

COLORADO STATE UNIVERSITY SYSTEM

Policy and Procedures Manual

SUBJECT: GOVERNANCE

Policy 112: CSUS Board Open Records Policy

Board Policy:

The Board of Governors of the Colorado State University System (“Board”) and the Colorado State University System and its institutions (“System”) comply with the Colorado Open Records Act, CRS § 24-72-201 *et. seq.* (the “Act” or “CORA”). The Act strikes a balance between the statutory right of the public to inspect and copy public records and the administrative burdens that may be placed upon a governmental agency. This policy preserves that balance and is adopted in accordance with CRS § 24-72-203, which authorizes the Board and System to “make such rules with reference to the inspection of such records as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or the custodian’s office.”

To facilitate obtaining documents or other information from the Board or System, before submitting a CORA request, we encourage the media and others to contact the System or the appropriate university media relations officer. Certain information can be made available quickly and easily through an informal request, which can save the requester and the Board/System both time and money. There is no obligation to produce documents or provide information in response to any informal request, and any such request may be declined.

All public record requests under the Act must comply with the procedures established in this policy. Please be advised that the Board, the System and the custodian of records at the institutions are not obligated to act upon a public records request unless and until such request meets these procedural requirements. To expedite requests, the media should also work with the System or the Board’s media relations officer before filing to best establish:

- The scope of information and the time frame for a response
- What information exists in available records
- How best to identify and describe relevant records
- Potential costs

All requests under CORA must be submitted in writing to the designated custodian of records for the Board, System, or respective university. Requests made to any other person will not be accepted and are not in compliance with this policy. Please refer to Section C below for a list of designated custodians. Media relations officers cannot process formal CORA requests. All requests under CORA must be mailed or sent by

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facsimile to the designated custodian. CORA requests trigger a process, which starts with the identification retrieval process. If possible, records will be made available within three business days, starting the day after the request is received. If circumstances prevent timely processing, the custodian will notify the requestor that additional time is necessary.

Procedures:

A. Procedure for making and responding to requests for information to the Colorado State University System and the Board of Governors under the Colorado Open Records Act (CORA)

1. These procedures apply to all requests submitted pursuant to CORA to inspect public records in the custody or control of the Board, System or its institutions.
2. All requests to inspect public records must be submitted in writing to the official custodian. Requests made to any person other than the proper custodian will not be accepted. Contact information for the official custodian is listed in Section C.
3. All requests must be mailed or sent via facsimile. **Requests made via e-mail will not automatically be accepted.** The custodian, *at the custodian's sole prerogative*, may accept requests sent via e-mail upon request. Any such e-mail request shall be deemed rejected unless and until the custodian expressly confirms acceptance. If a request is sent via e-mail to anyone other than the custodian or if the custodian does not accept such an e-mail request, it shall not be considered as received by the Board, System or any institution and the statutory time or obligation to respond to a request under CORA shall not begin.

Note: The reason for this rule is, due to spam filters and inactive or incorrect e-mail accounts, the System or university cannot guarantee that the custodian has received an electronic mail request.

4. All requests for records **must** be specific as to the records sought and the relevant dates covered by the request. Requests for correspondence must

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- identify the parties to the correspondence. For any request that is vague or broadly stated the custodian may require the requestor to provide a more specific request before responding.
5. If a requestor is unable to identify the specific document/s sought and the relevant dates, the requestor is encouraged to contact the appropriate public relations personnel in advance of submitting a request for assistance in providing the requisite specificity.
 6. Time for response to records requests under CORA that comply with this policy shall be as follows:
 - The normal time for production shall be three working days, beginning on the first business day after the request is received by the custodian.
 - Such periods may be extended upon determination by the custodian that extenuating circumstances exist and absent an agreement with the requestor for a longer period, such period of extension shall not normally exceed seven working days. The requestor shall be notified of the extension within the three-day period.
 - Time periods will be calculated without including the date on which the custodian receives any request.
 - These time periods for responding to requests shall not apply to (a) requests that do not comply with this policy, (b) requests that are broad or burdensome such that they interfere with regular work duties, or (c) requests if the requestor has failed to pay the appropriate charges.
 7. Requests to inspect records documents shall not take priority over the regular work activities of Board, System or institution employees.
 8. Charges for copies of requested records shall be as follows:
 - The normal cost for requested documents shall be \$.25 per page or, for documents in non-standard formats, the actual duplication costs.
 - At the custodian's prerogative, depending on the estimated staff time necessary to retrieve, review and copy the records, the requestor may be charged a reasonable research, retrieval and review fee based on the time spent to respond to the request and the costs of compiling the response, including employee time of gathering, preparing, reviewing and copying requested documents. Employee

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time, if any shall be charged at a rate of \$30.00 per hour, plus copying charges.

- For broad or burdensome requests, at the custodian's sole discretion, the custodian may elect to use certain third-party software or other information technology in order to minimize the disruption to the regular work activities of the employees when responding to such requests. Any additional costs associated with the use of such software or information technology, or other related services shall be the responsibility of the requestor and will be included within the estimate of the costs of responding to the request.
9. If charges are expected to exceed \$30.00, or if a retrieval fee based on the actual cost of responding is to be charged, the custodian will provide the requestor with an estimate of the cost of responding and may require a deposit prior to production. If the requestor wishes to proceed after receiving an estimate, he or she must acknowledge their agreement to pay the costs and deposit in writing. By responding in writing, the requestor agrees to pay all fees associated with request, including subsequent attorneys' fees or collection fees that may be incurred by the custodian for the collection of any unpaid fees by the requestor. If the requestor subsequently narrows or abandons the request, the requestor shall remain responsible for any costs incurred by the custodian in response to the request. The time between the date of the custodian's estimate and the receipt by the custodian of a written request to proceed or upon actual receipt of any prepayment requested by the custodian will not be counted against the time period for responding as set forth above.
 10. No documents will be produced or copied unless payment for copying costs and if required, the retrieval fee is received by the Board or System.
 11. If a requestor wishes to inspect available records in advance of receiving copies, such inspection shall be by appointment only during normal working hours of the custodian. Such inspection must be supervised by a university representative and the requestor may be charged for employee time at the rate of \$30.00 per hour associated with such inspection.

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B. INFORMATION NOT PUBLIC BY LAW

While the Board and System are committed to being open, accountable and transparent, state and federal law prohibit the university from releasing certain types of information. Prohibitions include, but are not limited to:

- Student records, which are protected under the Family Education Rights and Privacy Act of 1974, unless the student waives his or her right to non-disclosure.
- Personnel records, including any record that contains “home addresses, phone numbers, financial information and other data kept because of the employment relationship.” However, the following records, which would otherwise be protected personnel records, are available for public inspection by law: applications of past or current employees, employment agreements, any amount paid or benefit provided incident to termination of employment, performance ratings, final sabbatical reports, or any record of compensation, including expense allowances and benefits.
- Information protected by the attorney-client and attorney work product privileges, or other applicable legal privilege.
- Confidential or proprietary information.
- The record of an executive session meeting of a state public body.
- Records of candidate searches for an executive position.
- Records of sexual harassment complaints or investigations.
- Medical, mental health, sociological and scholastic achievement data on an individual.
- Library records disclosing the identity of the user.
- The specific details of bona fide research projects being conducted by the university.
- Any records that contain information related to the identity of a donor or prospective donor, the amount of any actual or prospective gift or donation to a university-related foundation, proprietary fund-raising information, or agreements or other documents relating to gifts or donations or prospective gifts or donations.

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- Any records which may or shall be denied inspection as provided by CORA as may be amended from time to time.
- The custodian is not required by the Act to construct or create a record that does not exist.

C. RECORDS CUSTODIANS

For the Board of Governors:

Office of the Chancellor
475 Seventeenth Street
Suite 1550
Denver, CO 80202
Phone: 303-534-6290
Fax: 303-534-6298

**Copy to General Counsel at same address

For the Colorado State University System:

Office of General Counsel
475 Seventeenth Street
Suite 1550
Denver, CO 80202
Phone: 303-534-6290
Fax: 303-534-6298

For Colorado State University- Fort Collins:

Vice President of University Operations
Division of University Operations
Colorado State University
318 Administration Building
6001 Campus Delivery
Fort Collins, CO 80523-6001
Phone: 970- 491-5257
Fax: 970-491-2254

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****Copy to Deputy General Counsel at:**

Fort Collins Branch of General Counsel

01 Administration Building

Campus Delivery 0006

Fort Collins, CO 80523-0006 Phone:

970-491-6270

Fax: 970-491-2118

Colorado State University- Pueblo:

Office of the Provost

2200 Bonforte Boulevard

Pueblo, CO 81001

Phone: 719-549-2313

Fax: 719-549-2071

****Copy to Deputy General Counsel at:**

Pueblo Branch of General Counsel

2200 Bonforte Boulevard

Pueblo, CO 80202

Phone: 719-549-2130

Colorado State University- Global Campus

President

7800 East Orchard Road, Suite 200

Greenwood Village, CO 80111

Phone: 720-279-0159

Fax: 303-741-2084

****Copy to Office of General Counsel**

475 Seventeenth Street

Suite 1550

Denver, CO 80202

History: Effective by Board Resolution May 5, 2010
Last amended by Board Resolution October 2, 2015