

AP 171 Open Records Procedure

Associated Board Policy: 171.00 Open Records

Procedure Owner: Vice President of Finance and Administration

Related Procedures: None

I. Procedure Scope and Purpose

The purpose of this procedure is to ensure that Cowley County Community College complies with the Kansas Open Records Act (KORA), K.S.A. 45-215 et seq., which grants the public the right to inspect and obtain copies of public records that are not exempt from disclosure. This procedure establishes the college's responsibility to provide access to such records while ensuring that requests are handled in a timely, transparent, and cost-effective manner. This procedure applies to all public records maintained by Cowley College and ensures compliance with KORA, which covers records created, maintained, or used by the college in the course of its operations.

II. Definitions

Records Custodian: Employee or employees with the responsibility of maintaining, caring for, creating, or managing public records.

Freedom of Information Officer: Employee or employees with the responsibility of answering questions or settling disputes under the Kansas Open Records Act (KORA). The designated Freedom of Information Officer for the college is Human Resources.

Public: Any individual, business, corporation, partnership, firm, or association. Any state officer, agency, department, division, bureau, board and commission; every county and city governing body, school district, college district, special district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other public agency of the State of Kansas.

Public record: Any recorded information, regardless of form, characteristics, or location, which is made, maintained, or kept by, or is in the possession of any public agency or any officer or employee of a public agency pursuant to the officer's or employee's official duties and which is related to the functions, activities, programs, or operations of any public agency. Public records may include written records, photographs, computer data, and email. Public records do not include:

- Records that are owned by a private person or entity and are not related to functions, activities, programs, or operations funded by public funds.
- Records made, maintained, or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state.
- Records not in existence at the time of request are not public records and KORA does not require a public agency to create records in order to fulfill a request.

Requestor: Any individual or entity that submits a written request to access public records in compliance with KORA. Any person may make a KORA request without providing a reason and does not need to be a resident of Kansas or a U.S. citizen.

III. Procedure

- A. Submitting a Request: Requests for public records must be made in writing and submitted to the Freedom of Information Officer.
 - i. The request can be mailed to the college and the attention of the Freedom of Information Officer to 125 S 2nd St., Arkansas City, KS 67005, or emailed to openrecords@cowley.edu.
 - ii. The written request should include:
 - Name of Requestor
 - Organization (if applicable)
 - Mailing Address/Email Address
 - Phone Number
 - A specific description of the records requested. / The information necessary to ascertain the records to which the requester desires access and the requester's right of access to the records.
 - Proof of identity. ***(this is optional to include/require under KORA)***
- B. Processing Requests: Upon receipt of a request, the Freedom of Information Officer will forward the request to the relevant Records Custodian. The Records Custodian will identify the requested records, calculate the time and costs involved, and report this information to the Freedom of Information Officer. The Freedom of Information Officer will provide the requestor with a written response that includes:
 - A list of available records,
 - An estimated timeline for processing the request,
 - The costs associated with fulfilling the request.
- C. Costs and Fees: Commensurate with the actual costs in employee time and resources, fees shall be charged for the retrieval, review, and production of public records. In accordance with K.S.A. §45-219, the following fee rates are established by the College may be applied, with payment of total estimated fees required by cash, check, money order, or debit/credit card in advance of records production.
 - Management rate for retrieval and/or review: \$50/hour
 - Staff rate for retrieval and/or assembly to produce: \$30/hour
 - Specialized computer retrieval: \$50/hour
 - Copies: 25 cents per page for paper copies; 12.5 cents per page for electronic copies
 - College attorney fee: \$225/hour
- D. Response to Request: The college will respond to public records requests as soon as possible, but by no later than the end of the third business day following the date that the request is received, either by providing the records, denying the request with a legal explanation, or stating that additional time is needed. If more time is required, the Freedom of Information Officer will provide a revised timeline to the requestor.
- E. Exemptions: Certain records are exempt from disclosure under KORA and other

laws. Examples include, but are not limited to:

- Records containing personal information about students (protected by FERPA). Records that are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.
- Records that represent and constitute the work product of an attorney.
- Specifications for competitive bidding, until the specifications are officially approved by the public agency.
- Sealed bids and related documents, until a bid is accepted or all bids rejected.
- Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except the exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such. Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.
- Information that would reveal the identity of an individual who lawfully donates to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.
- Correspondence between a public agency and a private individual, other than correspondence that is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or that is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.
- Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.
- Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state education institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefits of the institution.
- Records related to ongoing investigations.
- Trade secrets or proprietary information.

F. The Solomon Amendment: Under the provisions of the Solomon Amendment (32 C.F.R. 216), Cowley College is required to provide "student recruitment information" upon request to representatives of the Department of Defense for military recruiting purposes. This information includes student name, address, telephone number, date of birth, level of education or degrees received, major and the most recent previous educational institution in which the student was enrolled. For questions regarding the College's compliance with FERPA and the Solomon Amendment, contact Cowley College. Fees as provided under KORA shall apply to

these requests.

IV. Effective Date(s)

This procedure first became effective June 2015.

This procedure was reviewed April 4, 2018.

This procedure was revised on November 6, 2024.

V. Signature and Title



This procedure was implemented by: _____

Title: Vice President of Finance and Administration