

1 ([NOTE] Controversial text subject to a decision by the Board of Trustees is indicated in Arial
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4 Article III Public Records Policy and Procedures

5
6 A. Definitions.

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8 Whenever in this Policy and Procedures the following words or phrases are used, they
9 shall mean:

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11 1. "Local agency" includes a county; city, whether general law or chartered; city
12 and county; school district; municipal corporation; district; political subdivision;
13 or any board, commission or agency thereof; other local public agency; or entities
14 that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of
15 Section 54952 of the Government Code.

16
17 2. "Member of the public" shall mean any person, except a member, agent,
18 officer, or employee of a federal, state, or local agency acting within the scope of
19 his or her membership, agency, office, or employment. Notwithstanding the
20 definition of "member of the public" in this Section, an elected member or officer
21 of any state or local agency is entitled to access to public records of that agency
22 on the same basis as any other person. Nothing in this section shall limit the
23 ability of elected members or officers to access public records permitted by law in
24 the administration of their duties.

25
26 3. "Person" includes any natural person, corporation, partnership, limited liability
27 company, firm, or association.

28
29 4. "Public Agency" means any state or local agency.

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31 5. "Public Records" as defined in the Public Records Act means any writing
32 containing information relating to the conduct of the public's business prepared,
33 owned, used, or retained by the District regardless of physical form or
34 characteristics.

35
36 6. "State Agency" means every state office, officer, department, division, bureau,
37 board, and commission or other state body or agency, except those agencies
38 provided for in Article IV (except Section 20 thereof) or Article VI of the
39 California Constitution.

40
41 7. "Writing" as defined in the Public Records Act means any handwriting,
42 typewriting, printing, photostating, photographing, photocopying, transmitting by
43 electronic mail or facsimile, and every other means of recording upon any
44 tangible thing any form of communication or representation, including letters,
45 words, pictures, sounds, or symbols, or combinations thereof, and any record
46 thereby created, regardless of the manner in which the record has been stored.
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8. "Public information" shall mean the content of the "Public Records" as defined in the Public Records Act (Government Code Section 6252 (c)), whether provided in the documentary form or in an oral communication. "Public Information" shall not include "computer software" or other invention, creation, research or work product designed by the City College of San Francisco, for which copyright or patent is pending or may be applicable.

9. "Supervisor of Records" shall mean the Chancellor of the District or his or her designee.

10. "Public Records Act" or "CPRA" shall mean the California Public Records Act at Government Code Section 6250 et seq.

11. "Custodian of a Public Record" shall mean the person who manages a particular District division that retains documents or other employee within the division who has custody of any public record.

B. Correspondence and records shall be maintained.

The District shall maintain and preserve in a professional and businesslike manner, consistent with the District's record management policy, all documents and correspondence, including but not limited to letters, e-mails, drafts, memorandum, invoices, reports and proposals and shall disclose all such records in accordance with this Policy.

C. Process of gaining access to public records.

1. Public records are open to inspection at all times during the office hours of a District custodian of a Public Record and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

2. Except with respect to public records exempt from disclosure by express provisions of law, each District custodian of a Public Record, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication not to exceed the lesser of the actual cost or ten cents per page, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

3. Each custodian of a Public Record, upon a request for a copy of records, shall, as soon as possible but within ten days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the custodian of a Public Record and shall promptly notify the person making the request of the determination and the reasons therefore by demonstrating, in writing, that the record in question is exempt under express

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1 provisions of this Policy.
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4 4. In unusual circumstances, the time limit prescribed in this section may be
5 extended by written notice by the Chancellor or his or her designee to the person
6 making the request, setting forth the reasons for the extension and the date on
7 which a determination is expected to be dispatched. No notice shall specify a date
8 that would result in an extension for more than 14 days. When the custodian of a
9 Public Record dispatches the determination, and if the custodian of a Public
10 Record determines that the request seeks disclosable public records, the custodian
11 of a Public Record shall state the estimated date and time when the records will be
12 made available. As used in this section, "unusual circumstances" means the
13 following, but only to the extent reasonably necessary to the proper processing of
14 the particular request.

- 15 a. The need to search for and collect the requested records from off-site
16 facilities or other establishments that are separate from the office
17 processing the request.
- 18 b. The need to search for, collect, and appropriately examine a
19 voluminous amount of separate and distinct records that are demanded in a
20 single request.
- 21 c. The need for consultation, which shall be conducted with all
22 practicable speed, with another agency having substantial interest in the
23 determination of the request or among two or more components of the
24 District having substantial subject matter interest therein.
- 25 d. The need to compile data, to write programming language or a
26 computer program, or to construct a computer report to extract data.

27
28 5. Nothing in this section shall be construed to permit the District's custodian of a
29 Public Record to delay or obstruct the inspection or copying of public records.
30 The notification of denial of any request for records required by Section 6255 of
31 the Government Code shall set forth the names and titles or positions of each
32 person responsible for the denial.
33

34 6. If the custodian of a Public Record refuses, fails to comply, or incompletely
35 complies with a request described in (2), the person making the request may,
36 within five days after the refusal, failure to comply, or incomplete compliance,
37 petition the Supervisor of Records, the Chancellor or designee, for a
38 determination whether the record requested is subject to disclosure.

- 39 a. The Chancellor or designee shall inform the petitioner, as soon as
40 possible and within 10 days, of its determination whether the record
41 requested, or any part of the record requested, is subject to disclosure.
42 Where requested by the petition, and where otherwise desirable, this
43 determination shall be in writing.
- 44 b. Upon the determination by the Chancellor or designee, that the record is
45 subject to disclosure, the Chancellor or designee shall immediately direct
46 the custodian of the Public Record to comply with the person's request.
- 47 c. If the Chancellor or designee does not make such determination within
48 10 days, the petition shall be deemed as denied.

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1 e. If the Chancellor or designee denies the appeal the person making the
2 request may appeal to the San Francisco Sunshine Ordinance
3 Task Force in writing no later than 14 days after the Chancellor or
4 designee's decision. Upon the determination that the record is public, the
5 Chancellor shall immediately order the Supervisor of the Records to
6 comply with the person's request.

7
8 7. The administrative remedy of an Appeal to the Chancellor or designee shall in
9 no way limit the availability of remedies otherwise available to any person
10 requesting a Public Record. The Appeal shall also not suspend any deadlines for
11 any other action the person may seek including but not limited to any judicial
12 proceedings.

13
14 8. The public shall be advised that there is a mechanism for appealing an adverse
15 action or decision on the part of a custodian of a public record by an appeal to the
16 Supervisor of Records the Chancellor or designee and that there is a judicial
17 remedy provided in section 6258 of the Government Code. Every denial for a
18 requested record shall contain instruction to the requester regarding the procedure
19 to appeal the denial.

20
21 9. On an annual basis, the Chancellor or designee shall prepare a tally and report
22 of every petition brought before it for access to records since the time of its last
23 tally and report. The report shall at least identify for each petition the record or
24 records sought, the Department where the records are located the ruling of the
25 Chancellor or designee, and whether any ruling was reversed by the San
26 Francisco Sunshine Ordinance Task Force or overturned by a
27 court and whether directions given to custodians of public records were followed.
28 The report shall also summarize any court actions during that period regarding
29 petitions the Chancellor or designee has decided. All records pertaining to the
30 rules of this policy shall be public documents. Any hearings held in accordance
31 with this policy shall be open to the public.

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34 D. ASSISTANCE TO REQUESTOR Assistance to Requestor.

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36 1. When a member of the public requests to inspect a public record or obtain a
37 copy of a public record, the District's custodian of a Public Record, in order to
38 assist the member of the public make a focused and effective request that
39 reasonably describes an identifiable record or records, shall do all of the
40 following, to the extent reasonable under the circumstances:

- 41 a. Assist the member of the public to identify records and information that
42 are responsive to the request or to the purpose of the request, if stated.
43 b. Describe the information technology and physical location in which the
44 records exist.
45 c. Provide suggestions for overcoming any practical basis for denying
46 access to the records or information sought, and shall, when requested to
47 do so, provide in writing within seven days following receipt of a request,
48 a statement as to the existence, quantity, form and nature of records

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1 relating to a particular subject or questions with enough specificity to
2 enable a requester to identify records in order to make a request.
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7 E. IMMEDIACY OF RESPONSE Immediacy of response.
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9 1. Notwithstanding the 10-day period for response to a request permitted in
10 Government Code Section 6253 (c) a written request to review simple, routine, or
11 otherwise readily available information described in any category of non-exempt
12 public information shall be satisfied no later than the close of business on the day
13 following the request. An immediate disclosure request received after the close of
14 the business day (5:00 p.m.) is deemed to be received on the next business day.
15 This deadline shall apply only if the words "Immediate Disclosure Request" are
16 placed across the top of the request and on the envelope, subject line, or cover
17 sheet in which the request is transmitted.
18

19 2. Maximum deadlines provided in this Policy are appropriate for more extensive
20 or demanding requests, but shall not be used to delay fulfilling a simple, routine
21 or otherwise readily answerable request. Examples of simple, routine, or
22 otherwise readily available information include agendas of the District Board,
23 current District fiscal year budgets, and City College plans for existing project
24 areas.
25

26 3. Requests that are identified as an "Immediate Disclosure Request" in
27 accordance with Subsection (a) shall be immediately referred to the Chancellor's
28 office for appropriate assignment to staff for review and response.
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30 4. If the voluminous nature of the information requested, its location in a remote
31 storage facility, the need to consult with another interested party or the need to
32 compile data, to write programming language or a computer program, or to
33 construct a computer report to extract data warrants an extension of 14 days as
34 provided in Government Code Section 6253 (c), the District shall notify the
35 requester by the close of business on the business day following the District's
36 receipt of the request.
37

38 5. The person seeking the information need not state his or her reason for making
39 the request or the use to which the information will be put, and requesters shall
40 not be routinely asked to make such a disclosure. Where, however, a record being
41 requested contains information most of which is exempt from disclosure under the
42 Public Records Act and this Policy, the custodian of the record may inform the
43 requester of the nature and extent of the non-exempt information and inquire as to
44 the requester's purpose for seeking it, in order to suggest alternative sources for
45 the information which may involve less redaction or to otherwise prepare a
46 response to the request.
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48 6. Notwithstanding any provisions of California Law or this Policy, in response
49 to a request for information describing any category of non-exempt public

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1 information, when so requested, the District shall produce any and all responsive
2 Public Records as soon as reasonably possible on an incremental or “rolling”
3 basis such that responsive records are produced as soon as possible by the end of
4 the same business day that they are reviewed and collected. This section is
5 intended to prohibit the withholding of Public Records that are responsive to a
6 records request until all potentially responsive documents have been reviewed and
7 collected.
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9 F. Release of oral public information.

10 Release of oral public information shall be accomplished as follows:

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13 1. The Chancellor shall designate a District employee(s) knowledgeable about the
14 affairs of the District to provide information, including oral information, to the
15 public, about the District’s operations, plans, policies and positions. The
16 Chancellor may designate himself or herself for this assignment, but in any event
17 shall arrange that an alternate be available for this function during the absence of
18 the person assigned primary responsibility. The Chancellor may designate a
19 person or persons for each District division to provide this information.
20

21 2. The role of the person or persons so designated shall be to provide information,
22 on a timely and responsive basis, to those members of the public who are
23 requesting information about the District’s operations, plans, policies and
24 positions. Nothing in this section shall be construed as prohibiting a member of
25 the public from requesting information from a specific District employee or as
26 otherwise curtailing informal contacts between employees and members of the
27 public about the District’s operations, plans, policies and positions.
28

29 3. No employee shall be required to respond to an oral inquiry or inquiries from
30 an individual if it would take the employee more than fifteen minutes to obtain the
31 information responsive to the inquiry or inquiries.
32

33 4. Notwithstanding any other provisions of this Policy, District employees shall
34 not be discouraged from or disciplined for disclosing any information that is
35 public information or a Public Record not subject to any statutory exemptions
36 from disclosure to any journalist or any member of the public.
37

38 G. Public review file –Board of Trustees.

39
40 1. The Board of Trustees Secretary shall maintain a file, accessible to any
41 person during normal office hours, containing a copy of any letter, memorandum
42 or other communication which the Secretary has distributed to a quorum of the
43 Board concerning a matter appearing on the Board’s agenda within the previous
44 30 days or likely to appear within the next 30 days, irrespective of subject matter,
45 origin or recipient, except commercial solicitations, periodical publications or
46 communications exempt from disclosure under the Public Records Act or this
47 Policy. Multiple-page reports, studies or analyses which are accompanied by a
48 letter or memorandum of transmittal need not be included in the file so long as the
49 letter or memorandum of transmittal is included, and such documents shall be

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1 available on request, subject to exemptions in the Public Records Act or this
2 Policy.

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4 2. Agendas of meetings and any other documents on file with the Board
5 Secretary, when intended for distribution to all, or a majority of all, of the Board
6 in connection with a matter anticipated for discussion or consideration at a public
7 meeting shall be made available to the public. To the extent possible, such
8 documents shall also be made available through the District's Internet site.
9

10 H. Communications to the Board of Trustees.

11
12 1. Notwithstanding Section 6255 of the Government Code or any other
13 provisions of law, agendas of public meetings and any other writings, when
14 distributed to all, or a majority of all, of the members of the Board of Trustees by
15 any person in connection with a matter subject to discussion or consideration at a
16 public meeting of the body, are disclosable public records under the California
17 Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of
18 Title 1), and shall be made available upon request without delay. However, this
19 section shall not include any writing exempt from public disclosure under the
20 California Public Records Act.
21

22
23 2. Writings that are public records under subdivision 1 and that are distributed
24 during a public meeting shall be made available for public inspection at the
25 meeting if prepared by the District or a member of the Board of Trustees, or after
26 the meeting if prepared by some other person. These writings shall be made
27 available in appropriate alternative formats upon request by a person with a
28 disability, as required by Section 202 of the Americans with Disabilities Act of
29 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in
30 implementation thereof.
31

32 3. Nothing in this Policy or these Procedures shall be construed to prevent the
33 District from charging a fee not to exceed one cent per page or
34 deposit for a copy of a public record under section H. 1 except that no surcharge
35 shall be imposed on persons with disabilities in violation of Section 202 of the
36 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal
37 rules and regulations adopted in implementation thereof.
38

39 4. This section shall not be construed to limit or delay the public's right to inspect
40 or obtain a copy of any record required to be disclosed under the requirements of
41 the California Public Records Act (Chapter 3.5 (commencing with Section 6250)
42 of Division 7 of Title 1). Nothing in these provisions of law in the Government
43 Code pertaining to meetings shall be construed to require the Board of Trustees to
44 place any paid advertisement or any other paid notice in any publication.
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46 I. Electronic Format.
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1. Unless otherwise prohibited by law, if the District has information that constitutes an identifiable public record not exempt from disclosure pursuant to applicable law that is in an electronic format, it shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

- a. The District shall make the information available in any electronic format in which it holds the information.
- b. The District shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the District to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.

2. Notwithstanding paragraph (2) of subdivision (a), the requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:

- a. In order to comply with the provisions of subdivision (a), the District would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.
- b. The request would require data compilation, extraction, or programming to produce the record.

3. Nothing in this section shall be construed to require the District to reconstruct a record in an electronic format if the District no longer has the record available in an electronic format.

4. If the request is for information in other than electronic format, and the information also is in electronic format, the District may inform the requester that the information is available in electronic format.

5. Nothing in this section shall be construed to permit the District to make information available only in an electronic format.

6. Nothing in this section shall be construed to require the District to release an electronic record in the electronic form in which it is held by the District if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

7. Nothing in this section shall be construed to permit public access to records held by the District to which access is otherwise restricted by statute.

8. It shall be the practice of the District to provide electronic records as searchable text in portable document format (pdf) using the optical character recognition feature of scanned documents, or if converted from text format, searchable text shall be preserved for the convenience of the requester.

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1 J. Exemptions from disclosure requirements.
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3 Nothing in this Policy and these Procedures shall be construed as prohibiting the District
4 from relying on disclosure exemptions that Section 6254 (c) of the Public Records Act or
5 other law authorizes.

6 These exemptions include, but are not limited to:
7

- 8 • personnel, medical, or similar files
- 9 • names, address, telephone numbers, and other personal information of students and
10 other individuals,
- 11 • information that would reveal whether a person is a recipient of student assistance or
12 other governmental assistance.
- 13 • member of a low or moderate income household,
- 14 • student records
- 15 • the contents of real estate appraisals or engineering or feasibility estimates and
16 evaluations made for or by the District relative to the acquisition of property, or to
17 prospective public supply and construction contracts, until all the property has been
18 acquired or all of the contract agreement obtained.

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21 K. Public information that must be disclosed.
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23 Notwithstanding the District's legal discretion to withhold certain information under the
24 Public Records Act, the following policies shall govern specific types of documents and
25 information and shall provide enhanced rights of public access to information and
26 records:
27

28
29 1. Drafts and Memoranda.
30

31 a. Except as provided in subparagraph (2), drafts or District memoranda,
32 whether in printed or electronic forms, shall be disclosed upon request
33 notwithstanding Sections 6254 and 6255 of the Public Records Act. If
34 such a document is not normally retained by the District in the ordinary
35 course of business and has not yet been disposed of, its factual content is
36 not exempt under Section 6254 of the Public Records Act.
37

38 b. Draft versions of an agreement being negotiated by representatives of
39 the District with some other party need not be disclosed immediately upon
40 creation but must be preserved and made available for public review for
41 10 days prior to the presentation of the agreement for authorization by the
42 Board, unless the Chancellor makes a finding that the public interest
43 would be unavoidably and substantially harmed by compliance with this
44 10 day rule. In the case of negotiations for a contract, lease or other
45 business agreement in which the District is offering to provide facilities or
46 services in direct competition with other public or private entities that are
47 not required by law to make their competing proposals public or do not in
48 fact make their proposals public, the Chancellor may postpone public

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1 access to the final draft agreement until it is presented to the Board for
2 authorization.

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5 2. Litigation Material.

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7 a. Notwithstanding any exemptions otherwise provided by law, the
8 following are Public Records subject to disclosure under this Policy:

- 9
10 (i) Pre-litigation claims against the District
11 (ii) A record previously received or created by the District in the
12 ordinary course of business that was not attorney/client privileged
13 when it was previously received or created;

14
15 b. Unless otherwise privileged under California law, when litigation is
16 finally adjudicated or otherwise settled, records of all communications
17 between the District and the adverse party shall be subject to disclosure,
18 including the text and terms of any settlement.

19
20 c. Any written settlement agreement and any documents attached or
21 referenced in the settlement agreement shall be made public ten days
22 prior to the meeting of the Board at which board
23 approval is to be obtained. In addition if disclosure of these
24 documents could be detrimental to the District's interest in pending
25 litigation arising from the same facts or incident and involving a party
26 who is not a party to the litigation being settled and who is not aware of
27 the settlement, the documents described in this subsection need not be
28 disclosed until the other cases are settled or finally resolved.

29
30 3. Personnel Information. Notwithstanding Government Code Section 6254 (c) ,
31 the District shall disclose, upon request, the following information:

32
33 a. The job pool characteristics including the 12 characteristics
34 traditionally used by the district such as age, sex, ethnic group and in
35 addition non-native status information:

36
37 Nothing in this Policy, however, requires the District to compile job pool
38 characteristics and employment and education histories if the District does
39 not compile, in the ordinary course of business, this data in the aggregate.

40
41 b. The professional biography or curriculum vitae of any employee,
42 provided that the home address, home telephone number, social security
43 number, age, and marital status of the employee shall be redacted.

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45 c. The job description of every employment classification.

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47 d. The exact gross salary and District-paid benefits available to every
48 employee.

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e. Any approved collective bargaining agreement between the District and a recognized employee organization.

g. The amount, basis, and recipient of any increase in compensation, benefits, or both, or any other bonus awarded to any employee.

h. Unless state law prohibits disclosure, the record of any confirmed misconduct of a District employee involving personal dishonesty, misappropriation of public funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct.

4. Contracts, Bids and Proposals

a. Information available when contract is awarded. Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the District and persons or firms seeking contracts shall be open to inspection immediately after the District has awarded a contract. Nothing in this provision requires the disclosure of the net worth of a private person or organization or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. All bidders and contractors shall be advised that information provided which is covered by this subdivision will be made available to the public upon request.

b. Information available before a contract is awarded. Evaluation forms, score sheets, and any other documents used by persons in the evaluation or contractor selection process, as well as the names of scorers, graders or evaluators along with aggregate ratings, shall be available for public inspection immediately after the Chancellor or his or her designee completes any review, evaluation, or rating of responses to a Request for Proposal ("RFP") or Request for Qualifications ("RFQ") and makes a final recommendation regarding award of a contract.

c. Information available during the course of negotiations. During the course of negotiations for:

(i) personal, professional, or other contractual services that are not subject to a competitive process or that have only one qualified or responsive bidder after the preliminary review of responses to a RFP or RFQ;

(ii) leases or permits having total anticipated revenue or expense to the District of five hundred thousand dollars

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(\$500,000) or more or having a term of ten years or more;
or

(iii) any franchise agreements, all documents exchanged and related to the position of the parties, including draft contracts, shall be made available for public inspection and copying upon request.

If the District does not prepare or exchange records during negotiations in the above-mentioned categories under K. 4. c. (i) - (iii), or if the records exchanged do not provide a meaningful representation of the respective positions, the Chancellor shall require the District employee who is familiar with the negotiations to prepare written summaries of the respective positions upon the District's receipt of a written request for such information.

These written summaries will be available within five working days following the final day of negotiation of any given week and will be available for public inspection and copying. Upon completion of negotiations, the executed contract, including the dollar amount of said contract, shall be made available for inspection and copying.

(iv.) At the end of each fiscal year, the Chancellor shall provide to the Board of Trustees a list of all sole source contracts entered into during the past fiscal year. This list shall be made available for inspection and copying as provided for elsewhere in this Policy.

5. Budgets and Other Financial Information. The District's budgets, whether tentative, proposed or adopted, and, unless confidential by law, all bills, claims, invoices, vouchers or other records of payment obligations as well as records of actual disbursements showing the amount paid, the payee and the purpose for which payment is made shall not be exempt from disclosure under any circumstances.

6. Certain Transactions Involving Fees. In any contract, agreement or permit between the District and any outside entity that authorizes that entity to demand any funds or fees from citizens, the District shall ensure that accurate records of

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1 each transaction are available as Public Records except to the extent that the
2 release of the information would constitute an unwarranted invasion of privacy.

3
4 7. Certain Records Related to District's Functions and Property Interests. In any
5 contract, agreement, or permit between the District and any outside entity that
6 authorizes the entity to own, operate, or manage any property in which the
7 District has or will have an ownership interest, including a mortgage, the District
8 shall ensure that accurate records relating to the District's ownership interest
9 activities are available as Public Records.

10
11 8. Balancing test of Section 6255 is not applicable. The District shall not assert
12 Public Records Act Section 6255 or any similar provision as the basis for
13 withholding any documents or information requested under this Policy.

14
15 9. Deliberative process exemption not applicable. The District shall not assert an
16 exemption for withholding of any document or information based on a
17 "deliberative process" exemption, either as provided by Public Records Act or
18 similar provision of law.

19
20 10. Public interest exemption not applicable. The District shall not assert an
21 exemption for withholding of any document or information based on a finding or
22 showing that the public interest in withholding the information outweighs the
23 public interest in disclosure. All withholdings of documents or information must
24 be based on an express provision of this Policy providing for withholding of the
25 specific type of information in question or on an express and specific exemption
26 provided by Public Records Act or other law that is not forbidden by this Policy.

27
28
29 L. Information for the public.

30
31 The District shall issue a summary statement describing how members of the public may
32 gain access to public records.

33
34 Public records maintained by the San Francisco Community College District (District)
35 will be available for inspection or copying by members of the public pursuant to the
36 following procedures:

37
38 1. Public records maintained by the District shall be available for inspection
39 during the regular business hours of the District.

40
41 2. Requests for inspection or copying of public records:

42
43 a. Members of the public may request to inspect or copy public records.
44 Requests should be made in writing unless the request involves records
45 which are maintained by the District for the purpose of immediate public
46 inspection. A written request by a member of the public may be delivered
47 by mail or in person to the office, division, branch or section of the
48 District that maintains the desired records.

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1 b. Requests should be specific, focused and not interfere with the ordinary
2 business operations of the District. The operational functions of the
3 District will not be suspended to permit inspection of records during
4 periods in which such records are reasonably required by District
5 personnel in the performance of their duties. If the request requires review
6 of numerous records, a mutually agreeable time should be established for
7 the inspection of the records.
8

9 c. If the requestor does not know where the desired records are
10 maintained, the request for inspection should be directed to the Public
11 Information Officer for routing to the appropriate official.
12

13 d. Requests should sufficiently describe records so that identification and
14 location of the records can be achieved by District personnel.
15

16 e. Any request to inspect records shall be made sufficiently in advance of
17 the date of inspection to allow staff time to assemble the records and
18 identify any records that may be exempt from disclosure.
19

20 f. Members of the public shall be assisted in identifying records or
21 information that may respond to their request. Assistance that will be
22 provided includes: the information technology and physical location in
23 which the records exist; practical suggestions for overcoming denial of
24 access to the records or information; and the estimated date and time when
25 the records will be made available.
26

27 3. The District may refuse to disclose any records which are confidential by law
28 or exempt from disclosure under the Public Records Act unless they are allowed
29 by this Policy and these Procedures.
30

31 4. Physical inspection of the records shall be permitted within the District's
32 offices and under the conditions determined by the District. Upon either the
33 completion of the inspection or the oral request of District personnel, the person
34 conducting the inspection shall relinquish physical possession of the records.
35 Persons inspecting District records shall not destroy, mutilate, deface, alter, or
36 remove any such records from the District. The District reserves the right to have
37 District personnel present during the inspection of records in order to prevent the
38 loss or destruction of records.
39

40 5. Upon any request for a copy of records, other than records that have been
41 determined to be confidential by law or exempt from disclosure under this Policy
42 and these Procedures, District personnel shall provide copies of the records to any
43 person upon payment of a fee covering costs of duplication not to exceed
44 ten cents per page. No charge will be levied for electronic files that are
45 maintained by the District, each main office of the District, and a copy thereof
46 shall be made available free of charge to any person requesting such a copy.
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1 6. A copy of these guidelines shall be posted in a conspicuous public place in
2 each main office of the District, and a copy thereof shall be made available free of
3 charge to any person requesting such a copy.
4

5
6 M. Withholding kept to a minimum.
7

8 1. No record shall be withheld from disclosure in its entirety unless all information
9 contained in it is exempt from disclosure under express provisions of the Public
10 Records Act, some other statute, or this Policy.
11

12 2. Information that is exempt from disclosure shall be masked, deleted or otherwise
13 segregated in order that the nonexempt portion of a requested record may be released,
14 and keyed by footnote or other clear reference to the appropriate justification for
15 withholding required by subdivision N of this Policy.
16

17 3. This work shall be done personally by the attorney or other staff member
18 conducting the exemption review. The work of responding to a public-records
19 request and preparing documents for disclosure shall be considered part of the regular
20 work duties of any District employee, and no fee shall be charged to the requester to
21 cover the personnel costs of responding to a records request.
22

23 N. Justification of withholding.
24

25 1. The District shall cite the authority for withholding information under a
26 specific permissive exemption in the Public Records Act, or other law, unless this
27 Policy and these Procedures forbid the District's assertion of the permissive
28 exemption.
29

30 2. The District shall cite the specific statutory authority in the Public Records
31 Act or other law for withholding on the basis that the law prohibits disclosure.
32

33 3. The District shall cite specific statutory or case law, or any other public
34 District's litigation experience for withholding on the basis that disclosure would
35 incur civil or criminal liability.
36

37 4. When a record being requested contains information, most of which is
38 exempt from disclosure under the Public Records Act and this Policy, the
39 custodian shall inform the requester of the nature and extent of the nonexempt
40 information and suggest alternative sources for the information requested, if
41 available.
42

43 O. Fees for duplication.
44

45 1. No fee shall be charged for making Public Records available for inspection
46 at the District's offices. Additional charges for the cost of postage will be charged
47 if the records are requested to be mailed.
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2. For documents routinely produced in multiple copies for distribution, e.g., meeting agendas and related materials, unless a special fee has been established pursuant to C4 (d) of this section, the District may charge a fee not to exceed one cent per page.

3. For documents assembled and copied in response to the person making the requests, unless a special fee has been established pursuant to C4 (d) of this section, a fee not to exceed 10 cents per page may be charged.

4. For a Public Record in an electronic format, the District may establish and charge a fee in accordance with Section 6253.9 of the Public Records Act.

5. If the District records a meeting through video or electronic imaging system or an audio recording system, a copy of the record of the meeting shall be provided to the public upon request for the actual cost of providing a copy of the record.

P. Index to records.

~~Within six months of the effective date of this Policy, the District shall prepare a Public Records index that identifies the types of information and documents maintained by the District. The index shall be for the use of District officials, staff and the general public, and shall be organized to permit a general understanding of the types of information maintained, by which District staff and divisions, for which purposes and for what periods of retention, and under what manner of organization for accessing, e.g., by reference to a name, a date, a proceeding or project, or some other referencing system. The index need not be in such detail as to identify files or records concerning a specific person, transaction or other event, but shall clearly indicate where and how records of that type are kept. Any such master index shall be reviewed by appropriate staff for accuracy and presented for formal adoption to the Board of Trustees. The District shall solicit and encourage public participation to develop a meaningful records index. The index shall clearly and meaningfully describe, with as much specificity as practicable, the individual types of records that are prepared or maintained by each division of the District. The index shall be sufficient to aid the public in making an inquiry or a request to inspect. The District shall maintain the integrity and accuracy of the index and avoid any changes in its practices or procedures affecting the accuracy of the index information. The index shall be continuously maintained on the District's World Wide Website and made available libraries maintained by the District and at public libraries within the City and County of San Francisco.~~

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Q. Records to survive transition of officials.

All documents prepared, received, or maintained by the District are the property of the District. The originals of these documents shall be maintained consistent with the records retention policies of the District.

R. Policy regarding public records and the college information system.

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1. The District, subject to technical feasibility as determined by the Information Technology Policies Committee (ITPC) in consultation with ITS, shall use its electronic information systems to collect and store Public Records, shall program and design these systems to ensure convenient, efficient, and economical public access to records, and shall make Public Records easily accessible over public networks such as the Internet.

2. The goal of providing economical public access to records may be achieved through the following:

- a. Maintaining an electronic information system in which exempt information is segregated or filed separately from otherwise disclosable information.
- b. Maintaining an electronic information system that permits reproduction of electronic copies of records in a format that is generally recognized as an industry standard format.
- c. Implementing a system that permits making records available through the largest non-profit, non-proprietary public computer network, consistent with the requirement for security of information.
- d. Any methods of implementation must be approved by ITPC considering the impact it would have on the computing hardware, network services, software compatibility, and stability of the computing infrastructure.

S. INTERNET ACCESS REGARDING MEETINGS OF THE BOARD OF TRUSTEES
Internet access regarding meetings of the Board of Trustees.

The District shall maintain on a Web site, or on a comparable, readily accessible location on the Internet, information about Board meetings. At a minimum, within six months after the effective date of these procedures, the District shall post on its Web site all meeting notices, agendas and the minutes of all previous meetings of the Board for the last three years. Notices and agendas for upcoming Board meetings shall be posted no later than the time that the District otherwise posts this information for the public at specified locations, allowing reasonable time for this additional posting on the internet. Minutes of Board meetings shall be posted as soon as possible, but in any event within two working days after they have been approved.

T. Lobbyist on behalf of the District.

- 1. Any lobbyist who contracts for economic consideration with the District to represent the District in matters before any local, regional, state, or federal administrative or legislative body shall file a Public Records report of their activities on a quarterly basis with the San Francisco Ethics

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1 Commission and with the Board of Trustees. This report shall be maintained
2 by the Ethics Commission and not be exempt from disclosure. Each
3 quarterly report shall identify all financial expenditures by the lobbyist, the
4 individual or entity to whom each expenditure was made, the date the expenditure
5 was made, and specifically identify the local, state, regional or national legislative
6 or administrative action the lobbyist supported or opposed in making the
7 expenditure. The failure to file a quarterly report with the required disclosures
8 shall be a violation of this Policy.
9

10 2. No person shall be deemed a lobbyist under section (a), unless that person
11 receives or becomes entitled to receive at least \$300 total compensation in any
12 month for influencing legislative or administrative action on behalf of the District
13 or has at least 25 separate contacts with local, state, regional or national officials
14 for the purpose of influencing legislative or administrative action within any two
15 consecutive months. No business or organization shall be deemed as a lobbyist
16 under section (a) unless it compensates its employees or members for their
17 activities on behalf of the District, and the compensated employees or members
18 have at least 25 separate contacts with local, state, regional or national officials
19 for the purpose of influencing legislative or administrative action within any two
20 consecutive months. "Total compensation" shall be calculated by combining all
21 compensation received from the District during the month for lobbying activities
22 on matters at the local, state, regional or national level. "Total number of
23 contacts" shall be calculated by combining all contacts made during the two-
24 month period on behalf of the District for all lobbying activities on matters at the
25 local, state, regional or national level.
26

27 3. Funds of the District, including organizational dues, shall not be used to
28 support any lobbying efforts to restrict public access to records, information, or
29 meetings, except where such effort is solely for the purpose of protecting the
30 identify and privacy rights of students or private citizens.
31

32 U. Calendar of the Chancellor. 33

34 The Chancellor shall keep or cause to be kept a daily calendar wherein is recorded the
35 time and place of each meeting or event that the Chancellor attends, with the exclusion of
36 purely personal or social events at which no District business is discussed and that do not
37 take place at District Offices or at the offices or residences of people who do substantial
38 business with or are otherwise substantially financially affected by actions of the District.
39 For meetings not otherwise publicly recorded, the calendar shall include a general
40 statement of issues discussed. Such calendars shall be Public Records and shall be
41 available to any requester three business days subsequent to the calendar entry date.
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46 V. Sources of outside funding. 47 48

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No District official, employee, or agent shall (a) accept any funds other than funds that are payable to and provided to the District, or (b) direct or influence the District's expenditures of, any money, or any goods or services worth more than one hundred dollars (\$100.00) in the aggregate, for the purpose of carrying out or assisting any District function unless the amount and source of all such funds is disclosed in writing to the District, which reports shall be deemed to be Public Records. When such funds are provided or managed by an entity, and not an individual, that entity must agree in writing to abide by this Section. The disclosure shall include the names of all individuals or organizations contributing such money and a statement as to any financial interest the contributor has involving the District. All the foregoing will be done to the extent it is not in conflict with existing law.

W. Amendments to this policy.

The District agrees to consider comment and suggestion from the Sunshine Ordinance Task Force of SF regarding material changes to the District Sunshine Policy.

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