

President's

Policy Statement
University Policy Library

Operational Area:	Administration and Operations
Responsible Executive:	President
Responsible Office:	General Counsel's Office
Effective:	November 19, 2021

Public Records Access (CORA)

Administration and Operations

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I. **Introduction**

- A. **Authority:** Colorado Revised Statutes (C.R.S.) § 23-54-102, et seq. (2021) authorizes the Trustees of Metropolitan State University of Denver ("MSU Denver" or "University") to establish rules and regulations to govern and operate the University and its programs. The MSU Denver Trustees retain authority to approve, interpret, and administer policies pertaining to University governance. The MSU Denver Trustees authorize the MSU Denver President to approve, administer, and interpret policies pertaining to University operations.
- B. **Purpose:** This policy sets forth rules for the inspection of public records in the custody or control of Metropolitan State University of Denver in accordance with the Colorado Open Records Act, C.R.S. § 24-72-200.1, *et seq.*
- C. **Scope:** This policy applies to MSU Denver employees, students, and the general public.

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II. Roles and Responsibilities

- A. **Responsible Executive:** President
- B. **Responsible Administrator:** General Counsel
- C. **Responsible Office:** General Counsel's Office
- D. **Policy Contact:** Office of General Counsel, 303-615-0099
- E. **Official Custodian of Records:** The official custodian of records ("custodian") is the University officer responsible for the maintenance, care, and keeping of public records in the custody and control of Metropolitan State University of Denver. The University's General Counsel is designated as the custodian.

III. Policy Statement

It is the policy of the University to... The following constitutes the policy of Metropolitan State University of Denver ("MSU Denver" or "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 policy sets forth rules for the inspection of public records. 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 or the custodian's office. All requests must comply with this policy.

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A. Requirements for Requesting to Inspect Records for MSU Denver

1. All requests must be submitted in writing to the custodian. Requests made to any other person or office within the University will not be accepted.
2. All requests 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 responding.
3. The custodian is not required by CORA to construct or create a record that does not exist. Additionally, the custodian is not required to manipulate or analyze information in a new way to respond to a request.
4. Time for response to CORA requests that comply with this policy shall be as follows:
 - a. The normal time for production shall be three working days, beginning on the first business day after the request is received by the custodian.
 - b. The custodian may extend the three-day period upon a determination by the custodian that extenuating circumstances exist. The extension will not normally exceed seven working days. The requestor will be notified of the extension within the original three-day period.
 - c. 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

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- burdensome such that they interfere with regular work duties, or (c) requests if the requestor has failed to pay the appropriate charges.
5. Requests to inspect records shall not take priority over the regular work activities of University employees.
 6. 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.
 - b. 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 is \$41.37 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.
 - c. 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.
 - d. 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. When the record is a result of such manipulation or analysis, the

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requestor will be charged, unless waived or reduced by the custodian, the actual costs of creating the record.

- e. Payment must be received prior to the requestor receiving copies.
7. If charges are expected to exceed \$25, 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, the requestor 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 set forth above.
8. 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.
9. After 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.

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IV. Procedures

A. Procedures for Submitting a Public Records Request

1. The requestor will submit a completed Public Records Request Form to the custodian by mail or email to the address listed on the form.
2. The custodian, or designee, will verify that the request meets the conditions of the policy.
3. The custodian, or designee, will respond to the requestor within three business days, unless extenuating circumstances exist, in which case the custodian will notify the requestor of such extenuating circumstances within the three-day period, and will respond within seven business days.

V. Related Information

- A. Colorado Open Records Act, C.R.S. § 24-72-200.1, *et seq.*
- B. Public Records Request Form
- C. State of Colorado Records Management and Retention Schedule No. 8 - Higher Education, <https://archives.colorado.gov/records-management/state-agency-records-management>

VI. Policy History

- A. **Effective:** November 19, 2021
- B. **Original Enactment:** December 18, 2014

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- C. **Revised:** November 19, 2021, to reflect current rate for employee time per hour; December 15, 2017, to permit requests for public records to be submitted via email and to designate the University's General Counsel as the official custodian of records.
- D. **Review:** This policy will be reviewed every three years or as deemed necessary by University leadership.

VII. Policy Approval



Janine Davidson, Ph.D.
President, Metropolitan State University of Denver

N/A

Chair, Board of Trustees, Metropolitan State University of Denver