

Colorado Open Records Act Policy

	<p>Policy identification number: To come...</p> <p>File: Other Operational Policies > Colorado Open Records Act > Colorado Open Records Act Policy</p> <p>Colorado Open Records Act Policy</p> <p>Policy summary</p> <p>This policy outlines the rules and timelines related to requests received under the Colorado Open Records Act.</p>
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Policy Owner	Approval Date	Effective Date
Vice President for Finance and Administration	September 8, 2021	September 8, 2021

Search Terms	Scheduled for Review
vpfa, c, o, r, recently-approved, public, affairs	Fall 2025

Policy Statement

The following constitutes the policy of Fort Lewis College 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. 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. The Custodian is not obligated to act upon a CORA request unless and until the request meets the requirements of this policy.

1. Requirements for requesting to inspect records for Fort Lewis College.
 1. All Requests must be submitted in writing to the Custodian. Requests made to any other person or office within the College will not be accepted.
 2. Requests may be mailed or sent via [online form](#). The date the request is received by the Custodian will be considered the “date of receipt.” Requests sent via e-mail will not be accepted. If a request is sent via e-mail to the Custodian or to

anyone other than the Custodian, it will not be considered as received by the College.

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 responding.
4. The College is not required by CORA to construct or create a record that does not exist. Additionally, the College is not required to manipulate or analyze information in a new way in order to respond to a request.
5. Time for response to CORA requests that comply with this policy shall be as follows:
 1. The normal time for production shall be three working days, beginning on the first business day after the request is received by the custodian.
 2. Such periods may be extended upon determination by the Custodian that extenuating circumstances exist. Such period of extension shall not normally exceed seven working days. The requestor shall be notified of the extension within the original three-day period.
 3. 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.
6. Requests to inspect records shall not take priority over the regular work activities of College employees.
7. Charges for copies of requested records shall be as follows:
 1. The normal cost for requested documents shall be \$0.25 per page or, for documents in non-standard formats, the actual duplication costs.
 2. 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 \$0.25 per page.
 3. 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.
 4. 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.
 5. Unless waived by the Custodian, the requestor will be charged the cost of transmitting the records to the requestor by United States mail or other delivery service other than e-mail transmission.

6. Payment must be received prior to the requestor receiving copies.
 8. 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, 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 set forth above.
 9. 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 College representative.
 10. 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.
2. 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:

FLC Opens Records Custodian

Office of the President
1000 Rim Drive
Durango, CO 81301

Reason for Policy

This policy outlines the rules and timelines related to requests received under the Colorado Open Records Act.

Responsibilities

For following policy: Everyone

For enforcement of policy: Custodian of Records

For oversight of policy: Vice President for Finance & Administration

For notification: Policy Librarian

For procedures implementing policy: Custodian of Records

Appendix - Information Not Public by Law

While Fort Lewis College is committed to being open, accountable and transparent, state and federal laws prohibit the College 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 (FERPA) of 1974.
2. Personnel records, including any record that contains “home addresses, telephone numbers, financial information... other information maintained because of the employer-employee relationship, and other documents specifically exempt from disclosure.”
 1. 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, and settlement agreements.
3. Letters of reference.
4. Information protected by the attorney-client and attorney work product privileges, “deliberative process” privilege, or other applicable legal privilege.
5. The record of an executive session meeting of a state public body.
6. Records submitted by or on behalf of an applicant or candidate for any employment position, including an applicant for an executive position, who is not a finalist.
 1. However, the College will allow public inspection of the demographic data of a candidate who was interviewed for an executive position, but is not named as a finalist. “Demographic data” means information on a candidate's race and gender that has been legally requested and voluntarily provided on the candidate's application and does not include the candidate's name or other information.
7. Records of sexual harassment complaints or investigations.
8. Medical, mental health, sociological and scholastic achievement data, and electronic health records on an individual (except for any scholastic achievement data submitted as part of an application by a finalist for an executive position).
9. Library records disclosing the identity of the user.
10. The specific details of bona fide research projects being conducted by the College.
11. 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 College-related foundation, proprietary fund-raising information, or agreements or other documents relating to gifts or donations or prospective gifts or donations.
12. Records containing trade secrets, privileged information, and confidential commercial, financial, geological, or geophysical data furnished by or obtained from any person.
13. Library and museum material contributed by private persons, to the extent of any limitations placed thereon as conditions of such contributions.
14. Names, addresses, telephone numbers, and personal financial information of past or present users of public utilities, public facilities, or recreational or cultural services that are owned and operated by the College.
15. Nominations submitted to the College for the awarding of honorary degrees, medals, and other honorary awards by the institution, proposals submitted to the College for the

naming of a building or a portion of a building for a person or persons, and records submitted to the College in support of such nominations and proposals.