**R813. Higher Education (Utah Board of), Utah State University.**

**R813-2. Disclosure of University Records.**

**R813-2-1. Purpose.**

(1) Utah State University (USU or University) is committed to conducting the business of the University in an open and transparent manner.

(2) The purpose of this rule is to implement the Government Records Access and Management Act (GRAMA) and outline the retention, designation, and disclosure requirements for USU records. This rule applies to records received, created, or maintained by USU.

**R813-2-2. Authority.**

This rule is authorized by Sections 63G-2-204 and 63G-3-201.

**R813-2-3. Record Designations.**

(1) The University President, as the chief administrative officer, delegates to the USU Records Manager the authority to report record designations to the Utah State Archives. This delegation of authority will remain in effect until the University President rescinds such authority.

(2) The University Records Manager designates each particular record, record series, or information within a record as public, private, controlled, protected, or exempt from disclosure under GRAMA.

(3) Pursuant to the delegation of authority from the President, the USU Records Manager reports record designations to the Utah State Archives. See Section 63G-2-307.

**R813-2-4. GRAMA Record Requests.**

(1) Records that are governed by the Family Educational Rights and Privacy Act (FERPA) are not governed by GRAMA. They are accessed and disclosed pursuant to University Policy and applicable federal laws and regulations.

(2) In compliance with GRAMA, USU will provide access to public records that are not otherwise protected from disclosure and are requested pursuant to a properly submitted GRAMA request.

(a) A records request must be made in writing.

(i) To request access to USU's records, an individual should complete USU's GRAMA form, which is available online.

(ii) The completed form will be sent to the USU Records Manager.

(iii) A person who does not have an email address or is unwilling to accept electronic communications related to the person's request shall submit, by U.S. mail or hand delivery, the information described in this subsection to the USU Records Manager at 1465 Old Main Hill, Suite 101, Logan, UT 84322-146.

(b) Requests submitted to other departments, faculty, or staff within USU may cause USU's response to be delayed.

(3) USU will comply with the response time outlined within GRAMA.

(4) Consistent with GRAMA, USU will charge reasonable fees to cover the actual costs of responding to an individual's request.

(5) Generally, fees will be assessed for the direct and indirect costs of duplicating and compiling a record to respond to the request.

**R813-2-5. Fees.**

(1) USU will require payment of past and future estimated fees before beginning to process a request if the requester has not paid fees from previous requests.

(2) Charges are not made for reviewing or retrieving records.

(3) Fees will be assessed according to the USU Records Fee Schedule.

(4) USU may waive fees under certain circumstances as provided for under GRAMA.

(a) Requests for the waiver of fees must be made in writing to the USU Records Manager, utilizing the GRAMA request form.

(b) Waiving of fees is at the sole discretion of the USU Records Manager.

**R813-2-6. Disclosures Not Made Pursuant to a GRAMA Request.**

(1) GRAMA, FERPA, and other federal and state laws and regulations allow for USU to release otherwise protected records without notice to the individual who is the subject of the record if it is in the receipt of a court order or subpoena signed by a judge from a court of competent jurisdiction.

(2) FERPA educational records will be released pursuant to University Policy and applicable federal laws and regulations. Educational records that are not accessible and released through USU's Registrar's Office pursuant to University Policy will be released through the USU Records Manager following FERPA guidelines and regulations.

**R813-2-7. GRAMA Record Response Appeals.**

(1) Pursuant to GRAMA, an individual may appeal an access denial to USU records to the University President as the chief administrative officer or the President's designee under Subsection 63G-2-401(9). The President delegates to the Vice President of Finance and Administrative Services authority to issue and carry out decisions regarding GRAMA records and appeals and the authority to carry out the appeal process outlined within this rule. This designation of authority will remain in effect until the University President rescinds such authority.

(2) If the USU Records Manager denies access to a record, the requestor may appeal that determination:

(a) to the Vice President of Finance and Administrative Services;

(b) within 30 days of the determination; and

(c) by providing written notice of appeal according to Section 63G-2-401 and as outlined in the denial USU issued pursuant to Section 63G-2-205.

(3) A requestor may contest the accuracy or completeness of the records concerning the requestor.

(4) Appeals from decisions described in Subsection R813-2-7(3):

(a) are governed by Title 63G, Chapter 4, the Utah Administrative Procedures Act; and

(b) shall be conducted informally rather than formally, per Section 63G-4-203.

**KEY: higher education, GRAMA, records**

**Date of Last Change: October 22, 2024**

**Authorizing, and Implemented or Interpreted Law: 63G-2-204; 63G-3-201**