



The University of Vermont

Policy V. 8.2.4

Responsible Official: Vice President
for Legal Affairs and General Counsel

Effective Date: September 14, 2011

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.

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

Business Day: means a day that the University of Vermont is open to provide services, which necessarily excepts Saturdays, Sundays, legal holidays, and administrative holidays. Standard operating hours are 8:00 am to 4:30 pm.

Public Record or document: is a written or recorded matter produced or acquired in the course of University business. All public records and documents are subject to prompt disclosure upon request unless they are exempt 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 requesting party shall 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 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.
2. The document or record requested shall be produced for inspection to the requesting party within no more than three business days of the University's receipt of the request, unless otherwise permitted by law, subject to the following conditions:
 - a. As a matter of law and policy, the University shall not withhold any record in its entirety on the basis that it contains some exempt content if the record is otherwise subject to disclosure. Instead, the University shall redact the information it considered to be exempt and produce the record accompanied by an explanation of the basis for denial of the redacted information.
 - b. If the Vice President for Executive Operations determines, in consultation with the Office of the General Counsel, that the record or document, or portions thereof, are exempt from inspection under Vermont or otherwise applicable law, s/he shall so certify in writing, stating the asserted statutory basis for denial and a brief statement of the reasons and supporting facts. This certification shall be made within three business days of the request, unless otherwise permitted by law. The Vice President for Executive Operations shall also notify, in writing, the requesting party of the right to appeal to the University President, within thirty calendar days of the issuance of a denial, any adverse determination.
 - c. If a denial of access is appealed to the President, the President shall decide the appeal within five business days of receipt of such appeal. If the denial is upheld in whole or in part, the University, through the President or his/her designee, shall notify the requesting party of provisions for judicial review under Vermont law.
3. If a requesting party has a disability that requires accommodation to gain equal access to the public record sought, the requestor shall notify the Vice President for Executive Operations of the type of accommodation requested. The University shall give primary consideration to the accommodation choice expressed by the requestor, but may propose an alternative accommodation so long as it achieves equal access. Accommodations may be denied if they would result in a fundamental alteration in the nature of services, programs, or activities, or in undue financial and administrative burden.
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 Purchasing 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.
10. The Vice President for Executive Operations shall maintain copies of requests and responses made under the Vermont Public Record Act in accordance with the University Record Retention schedule.

Contacts

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

Vice President for Executive Operations (for records requests)
348 Waterman Building
Burlington, VT 05405
Phone: (802) 656-8937

Vice President for Legal Affairs and General Counsel
Phone: (802) 656-4452 Fax: (802) 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

Cost Assessments under the Vermont Public Records Act

http://www.uvm.edu/policies/general_html/cost_assessment.pdf

FERPA Rights Disclosure Policy - Notification of Rights (student records privacy policy)

<http://www.uvm.edu/~uvmppg/ppg/student/ferpa.pdf>

Public Records Fee Schedule

http://www.uvm.edu/~uvmppg/ppg/?Page=general_html/record_fee.htm

Records Retention

http://www.uvm.edu/policies/general_html/recordretention.pdf

Vermont Public Records Act (Vermont Statutes, Title 1, sections 315-320)

<http://legislature.vermont.gov/statutes/fullchapter/01/005>

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 3rd, 2010*

V. 8.0.2.4 approved by the President September 14, 2011