

PUBLIC RECORDS POLICY AND PROCEDURE

By resolution of the University of Colorado Foundation Board of Directors, the University of Colorado Foundation (the "Foundation") adopts the following Public Records Policy and Procedure (the "Policy"):

I. Purpose, Reference and Responsibility:

A. Purpose: The Foundation has developed this Policy in order to create a systematic method of managing requests under the Colorado Open Records Act, as amended by House Bill 1041 ("CORA").

B. Reference:

1. Colorado Revised Statutes sections 24-72-201 through 24-72-205.
2. Attorney General Opinion, *Colorado Open Records Act Nineteen Frequently Asked Questions*, No. 01-1, July 5, 2005

C. Responsibility: It is the responsibility of the Office of General Counsel to ensure compliance with this Policy.

II. Policy Statement:

Pursuant to CORA, as amended by House Bill 1041, certain records of an institutionally related foundation are public records, and are to be open for inspection by individuals at reasonable times, upon request, unless exempted under CORA, as amended by House Bill 1041. The Foundation recognizes the importance of this state policy and the importance of creating an environment of openness with respect to its internal operations. This Policy is intended to balance the public's right to inspect the Foundation's records with the Foundation's need to protect its records and prevent unnecessary interference with its regular duties in responding to CORA requests.

III. Procedure:

A. Custodian of Records:

1. The Executive Vice President/Chief Financial Officer shall serve as the official custodian of records for the Foundation.

B. Requesting Public Records:

1. All requests should be addressed to the Custodian of Records. The Custodian of Records will immediately forward all requests to the Office of General Counsel. If any other Foundation employee receives a CORA request they should immediately forward the request to the Executive Vice President/Chief Financial Officer and to the Office of General Counsel.
2. All requests must be made in writing or must be made using the Online Request Form. A request should contain a clear statement that it is being made under CORA. Requests for records should be addressed to: Custodian of Records, University of Colorado Foundation, 4740 Walnut Street, Boulder, CO 80301. The date the request is received by the Custodian of Records will constitute the "date of receipt" for timing purposes.
3. All requests must be specific as to the records sought. Dates, addresses, subjects or titles of documents sought should be referenced.
4. Responses to requests for records will not take priority over the Foundation's previously scheduled work activities or duties, subject to the requirements of CORA, as amended by House Bill 1041.
5. The Foundation reserves the right to levy a reasonable fee for research and retrieval services of requested documents above and beyond the costs for obtaining actual copies as identified in paragraph D5, below.
6. Once a request has been made, all records pertaining to that request should be maintained. Any employee who destroys a requested document shall be subject to prosecution and/or personal liability.

C. Responding to Requests for Open Records:

1. The Office of General Counsel will determine if the information requested is subject to inspection under CORA, as amended by House Bill 1041. If it is determined that the records requested are not subject to inspection under CORA, as amended by House Bill 1041, the Office of General Counsel will inform the requester, in writing, that the request is being denied, and provide the reason for such denial.

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2. If the request is for records that the Foundation does not possess, the requester will be informed, in writing, that the Foundation does not possess the requested records.
3. If the requested records contain information that is partially open to inspection and partially exempt from inspection, the Foundation shall redact the exempted information and provide the record(s) for inspection.
4. If a CORA request requires research and retrieval, a reasonable fee will be charged, in accordance with CORA, as amended by House Bill 1041. The research and retrieval charge shall not exceed the actual cost to the Foundation of satisfying a CORA request.
5. The Foundation will make reasonable efforts to ensure requested records are available for inspection with three (3) business days of receiving the request. If the records are not immediately available, or if extenuating circumstances exist, the Foundation will make reasonable efforts to ensure the records are available within ten (10) business days of receiving the request.
6. Once the records have been located and reviewed, the Foundation will notify the requester, in writing, that the records are available for inspection.

D. Inspection of Records:

1. Once the requester is notified that the records are available for inspection, the requester must contact the Foundation within five (5) business days to arrange a date, time and place to inspect the records. Public records will generally be viewed at the Foundation's office at 4740 Walnut Street, Boulder, Colorado, and may not be removed from the premises. If within five (5) business days the requester fails to schedule a time for inspection the request will be considered abandoned.
2. Records will be available for inspection during the Foundation's normal business hours of 8:00 AM to 5:00 PM, Monday through Friday.
3. Only the requesting party will be allowed to inspect the records. The records may not be inspected by a representative or surrogate of the requesting party.

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4. At the time of review a requester will be required to provide photo identification, such as a driver's license. The identification will be returned to the requester once the review is completed.
5. The requester may obtain copies of the requested records from the Foundation at a cost of \$1.25 per page. Payment must be received in advance of releasing the requested copies.
6. The records will be maintained by the Foundation for forty-eight (48) hours after the scheduled inspection time, at which point the records will be returned to their point of origination.
7. If the requesting party is unable to inspect the requested records on the date scheduled, the requester must inform the Foundation and reschedule a date and time to inspect the records within forty-eight (48) hours of the original scheduled time, or the request will be considered abandoned.
8. Once a request is considered abandoned the requester must submit a new request to inspect any records.