AIMS COMMUNITY COLLEGE PROCEDURE

OPEN RECORDS

COLORADO OPEN RECORDS ACT (CORA, 24-72-101 et seq.)
It is the declared public policy of the State of Colorado that all public records shall be open for inspection by any person at reasonable times, except as otherwise provided by law. Public records are defined by this law as all writings made or maintained by a state institution, such as Aims Community College, which is a statutorily created junior college district and a political subdivision of the State of Colorado, regardless of the format or medium of the records, and expressly includes e-mail communications.

Public records may include information that is kept only in electronic format, and if the record is kept only in electronic format, the custodian is responsible for making sure that the electronic information is also accessible, to the extent required by law, to those requesting it.

RESPONDING TO A REQUEST
By action of the Board of Trustees and pursuant to law, the Secretary of the Board is the official custodian of all College Records. However, for administrative efficiency this responsibility has been delegated to the Office of Legal Affairs, which shall process all requests for Open Records Requests.

The following are general College policies concerning the release of College records:

a) The custodian may set the time during normal office hours and the place for records to be inspected and require that he, she or a delegated employee be present while the records are examined. Pursuant to CORA, all records must be made available for inspection within three (3) working days. This deadline may be extended by seven (7) working days if extenuating circumstances exist and the requesting party is immediately notified of the delay. Extenuating circumstances permitted by CORA include only the following: 1) The request is broadly stated and encompasses all or substantially all of a large category of records and is without sufficient specificity to allow the custodian to gather the records within 3 days; or 2) The request is broadly stated and encompasses all or substantially all of a large category of records and is made at a time when the College needs to devote all or substantially all of its resources to meeting an impending deadline or peak of demand that is unique.

b) An applicant wishing to examine College documents must reasonably specify the record or records desired in writing. General searches of College files for unspecified documents are not permitted.

c) If the custodian feels that release of a document for inspection will do substantial injury to the College, the custodian should immediately seek guidance from the President of the College.
d) A person granted the right to inspect College records will also be furnished copies requested at a cost of 25 cents per page copied or actual cost if higher. Additionally, in those cases where the location of specific documents must be researched and the documents must be retrieved, sorted or reviewed for applicability to the request, the College may charge a reasonable research and retrieval fee, typically $15.00 per hour. The College retains the right to waive these fees in particular circumstances, for example when the party requesting documents is a current student or member of a nonprofit or charitable organization. The President of the College shall be consulted if such a waiving is requested.

The First Amendment to the United States Constitution does not guarantee the press a constitutional right of special access to information not available to the public generally. CORA compels the disclosure of public records; it does not require College employees to conduct interviews or answer questions from the press or public generally. It is a misdemeanor, punishable by fine up to $100 and 90 days in jail, to “willfully and knowingly” violate the provisions of CORA.

EXCEPTIONS TO THE DISCLOSURE REQUIREMENT
CORA definition of public records does not include the following:
   a. Criminal justice records;
   b. Data, information and records relating to Colorado student obligation bond authority programs; and
   c. The identity of, or information leading to the identification of, any donor or prospective donor, the amount of any actual or prospective gift or donation, proprietary fund raising information or agreements or other documents relating to gifts or donations.

The College MAY deny the right of inspection for the following records:
   1. Law enforcement investigation records;
   2. Test questions, scoring keys and other examination data pertaining to administration of a licensing examination, examination for employment or academic examination;
   3. Specific details of bona fide research projects;
   4. Contents of real estate appraisals made relative to the acquisition of property or any interest in property for the College’s use;
   5. Electronic mail addresses provided by a person to the College for the purposes of future electronic communications to the person from the College; and
   6. Specialized details of security arrangements or investigations.

The College MUST deny the right of inspection for the following records, except that some of these records may be available to the person in interest:
   1. Medical, mental health, sociological, and scholastic achievement data on individual persons;
   2. Personnel files;
   3. Letters of reference;
   4. Trade secrets, privileged information, and confidential commercial, financial, geological, or geophysical data furnished by or obtained from any person;
5. Library material contributed by private persons, to the extent of any limitations required as a condition of the contribution;
6. Library records disclosing the identity of a user;
7. Addresses, telephone numbers and personal financial information of past or present users of College public facilities or recreational or cultural services;
8. Records of sexual harassment complaints and investigations, except that the College may access the information necessary to the investigation of a complaint;
9. Records submitted by or on behalf of any applicant or candidate for employment, other than a finalist for an institutional CEO position;
10. Records protected under the common law governmental or a deliberative process privilege, if the material is so candid or personal that public disclosure is likely to stifle honest and frank discussion within the College; and,
11. Nominations for the awarding of honorary degrees, medals, and other honorary awards, proposals for the naming of a building or a portion of a building, and records submitted in support of such nominations or proposals.

PERSONNEL FILES
The College maintains a personnel file for each employee. A Personnel file is defined by CORA as the home address, telephone number, financial information and other information maintained because of the employer-employee relationship. With some exceptions noted below, CORA requires confidentiality of personnel files. The official Personnel File for College employees typically consists of two elements: (1) the file located in the administrative office of the dean, department head and/or director's office of a unit, and (2) payroll and similar records located in Human Resource Services and Financial Services. CORA permits inspection of the personnel file by the “person in interest,” i.e. the person to whom the records pertain, and by persons acting on behalf of the College in a supervisory role. CORA prohibits disclosure of letters of reference to the person in interest. Colorado case law has defined “letters of reference” to include information elicited from references in confidence and designed to inform an evaluation of a person’s qualifications pursuant to the hiring process. CORA permits public inspection of applications of employees, vitae and resumes, employment agreements, amounts paid or benefits provided incident to termination of employment, settlement agreements, performance ratings, compensation (including expense allowances and benefits), and sabbatical information.

STUDENT EDUCATION RECORDS
The Family Educational Rights and Privacy Act (FERPA, 20 U.S.C.A. 1232g) prohibits the disclosure of student education records without the student’s prior written consent except under limited circumstances. FERPA broadly defines an education record as those records that are directly related to a student and maintained by an educational agency or institution, including records of disciplinary matters. FERPA permits the institution to disclose directory information about students; the College has defined directory information to include a student’s name, current mailing and e-mail address, telephone listing, major field of study, class, dates of attendance, anticipated date/term of graduation and expected award(s), participation in officially recognized activities and sports, weight and height of members of athletic teams, honors and degrees awarded. Students are permitted by FERPA to prohibit disclosure of their directory
information by affirmatively placing a hold on their directory information. Further information regarding implementation of FERPA at the College appears in the General Catalog.

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APPROVED: Dr. Marilynn Liddell
Aims Community College President
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