

## Colorado Open Records Act Policy

The following constitutes the policy of Western Colorado University (the "University") regarding requests for inspection of "public records" ("Request") as that term is defined under the Colorado Open Records Act ("CORA"), C.R.S. § 24-72-200.1 *et seq.* The provisions of this policy set forth rules for the inspection of public records. The University must make a good faith effort to respond to Requests while ensuring that other confidential, excepted, or exempted writings are redacted or withheld. These rules 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 of Records ("Custodian") or the Custodian's office.

All CORA requests must comply with this policy. Please be advised that the Custodian is not obligated to act upon a CORA request unless and until the request meets the requirements of this policy.

### Process for requesting to inspect University records:

- (1) All Requests must be submitted in writing to the Custodian (identified below). Requests made to any other person or office within the University will not be accepted. The writing should conspicuously state that it is a request for University records made pursuant to the Colorado Open Records Act, CORA, or C.R.S. § 24-72-200.1 *et seq.*
- (2) Requests may be made by mail or email. The date the request is received by the Custodian will be considered the "date of receipt." Due to spam filters and similar computer software, the University cannot guarantee that an email request has been received by the Custodian. At the sole discretion of the Custodian, email requests shall be deemed rejected unless and until the Custodian expressly confirms acceptance of the request. The statutory time for response will begin when the Custodian provides confirmation to the requestor for both mailed and emailed requests.
- (3) All requests for records **must** be specific as to the records sought and the relevant dates. Requests for correspondence must 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 the request is processed. If the Custodian requires more information, the time period for response will start again on the date the requestor responds with clarification.
- (4) If the request is expected to require more than one-hour of University employee time, the Custodian will provide the requestor with an estimate of the cost of responding, within the required three working days, prior to responding, and may require a deposit. If the requestor wishes to proceed once receiving an estimate, he or she must respond in writing. By responding in writing, the requestor agrees to pay all fees associated with responding to the request. The time between the date of the Custodian's estimate and the receipt by the Custodian of a written response to proceed will not be counted against the time period for response set forth below.

- (5) If a requestor wishes to inspect available records in advance of receiving copies, such inspection shall be by appointment only during normal working hours. Such inspection shall occur on-site and may be supervised by a University representative.

**University's response to a CORA Request:**

- (6) The University will make efforts to respond to each Request within three business days, beginning on the first business day after the request is received by the Custodian. Requests received after 5:00 p.m. or on any day the University is closed shall be considered received on the next business day.
- (7) The University may extend its time for responding to a request by an *additional* seven business days if the Custodian finds that extenuating circumstances exist, as set forth in section 27-72-203, C.R.S. The requestor shall be notified of the extension in writing within the original three-day period.
- (8) 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.

**Limitation on CORA Requests:**

- (9) Your Request does not guarantee that the University can provide you the record. The University cannot produce, or may withhold or redact in the public interest, certain types of writings, as set forth in sections 24-72-202 and 24-72-204, C.R.S, or if disclosure would otherwise be contrary to any federal or state law. Prohibitions may include, but are not limited to, student records protected under the Family Education Rights and Privacy Act of 1974; personnel records of past or current University employees; writings related to University donors or donations; attorney-client privileged writings; information on bona fide research projects; or records containing trade secrets, confidential commercial information, or privileged information.
- (10) The University is not required by CORA to construct or create a record that does not exist. Additionally, the University is not required to manipulate or analyze information in a new way in order to respond to a request.
- (11) A student requesting a copy of their academic transcript should contact the Office of the Registrar, or you may request a copy through the Student Clearing House at: <https://tsorder.studentclearinghouse.org/school/ficocode/00137200>. The University may otherwise charge a reasonable fee for a certified transcript of scholastic achievement data.
- (12) Requests to inspect records shall not take priority over the regular work activities of University employees.

**Charges for copies of requested records shall be as follows:**

- (13) Payment of costs must be received by the University prior to the University delivering the records.
- (14) Research Costs. At the Custodian's prerogative, the requestor may be charged a reasonable research, retrieval and review fee based on the actual cost of responding to the request; provided, however, that the hourly rate for employee time shall not exceed \$33.58 per hour. There shall be no charge for the first hour of employee time. If the Custodian charges research and retrieval fees under this provision, copying shall be charged at a rate of \$.25 per page. The Custodian shall provide an estimate of any research and retrieval costs in advance and may require a deposit.
- (15) Copying Costs. The University shall charge \$.25 per page for printed copies or, for documents in non-standard formats, the actual duplication costs. There is no copying cost for electronic copies in word processing format.
- (16) Transmission Costs. There is no cost for electronic copies delivered by email. The University shall charge its actual transmission costs for any records requested to be delivered by U.S. mail or other delivery service.
- (17) Costs for data or non-word processing documents. Where the record is a result of computer output other than word processing, the requestor will be charged, unless waived or reduced by the Custodian, the actual incremental costs of providing the electronic services and products together with a reasonable portion of the costs associated with building and maintaining the information system. While not required, the Custodian may, at the Custodian's sole discretion, choose to manipulate or analyze information in a new way in order to respond to a request. Where the record is a result of such manipulation or analysis, the requestor will be charged, unless waived or reduced by the Custodian, the actual costs of creating the record.
- (18) Subsequent to the approval of this policy, if CORA is amended to modify the maximum amount of any charges described above, the policy will be applied consistent with the provisions of such amendments.

**Contacting the Custodian of Records**

In addition to any requirements under this policy and CORA, a request must include the requestor's name, mailing and e-mail address, and be sent to the Custodian at CORA@western.edu.