail to:

  Ms. Diane Zinsmaster,
  FOIA Coordinator, Glen Oaks Community College
  62249 Shimmel Road
  Centreville, Michigan 49032

- Requests may be emailed to: foia@glenoaks.edu.
- Requests may be faxed to: (269) 467-4114.
- A request must sufficiently describe a public record so as to enable the College to find it.
- If you do not utilize the College's FOIA Request Form, please include the words "FOIA" or "FOIA Request" in the request subject line and body of the request to assist the College in providing a prompt response.
- Any verbal request will be documented by the College on the College's FOIA Request Form.

2. **What kind of response can I expect to my request?**

- Within five (5) business days after receiving a FOIA request the College will issue a response. If a request is received by fax or email, the request is deemed to have been received (1) business day after the day it is sent.
- The College will respond to your request in one of the following ways:
    - Grant the request;
    - Issue a written notice denying the request;
    - Grant the request in part and issue a written notice denying in part the request; or

- Issue a notice indicating that due to the nature of the request the College needs an additional ten (10) business days to respond.

- The College may also issue a written notice indicating that the public record requested is available at no charge on the College's website.
- If the request is granted, or granted in part, the College may ask that payment be made in accordance with 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, or if you have failed to pay for a previously granted request, the College will require a deposit before processing the request in accordance with FOIA.

3. What are the College's deposit requirements?

- If the College has made a good faith calculation that the total cost for processing the request will exceed $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 with a non-binding best efforts estimate of how long it will take to process the request after you have paid your deposit.

- If the College receives a request from a person who has had a previous request granted and fulfilled and failed to pay the College in full, 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:

  - The final fee for the prior written request was not more than 105% of the estimated fee;

  - The public records made available contained the information sought in the prior written request and remain in the College's possession;

  - The public records were made available to the individual, subject to payment, within the best effort time frame estimated by the College to provide the records;

  - Ninety (90) days have passed since the College notified the individual in writing that the public records were available för pickup or mailing;

  - The individual is unable to show proof of prior payment to the College; and

  - The College has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.

- The College will not require the 100% estimated fee deposit if any of the following apply:

  - The person making the request is able to show proof of prior payment in full to the College;

- Three hundred sixty-five (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?

- FOIA permits the College to charge for the following costs associated with processing a request:

  - Labor Costs:
    - The cost of labor is directly associated with duplication or publication, including making paper copies, making 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.
    - Labor costs associated with searching for, locating and examining a requested public record.
    - Labor costs may include a charge to cover or partially cover the cost of fringe benefits. 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.
    - Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
    - The College may choose to contract labor for separating and deleting of exempt information, as allowed under FOIA, and if so, the College may charge for those labor costs, but in no circumstance shall the costs exceed an amount equal to 6 times the state minimum hourly wage rate determined under section 4 of the improved workforce opportunity wage act, 2018 PA 337, MCL 408.934.
    - A labor cost will not be charged for the search, examination, review and the deletion and separation of nonexempt information unless failure to charge a fee would result in unreasonably high costs to the College. The College shall specifically identify the nature of the unreasonably high costs in writing.

  - Paper Copies

    - For paper copies of public records provided to the requestor, the actual total incremental cost of necessary duplication or publication, not including labor and not exceeding ten (10) cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper.

    - The College shall use the most economical method for making copies of public records, including using double-sided printing, if cost-saving and available.

  - Non-paper Copies on Physical Media

        - 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.
        - This cost will be charged only if the College has the technological capability necessary to provide the public record in the requested non-paper physical media format.

    - Mailing Costs

        - The cost to mail public records will be reasonably economical and justified manner.
        - The College may charge for the least expensive form of postal delivery confirmation.
        - The College shall not charge for expedited shipping or insurance unless specifically stipulated by the requester.

- 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 it can be considered as primarily benefiting the general public.

5. How do I qualify for an indigence discount on the fee?

- In compliance with FOIA, the College will discount the first $20.00 of fees for a request if you submit an affidavit stating that you are:

    - Indigent and receiving specific public assistance; or

    - If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

- You are not eligible to receive the $20.00 discount if you:

    - Have previously received discounted copies of public records from the College twice during the calendar year; or

    - Are requesting information on behalf of other persons who are offering or providing payment to you to make the request.

6. May a nonprofit organization receive a discount on the fee?

    - 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, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, may receive a $20.00 discount if the request meets all of the following requirements :

        - Is made directly on behalf of the organization or its clients.

- 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.

- is accompanied by documentation of its designation by the state, if' requested by the College

7. How may I challenge the denial of a public record or excessive fee?

- 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 appeal to the College's President by filing a written appeal of the denial with the Office of the College 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 College President will respond in writing by:

  - Reversing the disclosure denial;

  - Upholding the disclosure denial; or

  - Reversing the disclosure denial in part and upholding the disclosure denial in part.

- Whether or not you submit an appeal of a denial to the College's President, you may file a civil action in St. Joseph County Circuit Court within one hundred eighty (180) days after the College's final determination to deny your request. If 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.

- 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 appeal to the College's President by filing a FOIA appeal for a fee reduction to the office of the College's President.

- The appeal must 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 College President will respond in writing by:

  - Waiving the fee;

  - Reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;

- Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee; or

- Issuing a notice detailing the reason or reasons for extending for not more than ten (10) business days the period during which the College President will respond to the written appeal.

- Within forty-five (45) days after receiving notice of the College President's determination of the processing fee appeal, you may commence a civil action in St. Joseph County Circuit Court for a 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.

GLEN OAKS COMMUNITY COLLEGE'S

FOIA Request for Public Records

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Requestors are not required to use this form. The College may complete one for recordkeeping if not used.

(Please Print or Type)

Name	Phone
Firm/Organization	Fax
Street	
State	Zip

Request No.: _____ Date Received: _____

Check if received via: [ ] Email [ ] Fax [ ] Other Electronic Method

Date discovered in junk/spam folder: _____ Date delivered to junk/spam folder: _____

Request for:[ ] Copy [ ] Certified copy Record inspection [ ] Subscription to future issuances of public records

Delivery Method: [ ] Will pick up [ ] Will make own copies onsite [ ] Mail to address above

[ ] Email to address above [ ] Deliver via nonpaper physical media (CD, Flasdrive, etc.) provided by the College:

Note: The College is not required to provide records via nonpaper physical 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:

Fee Itemization ❑Estimated Fee ❑Actual Fee

Fee Category	Unit Cost	Hourly Wage [1]	Number of Units	Number of Hours Charged [2]	Multiplier	Total
Category A: Labor costs directly associated with the necessary searching for, locating, and examining of public records.	N/A		N/A		N/A	
Cost of fringe benefits[3] for labor costs associated with Category A	N/A		N/A			
Category B: Labor costs, including necessary review, if any, directly associated with the separating and deleting of exempt information from nonexempt information. [Name of contracted laborer/firm performing Category B labor: _____ (if Category B labor costs are incurred through contracting with a third party to perform labor)]	N/A		N/A		N/A	
Cost of fringe benefits for labor costs associated with Category B	N/A		N/A			
Category C: (for public records provided on nonpaper physical media) Actual and most reasonably economical cost of the computer disks, computer tapes, or other digital or similar media.		N/A		N/A	N/A	
Category D: (for paper copies of public records) Actual total incremental cost of necessary duplication or publication, not including labor.		N/A		N/A	N/A	
Category E: Labor costs directly as with duplication or publication, including making paper copies, making digital copies, or transferring digital public records.	N/A		N/A		N/A	
Cost of fringe benefits for labor costs associated with Category E	N/A		N/A			
Category F: Actual cost of mailing, if any, for sending the public records in a reasonably economical and justifiable manner.		N/A		N/A	N/A	
Total Fee:						