

**POLICY OF THE COORDINATING BOARD FOR HIGHER EDUCATION
REGARDING COMPLIANCE WITH MISSOURI'S OPEN RECORDS LAW**

(Adopted 02/10/2011)

I. Purpose

Section 610.023.1 of the Missouri Open Records Law requires each public governmental body to appoint a custodian responsible for the maintenance of that body's records, and Section 610.028.2 of the law requires each such body to provide a reasonable written policy regarding the release of information on any meeting, record, or vote. This policy is intended to fulfill such requirements.

II. Policy

It is the public policy of the Coordinating Board for Higher Education that all officers and employees of the board and the Department of Higher Education & Workforce Development comply with both the spirit and the requirements of Sections 610.010 through 610.035 of the Missouri Open Records Law and that meetings, records, votes, actions, and deliberations of this board be open to the public unless otherwise provided by law. This policy also applies to any committees of the board.

A. Custodian of Records

The management of records and the release of information therefrom are administrative functions. Since the commissioner of higher education & workforce development is the board's chief administrative officer, the commissioner shall exercise those responsibilities, to include the appointment of a custodian of records. The custodian shall have the authority to appoint assistant custodians for the delegation of responsibilities and duties.

B. Closed Records

The records of the board and the department shall be presumed to be open. However, except to the extent that disclosure is otherwise required by law, all records that relate to the matters set forth in Section 610.021 of the Missouri Open Records Law may be closed.

C. Release of Information

The custodian, and his or her designees as assistant custodians, shall make available for inspection and copying the records classified as public records by Section 610.010 through 610.030 of the Missouri Open Records Law. In addition, the custodian, or his or her designees, may release appropriate segments of closed records in response to a valid legal order or if the commissioner or his or her designee determines that such release is in the best interest of the state and not a violation of law or of any person's right of privacy.

D. Fees for Furnishing Records

The custodian shall respond to all requests for access to or copies of a public record within the time period provided by law except in those circumstances authorized by law. The custodian may charge reasonable fees for access to or furnishing copies of records. However, the fees may not exceed those permitted to be charged by law.

E. Notice of Meetings

The executive assistant to the commissioner shall give notice of the Board's meetings, whether open or closed, in accordance with the requirements of Sections 610.020 and 610.022 of the Missouri Open Records Law. The executive assistant also shall take and retain minutes of the board's open meetings, and the board secretary or designee shall take minutes of the board's closed meetings, after which the minutes shall be provided to the commissioner for transcription and retention. At a minimum, these minutes shall include the date, time and place of the meeting, and the members present, members absent and a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote or abstention if not voting to the name of each board member present at the meeting.

F. Electronic Transmission of Messages Relating to Public Business

Any member of the Board who transmits any message relating to public business by electronic means to another member of the Board so that, when counting the sender, a majority of the Board's members are copied, shall also concurrently transmit that message to the custodian in the same format. Any such message received by the custodian shall be a public record subject to the exceptions of section 601.021.