



**SOUTHWESTERN ILLINOIS COLLEGE
DISTRICT 522
BOARD POLICY**

TITLE:	Freedom of Information
CODE:	2016
DATE ADOPTED:	Sept 1991
DATE REVIEWED:	Dec 2010; April 2020
DATE AMENDED:	Jan 2011; May 2020

Policy Statement

Pursuant to the fundamental philosophy of the American Constitutional form of government and pursuant to the provisions of the Illinois Freedom of Information Act (P.A. 96-542), it is the public policy of the Board of Trustees of Southwestern Illinois College, District 522 that all persons are entitled to information regarding the affairs of Southwestern Illinois College and the official acts and policies of the Board of Trustees and the college faculty and staff. Such access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments, and monitoring the college to ensure that it is being governed and administered in the public interest.

This policy is not intended to be used to violate individual privacy, nor for the purpose of furthering a commercial enterprise, nor to disrupt the duly-undertaken work of the college independent of the fulfillment of any of the fore-mentioned rights of the people to access information.

This policy is not intended to create an obligation on the part of the college to maintain or to prepare any public record which was not maintained or prepared by the college at the time when this policy became effective.

Information Covered By This Policy

Information covered by this act includes all documentary material, regardless of physical form or characteristics, prepared for, used by, or under the control of Southwestern Illinois College. It includes but is not limited to the following categories of records.

- a) Administrative manuals, procedural rules, and instructions to staff, unless exempted by the provisions of the act.
- b) Final opinions and orders made in the adjudication of cases, except the college's adjudication of student or employee grievance or disciplinary cases.
- c) Substantive rules adopted by Southwestern Illinois College, and statements and interpretations thereof.
- d) Final planning policies, recommendations, and decisions.
- e) Final reports and studies whether prepared for or by Southwestern Illinois College.

- f) All information dealing with the receipt or expenditure of public or other funds by Southwestern Illinois College.
- g) Names, salaries, titles, and dates of employment of all employees and officers of Southwestern Illinois College.
- h) Materials containing opinions concerning the rights of public bodies or private persons unless exempted by the provisions of the act.
- i) The name of every official and the final records of voting in all proceedings.
- j) Applications for any contract, grant, or agreement unless exempted by the provision of the act.
- k) Written material prepared by independent consultants or contractors for Southwestern Illinois College.
- l) All other information required by law to be made available for public inspection or copying.

Information Exempt From Disclosure

The following listed records are exempt from inspection and copying:

- a) Information specifically prohibited from disclosure by federal or state law.
- b) Information which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy.
- c) Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, unless the record is publicly cited and identified by the college President.
- d) Proposals and bids for any contract, grant, or agreement, including information which if disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractual agreement with the college, until an award or final selection is made.
- e) Test questions, scoring help, and other examination data used to administer an academic examination.
- f) Architects' and engineers' plans for buildings.
- g) Library circulation and order records which would identify library users with specific material.
- h) Minutes of meetings of public bodies which meetings are closed to the public as provided in the Open-Meeting Act.
- i) Communications between a public body and an attorney or auditor representing such public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil, or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.
- j) Review material received or developed by the college in conjunction with faculty evaluations.
- k) Documents or materials relating to collective bargaining matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.
- l) Drafts, notes, recommendations, and memoranda pertaining to the financing and marketing transactions of the college. The records of ownership, registration, transfer, and exchange of municipal debt obligations, and of persons to whom payment with respect to such obligations is made.
- m) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated.

- n) Information concerning the college's adjudication of student or employee grievance or disciplinary cases, to the extent that such disclosure would reveal the identity of the student or employee and information concerning any public body's adjudication of student or employee grievances or disciplinary cases, except for the final outcome of such cases.
- o) Course materials or research materials used by faculty members.
- p) Information related solely to the internal personnel rules and practices of a public body.
- q) Other records the exemption of which is provided for in the Illinois Freedom of Information Act.

Dissemination of Information About Southwestern Illinois College

The Board of Trustees delegates to the Chief Human Resources and Operations Officer the responsibility for administering the college's Freedom of Information policy and shall serve as the college's FOIA officer. The Chief of Staff shall serve as the deputy FOIA Officer.

Inspection or Copying of Records

- a) A request to inspect or copy records shall be made electronically or in writing to the FOIA Officer of Southwestern Illinois College. The emailed or written request shall specify the particular record or records to be inspected or copies. A request for copies of records may include an additional request for certification of those copies.
- b) Southwestern Illinois College shall comply with or deny a written request within five (5) business days after its receipt, except as otherwise authorized below. An additional sixteen (16) business days are available for the college's response when the request for information is made for a commercial purpose:

Fees for Duplicated Records

- a) Each individual shall be eligible to receive fifty (50) pages of duplicated material per calendar year at no charge.
- b) A fee of fifteen cents (\$.15) per page will be charged for additional duplicated material.

There is no charge for electronic copies but there will be a charge for the actual cost of the recording medium such as a CD if the medium is requested.

Denial of Request

When a request for information is denied, the requester shall be notified in writing of the following:

- a) The decision to deny the request.
- b) The reason for the denial and the exemption, if any, on which the denial is based.
- c) The name and title of person responsible for the denial
- d) The requester's right to either seek review of the denial by the Public Access Counselor in the Illinois Attorney General's office along with the contact information for the Public Access Counselor or the right to seek judicial review by filing a lawsuit.

A request may be denied if:

- a) The records are exempted under the provisions of the act, except that if an exempt record contains non-exempt material, that non-exempt material shall be separated and made available to the requester.
- b) A request would be unduly burdensome. In such a case, the college will so inform the requester and provide an opportunity for the requester to narrow his or her request. If that effort fails, the college will notify the requester in writing of the reasons the request would be unduly burdensome.
- c) Repeated requests are made for the same records