



*The*  
**UNIVERSITY**  
*of* **VERMONT**

Policy V. 8.0.2.3

Responsible Official: Vice President for  
Legal Affairs and General Counsel

Effective Date: March 3, 2010

---

## **Records and Documents Requests**

---

### **Policy Statement**

It is the policy of the University to comply promptly with requests for public records and documents, in a manner consistent with its obligations under the Vermont Public Records Act.

### **Reason for the Policy**

The purpose of the Policy is to facilitate compliance with the requirements of the Vermont Public Records Act and to provide guidance to University officials, members of the University community, and the public regarding related institutional procedures.

### **Strategic Direction**

This Policy is a compliance initiative.

### **Applicability of the Policy**

The Policy applies to all requests to the University for records and documents, regardless of the identity of the requesting party. It is designed to be interpreted in conformance with the Vermont Public Records Act, which shall supersede this Policy in the event of a conflict between this Policy and the Act.

### **Policy Elaboration**

None

## Definitions

*Record* or *document* is a written or recorded matter produced or acquired in the course of University business. It is a *Public Record* or *document* subject to prompt production upon request unless exempted from production requirements under the provisions of the Vermont Public Records Act.

*Requesting Party* is the person who requests a copy of a University record or document.

## Procedures

1. The University's primary intake official for internal and external records requests is the Vice President for Executive Operations. The person making the request shall be asked to provide the Vice President for Executive Operations with a written request that includes a description reasonably adequate for the University to identify the materials requested. Acceptable forms of request are letters, emails, faxes and any other form of written communication showing a physical reply address. Other University officials who receive a records request should direct the requestor to make a written request as just described; the official must then promptly notify the Vice President for Executive Operations of the pending request to resolve the protocols for a response.
2. The document or record requested shall be produced promptly to the requesting party, meaning within no more than two (2) business days of the University's receipt of the request, subject to the following conditions:
  - a. If the document or record is in active use or storage and is therefore not available for use at the time the person asks to examine it, the Vice President for Executive Operations shall so certify in writing to the requesting party and set a date or hour within one calendar week of the request when the record will be available for inspection, such time frame to apply in the absence of extenuating circumstances.
  - b. If the Vice President for Executive Operations determines that the record or document requested is exempt from inspection under Vermont or otherwise applicable law, s/he shall so certify in writing stating reasons for the denial of access. Such certification shall be made within two (2) business days, unless otherwise permitted by law. The Vice President for Executive Operations shall also notify the requesting party of the right to appeal to the University President within thirty calendar days, any adverse determination.
  - c. If appeal of a denial of access is made to the President, the President shall make a decision with respect to the appeal within five (5) business days, excepting Saturday, Sunday and legal holidays. If an appeal of the denial is in whole or part upheld, the University, through the President or designee, shall notify the person making such request of provisions for judicial review of the denial under Vermont law.
4. In cases where the record or document may be of public or media interest, the

responsible administrator shall offer copies of the record or document to the Office of University Communications no later than the time at which such material is furnished to the requesting party.

5. The Vermont Public Records Act authorizes public entities subject to the requirements of the Act to charge and collect from the requesting party the actual cost of providing the copy. Such entities may also charge and collect from the requesting party the costs associated with mailing or transmitting the record by facsimile or other means. The Director of Procurement Services shall annually publish a schedule of reasonable costs for such services.
6. In certain instances, entities subject to the Vermont Public Records Act are permitted to charge and collect from the requesting party the cost of staff time associated with complying with a request for a copy of a record or document. The responsible administrator shall seek guidance from the Vice President for Executive Operations regarding proper application of this provision.
7. If an entity maintains public records or documents in electronic form, the Vermont Public Records Act provides that those shall be made available for copying in either standard electronic format or paper format, as specified by the requesting party. An entity may, but is not required to, create a public record or document not otherwise in existence, or to convert paper public records to electronic format.
8. In meeting their obligations to produce records or documents under the Vermont Public Records Act, responsible administrators shall make reasonable rules to prevent disruption of unit operations, preserve the security of public records or documents, and protect such records or documents from damage.
9. Federal and state law governing access to specific types of records, such as student educational records, may supersede this Policy and its protocols.

## **Contacts**

Questions related to the daily operational interpretation of this policy should be directed to:

Vice President for Legal Affairs and General Counsel  
Phone: 656-4452 Fax: 656-7379

The Vice President for Legal Affairs and General Counsel is the official responsible for the interpretation and administration of this policy.

## **Related Documents/Policies**

- [Public Records Fee Schedule](#)
- [Vermont Public Records Act \(Vermont Statutes, Title 1, sections 315-320\)](#)

- [Notification of Rights Under FERPA \(student records privacy policy\)](#)

## **Effective Date**

V. 8.0.2.1 approved by the President January 29, 2004;

V. 8.0.2.2 approved by the President as *revised* on December 9, 2009:

V. 8.0.2.3 approved by the President as *revised* on March 3, 2010