ADMINISTRATIVE POLICY STATEMENT

Policy Title: Colorado Open Records Act (CORA)

APS Number: 2022        APS Functional Area: ADMINISTRATIVE/GENERAL

Brief Description: This policy sets forth rules for the inspection of public records in the custody or control of the University of Colorado.

Effective: July 1, 2014 January 1, 2019 (Pending)

Approved by: President Bruce D. Benson (Pending)

Responsible University Officer: Vice President for University Relations Communication

Responsible Office: University Relations

Policy Contact: Vice President for University Relations Communication

Supersedes: Colorado Open Records Act (CORA), July 1, 2013 July 1, 2014

Last Reviewed/Updated: July 1, 2014 January 1, 2019 (Pending)

Applies to: This policy applies to all requests, submitted pursuant to C.R.S. § 24-72-201 et seq., to inspect public records in the custody or control of the University of Colorado.

Reason for Policy: Sets forth University requirements for inspection of public records in accordance with the Colorado Open Records Act.

I. INTRODUCTION

Pursuant to C.R.S. § 24-72-201 et seq., the “Colorado Open Records Act” (the Act), all public records must be open for inspection by any person at reasonable times, except as provided by law. This policy sets forth the official custodians’ (for the Board of Regents, CU system administration, or CU campuses) rules for the inspection of such records, as provided in the Act, which 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 or the custodian’s office.

II. POLICY STATEMENT

This policy applies to all requests, submitted pursuant to C.R.S. § 24-72-201 et seq., to inspect public records in the custody or control of the University of Colorado. The university is committed to the guiding principles of openness, transparency, accountability and responsiveness.

A. Requirements for requesting to inspect public records for the University of Colorado:

1. All requests to inspect public records must be submitted in writing to the official record custodian of the relevant campus or of system administration/Board of Regents using the form designated located in APPENDIX B. Requests made to any person other than the proper custodian will not be accepted.

2. Requests may be submitted via electronic mail (e-mail), regular U.S. mailed, or sent via facsimile. The proper contact information for each official record custodian can be found in APPENDIX B.

2-3. The date the request is received by the custodian will constitute the “date of receipt.” For requests submitted via e-mail, the date of receipt shall be the date that the official record custodian confirms receipt in writing to the requester. Requests made via electronic mail will not automatically be accepted. The custodian, at the
The custodian’s sole prerogative may accept requests sent via e-mail upon request. Should the custodian accept an email request, the statutory time for response will begin when the custodian provides confirmation to requestor. If a request is sent via e-mail to anyone other than the official record custodian, it will not be considered as received by the university.

3-4. 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.

4-5. If a requestor is unable to identify the specific document(s) sought, the requestor is encouraged to contact the relevant custodian in advance of submitting a request for assistance in providing the requisite specificity.

5-6. There are several categories of information that are protected by State and Federal law. See APPENDIX A for a list of examples of information that the university is prohibited from releasing.

6-7. The university is not required by the Act to construct or create a record that does not exist. Nor is the university required to manipulate or analyze information in a new way in order to respond to a request.

7-8. Time for response to records requests shall be as follows:
   a. The normal time for production shall be three (3) working days; beginning on the first business day after the request is received (see subsection paragraph II.A.3 above).
   b. Such period may be extended upon determination by the custodian that extenuating circumstances exist. Such period of extension shall not normally exceed seven (7) working days. The requestor shall be notified of the extension within the three-day period.

8-9. Requests to inspect records will not take priority over the regular work activities of university employees.

9-10. Charges for copies of requested records shall be as follows:
   a. The normal cost for requested documents shall be $.25 per page or, for documents in non-standard formats, the actual duplication costs. If electronic copies of responsive records can be made available without printing or scanning, there shall be no per page charge for such records.
   b. At the custodian’s prerogative, the custodian may charge a research and retrieval fee based on the actual time spent and the actual cost of responding to the request; provided, however, that the hourly rate for employee time is thirty dollars per hour and there shall be no charge for the first hour of employee time. If the custodian charges research and retrieval fees under this paragraph, copying shall be charged at a rate of $.15 per page.
   c. Payment must be received by the custodian before any records are produced to the requestor prior to the requestor receiving copies.

10-11. If charges are expected to exceed $25 the employee time for responding to a request, including but not limited to research and retrieval, is expected to exceed the initial complimentary hour, the custodian will provide the requestor with an estimate of the cost of responding 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 before any records are produced. 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 set forth at in subsections Paragraphs II.A.3 and II.A.8 above.

11-12. 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 must be supervised by a university representative and the requestor may be charged for employee time associated with such inspection.

III. RELATED POLICIES, PROCEDURES, FORMS, GUIDELINES, AND OTHER RESOURCES

A. Procedures
   Procedures for Requesting Access to Public Records at the University of Colorado

B. Forms
   Public Records Request Form

C. Other Resources (i.e. training, secondary contact information)
   Appendix A: Information Not Public by Law
   Appendix B: Procedure and Form to Submit a Formal Request
IV. HISTORY

- Adopted: July 1, 2013 New policy established 7/1/13.
- Revised July 1, 2014 7/1/14; January 1, 2019 (Pending) 1/1/19

V. KEY WORDS

| Colorado, open, records, act, CORA, inspection, public, records, custody, control, official, custodian, 24-72-201, retention, access, informal, formal, request, documents, copies, fees, costs, retrieval, reporters, media |
APPENDIX A

Information Not Public by Law

While the University of Colorado is 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:

1. 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.

2. 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.

3. Information protected by the attorney-client and attorney work product privileges, or other applicable legal privilege.

4. The record of an executive session meeting of a state public body.

5. Records of candidate searches for an executive position.

6. Records of sexual harassment complaints or investigations.

7. Medical, mental health, sociological and scholastic achievement data on an individual.

8. Library records disclosing the identity of the user.

9. The specific details of bona fide research projects being conducted by the university.

10. 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.

11. Records containing trade secrets, privileged information, and confidential commercial, financial, geological, or geophysical data furnished by or obtained from any person.
### Procedure to Submit a CORA Request

#### Step 1 – Select Location of Records Requested and Corresponding Records Custodian:

<table>
<thead>
<tr>
<th>Location</th>
<th>Custodian</th>
<th>Email</th>
<th>Phone</th>
<th>Fax</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of Colorado System and CU Board of Regents</td>
<td>Cheryl Espinoza</td>
<td><a href="mailto:CORACUSystem@cu.edu">CORACUSystem@cu.edu</a></td>
<td>303-860-5600</td>
<td>303-860-5670</td>
<td>1800 Grant St, Suite 800, Denver, CO 80203</td>
</tr>
<tr>
<td>University of Colorado Boulder</td>
<td>Scott Bocim</td>
<td><a href="mailto:CORACUBoulder@colorado.edu">CORACUBoulder@colorado.edu</a></td>
<td>303-492-8908</td>
<td>303-492-8866</td>
<td>914 Broadway, Boulder, CO 80309</td>
</tr>
<tr>
<td>University of Colorado Colorado Springs</td>
<td>Tamara Cannafax</td>
<td><a href="mailto:CORAUCCS@uccs.edu">CORAUCCS@uccs.edu</a></td>
<td>(719) 255-3804</td>
<td>(719) 255-3511</td>
<td>1420 Austin Bluffs Parkway, Colorado Springs, CO 80918</td>
</tr>
<tr>
<td>University of Colorado Denver</td>
<td>Anschutz Medical Campus</td>
<td><a href="mailto:CORAUCD@ucdenver.edu">CORAUCD@ucdenver.edu</a></td>
<td>303-315-7682</td>
<td>303-315-4446</td>
<td>Mailing Address: Campus Box 168, P.O. Box 173364, Denver, CO 80217-3364, Physical Address: 1380 Lawrence St., Suite 1400 Denver, CO 8020480217-3364</td>
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#### Step 2 – Complete the following form:

**Public Records Request Form**

**University of Colorado**

The following request is made under the Colorado Open Records Act:

Date: __________________

a.m. __________ p.m. __________

Name:  _________________________________________________________________________________________________

Company Represented: ______________________________________________________________________________________

Address: __________________________________________________________________________________________________

Phone/Fax: ______________________________________________________________________________________________

Email:   _________________________________________________________________________________________________

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<tr>
<th>Documents Requested (Please be Specific)</th>
<th>Relevant Time Period or Date of Issuance</th>
<th>Comments</th>
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*If the document name is unknown, provide brief, but specific description of document or information requested (note date of issuance and location of document, if known).

Signature ___________________________________________________________________________ Date ________________

**For Official Use Only**

Time spent by staff in assembling the records request. ____________________________

Estimated cost of assembly. $ ________________

Records requests received by: ____________________________________________________________________________ Date: ____________________________

#### Step 3 – Submit completed form to records custodian selected in Step 1.