



Effective: July 1, 2025
Last Revised: March 1, 2024

Responsible University Office:
Associate Vice Chancellor, Business and Finance

Responsible University Administrator:
Vice Chancellor for Business and Finance

Policy Contact: Jane Sheldon, sheldonj@unk.edu

Public Records Request Policy

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Scope

Neb. Rev. Stat 84-712, et seq. provides the right to examine public records “of and belonging to” the University of Nebraska at Kearney (UNK). This policy covers such requests, which are also commonly referred to as “Freedom of Information Act” (FOIA) requests and applies to all UNK employees and operations.

Policy Statement

To ensure compliance, processing, and consistency of response, all requests for public records from UNK shall be made to UNK’s Records Officer. Any UNK employee receiving a request should immediately communicate the request to the Records Officer. All requests will be reviewed by the Senior Advisor to the Chancellor for Executive Affairs and as required, by NU Office of General Counsel. The Record’s Officer will direct all media requests to UNK’s Senior Director, Communications and Marketing. The Records Officer will determine the appropriate response, in consultation with the Senior Advisor and NU Office of General Counsel.

UNK’s Records Officer will ensure that responses to public records requests shall be retained in accordance with the University’s Records Retention and Disposition Schedules. Denials of requests for records and documents shall be retained

permanently. *(For information about submitting a public records request, see "Procedures" section below).*

Public records include all records and documents, regardless of physical form, of or belonging to a state agency, a county, city or other governmental bodies listed in the statute. Commonly requested public records are contracts, financial records, letters and other forms of communication.

The Board of Regents Policies regarding University records that are confidential as well as public directory information for students and employees may be found in Policies 5.10 and 6.7.

Electronically stored records are subject to this law, including e-mail. Statutory requirements indicate:

1. A reply must be made within four business days after actual receipt of a request by the Records Officer. If the request is submitted electronically, the date of receipt shall be the date that the employee opens the electronic file.
2. The four business days after actual receipt do not include the first day of receipt of the written request. For example, a written request for records received on Monday would require a response by Friday.
3. If a copy of a public record is available on the Internet, the custodian is not required to copy the record, unless the requester does not have access to the Internet.
4. The statutes allow the response to take one of three forms:
 - a) a grant of the request by providing records.
 - b) a denial of the request, citing the legal reasons for the denial; or
 - c) a communication that the request cannot be reasonably fulfilled within the standard four days due to some difficulty or the "voluminous" nature of the records. When an entire request cannot with reasonable good faith efforts be fulfilled within four business days after actual receipt of the request, UNK will provide a written explanation including the earliest practicable date for fulfilling the request, an estimate of the expected cost of any copies and an opportunity for the requestor to modify or prioritize the items within the request. If the requestor does not respond to the records custodian within 10 business days, the records custodian shall not proceed to fulfill the request.
 - d) Neb.Rev.Stat. 84-712(3)(c): For residents of Nebraska, the actual added cost used as the basis for the calculation of a fee for records shall not include any charge for the existing salary or pay obligation to the public officers or employees with respect to the first eight cumulative hours of searching, identifying, physically redacting, or copying. A special service charge reflecting the calculated labor cost may be included in the fee for time required in excess of eight cumulative hours, since that large of a request

may cause some delay or disruption of the other responsibilities of the custodian's office, except that the fee for records shall not include any charge for the services of an attorney or any other person to review the requested public records seeking a legal basis to withhold the public records from the public. No special service charge or fee shall be charged for copies of blank forms or pages that have all meaningful information redacted.

- e) Neb.Rev.Stat. 84-712(3)(d): For nonresidents of Nebraska, the actual added cost used as the basis for the calculation of a fee for records may include a charge for the proportion of the existing salary or pay obligation to the public officers or employees, including a proportional charge for the services of an attorney to review the requested public records, for the time spent searching, identifying, physically redacting, copying, or reviewing such records.
5. Upon approval, a response will be sent to the requestor. The preferred method of transmittal will be by email, with the response and documents (if included) converted to a PDF format. When the requestor does not provide an email address the response will be sent by mail.
 6. If the cost of fulfilling a request exceeds \$50, UNK is permitted to require a deposit before beginning necessary processes associated with responding to the request. UNK will charge for actual costs incurred, whether higher or lower than estimated costs approved by the requestor.
 - a) Some requests may require computer run time and any necessary analysis and programming for fulfillment. As such, costs related to programming, extracting, compiling, displaying data will vary on a case-by-case basis.

Procedures

No specific language is required for a public records request. However, any request should be submitted in writing with a clear description of records sought. Should a requestor, because of disability, be unable to provide a request in writing, UNK will provide accommodation as required by federal law by accepting a different reasonable means of communicating the request.

To submit a request electronically (preferred), email Jane Sheldon at sheldonj@unk.edu

To submit a request by mail, address to Jane Sheldon, UNK Records Officer, Warner Hall, 2504 9th Ave., Kearney, NE 68849-1209.

For information or questions contact Jane Sheldon at 308-865-8427 or sheldonj@unk.edu

Definitions

Resident – Neb. Rev. Stat. 84-712(5); For purposes of sections 84-712 to 84-712.09, resident means a person domiciled in this state and includes news media without regard to domicile.

Related Information

[Executive Memorandum No. 22 Public Records Requests](#)

[University of Nebraska Public Records Requests Guidance](#)

[UNK Records Retention Policy](#)

[University of Nebraska Board of Regents Policies](#)

[Executive Memorandum No. 29 Records Management and Procedure for Issuance of Preservation Notices](#)

State of Nebraska and University of Nebraska Records Retention Schedule websites:
http://www.sos.ne.gov/records-management/schedule_170.html
<https://nebraska.edu/-/media/unca/docs/offices-and-policies/policies/board-governing-documents/board-of-regents-policies.pdf?la=en>

Additional Contacts

<i>Subject</i>	<i>Contact</i>	<i>Phone</i>	<i>Email</i>
Public Records Request/Information	UNK Records Officer	308-865-8427	sheldonj@unk.edu
News Media Requests	Senior Director, Communications and Marketing	308-865-8454	gottulatm@unk.edu

History

Replaces current policy dated March 1, 2024