



**NORTHERN
PENNSYLVANIA
REGIONAL COLLEGE**

Policy: NPRC-1020: Right to Know Act
Origination: 04-06-19
Approved: 04-12-19
Effective: 04-12-19
Reviewed:
Last Updated:

Subject: Right to Know Act

1. PURPOSE

The purpose of this Policy is to provide guidance and establish parameters for compliance by the College with the Pa. Right-to-Know Law with respect to Public Records, as defined below.

2. SCOPE AND APPLICABILITY

This policy is applicable to all proper requests to the College under the Pa. Right-to-Know Act.

3. REFERENCES

- 3.1 INDX-0010: Master Policy Index;
- 3.2 NPRC-1175: Records Retention Policy
- 3.3 The Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101 *et seq.*

4. DEFINITIONS

- 4.1 **College** shall mean the Northern Pennsylvania Regional College
- 4.2 **Open Records Officer** or **ORO** means the person or persons designated by the College to accept, analyze and respond to requests for Records from third-parties under the Pa. Right-to-Know Law.
- 4.3 The **Pa. Right-to-Know Law** shall mean the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101 *et seq.*, as amended and supplemented.
- 4.4 **Public Record** means a record that is not protected by a defined privilege or is not exempt from being disclosed under one of the exemptions in the Pa. Right-to-Know Law or under other federal or state law or regulation, or judicial decree or order.
- 4.5 **Record** means information, regardless of physical form or characteristics, that documents a College transaction or activity that is created, received or retained pursuant to law or in connection with a College transaction, business or activity, including: a document; paper; letter; map; book; tape; photograph; film or sound recording; information stored or maintained electronically; and a data-processed or image-processed document.

- 4.6 **Response** means granting of access to a Record or the College's written notice to a Requester granting, denying, or partially granting and partially denying access to a requested Record.
- 4.7 **Requester** means a legal resident of the United States who, or an agency which, requests access to a Record.

5. POLICY

- 5.1 The College's Board of Trustees recognizes the existence of the Pa. Right-to-Know Act and the Board is committed to complying with applicable statutes and requirements with respect to requests for Public Records.
- 5.2 The Board of Trustees will make the College's Public Records available to a Requester as required by and in accordance with the law, College policies and procedures.
- 5.3 The College designates the Executive Assistant to the President, or his/her designee, as its Open Records Officer or ORO. All requests to the College under the Pa. Right-to-Know Law shall be submitted, in writing, using the College approved form for requests, to:

Ann M. Nelson
Open Records Officer
Northern Pennsylvania Regional College
300 Second Avenue, Suite 500
Warren, PA 16365
Fax: (814) 313-7320
Email: anelson@rrcnpa.org

Requests may be delivered in person or sent by regular mail to the address listed above. Requests also may be made by electronic mail, or by facsimile, provided that requests received after 5:00 p.m. shall be deemed received on the following business day for purposes of determining the five-business-day period for a response.

- 5.4 A copy of this policy, the contact information of the ORO, and the form for records requests approved as required by this policy shall be posted on the College's website and on a bulletin board at the College's Administration Center as required under the Pa. Right-to-Know Law.
- 5.5 If a Records request is delivered to someone other than the Open Records Officer, it shall be forwarded to the Open Records Officer within a reasonable time. The five-business-day period for a response to a request begins once the ORO receives the request.
- 5.6 Upon receipt of a request, the ORO shall take the following steps:
- 5.6.1 Note the date of receipt of the written request;

- 5.6.2 Compute the day on which the five-day period for a response will expire and make a notation of that date on the written request;
- 5.6.3 Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request response has been completed. If the request is denied, the written request shall be maintained for at least thirty (30) days or, if an appeal is filed, until a final determination is issued, or the appeal is deemed denied;
- 5.6.4 Create a file for the retention of the original request, a copy of the response, a record of written communications with the Requester and a copy of other communications; and
- 5.6.5 Provide the Requester with an appropriate response or determination regarding such request.
- 5.7 Upon receipt of a conforming written request for Records, the College, through the ORO, shall make a good faith effort to determine if the requested Records constitute Public Records that requires a response by the College under the Pa. Right-to-Know Law. The College shall respond to the request as promptly as possible under the relevant circumstances, but in no circumstances shall such response time exceed five (5) business days from receipt of the request by the ORO. In the event that the College fails to respond within five (5) business days, the request is deemed denied.
- 5.8 The College may inform the Requester, within the five (5) business day period, that the College requires more time to respond to the request, provided, however, that such extension shall not exceed thirty (30) calendar days unless the Requester agrees in writing to such longer extension.
- 5.9 If the response to a request is a denial, whether in whole or in part, the denial shall be issued in writing and shall include:
 - 5.9.1 a description of the Record requested;
 - 5.9.2 the specific reasons for the denial;
 - 5.9.3 the typed or printed name, title, business address, business telephone number and signature of the Open Records Officer on whose authority the denial is issued;
 - 5.9.4 the date of the response; and
 - 5.9.5 the procedure to appeal under the Pa. Right-to-Know Law.
- 5.10 If a written request for access to a Record is denied or deemed denied, the Requester may file an appeal with the Office of Open Records within fifteen (15) business days of the mailing date of the College's response or within fifteen (15) business days of a deemed denial. The appeal shall state the grounds upon which the Requester asserts that the Record is a Public Record and shall address any grounds stated by the College for delaying or denying the request.
- 5.11 If access to the Public Record requested is approved, the Public Record shall be available for access during the regular business hours of the College. A designated College employee shall cooperate fully with the Requester, while also taking

reasonable measures to protect the College's Public Records from the possibility of theft, destruction and/or modification. The presence of a designated employee is required when Public Records are examined and inspected.

5.12 It is the College's policy to charge reasonable fees for duplication and similar services as follows:

5.12.1 The fee for each photocopying shall be \$.25 per page;

5.12.2 Duplication of public electronic Records shall result in a charge for the actual cost incurred by the College;

5.12.3 The fee for certified copies shall be \$1.00 per page;

5.12.4 In the event that the College incurs postage charges, such charges will be charged to the Requester;

5.12.5 In the event that the estimated cost of fulfilling a Request submitted under this policy is expected to exceed One Hundred and 00/100 Dollars (\$100.00), the College shall be entitled to require prepayment of such estimated fees prior to commencing steps to fulfill the Request.

5.13 Compile

6. RESPONSIBILITIES AND TIMELINES

6.1 The President shall be responsible to promulgate all procedures necessary to implement this policy.

6.2 The ORO shall be responsible to comply with the requirements set forth herein in receiving, evaluating and responding to any Public Record Requests.

7. REVIEW STATEMENT

This policy shall be reviewed on a regular basis at least once every five (5) years per the Policy Review Schedule established by the President or the President's designee. A review of the policy may be requested prior to the timeframe outlined by the policy review schedule by any student, faculty, staff, administrator, or board member. Such a request must be submitted in writing to the office of the President and must address specific concerns. Upon receipt of such a request, a complete review of the policy will be conducted within three months. Upon review, the President or President's designee may recommend to the Board of Trustees that the policy be amended or repealed.

8. SIGNATURES

Kate Black

Chair, Board of Trustees

4.12.19

Date

James L. Miller

President

4/12/19

Date

Attachments: None

Distribution: Board of Trustees; regionalcollegepa.org

Revision Notes: Policy in Origination