

Records Management Procedures

Northern Kentucky University

Employees of Northern Kentucky University are responsible under Kentucky law to see that information created and maintained in the institution - public records, as defined by statute - whether in paper, electronic or other formats, is organized and accessible for use. Information in University records may serve a variety of needs, and how long records are kept depends on their value, whether legal, fiscal, administrative, or historical.

Privacy

Though all records produced at the University are public records, not all records are *open* public records. This means that not all records are open to view by the public. Personnel files, student records, and any documents containing health information are among those that are officially listed as confidential on the retention schedules. These files must be kept secure to insure employee and student privacy. Due to the rise in identity theft, particular attention should be paid to any documents containing Social Security numbers. While the records themselves may be open, Social Security numbers are confidential. The Legal Affairs office makes all final determinations on what is confidential. Questions regarding issues of confidentiality and privacy must be referred to the Office of the Vice President for Legal Affairs and General Counsel.

Open Records Requests

Under Kentucky law, any member of the public may request to view open public records. There is a procedure to be followed as mandated by the Kentucky Open Records laws. Official open records requests are handled by the Legal Affairs office. Departments that receive these requests must refer them to the Office of the Vice President for Legal Affairs and General Counsel.

Record Retention Schedules

Surveying the records being produced on college campuses throughout the Commonwealth, the State Archives and Records Commission identified the different types or *series* of records. These record series numbers are listed in retention schedules, which also list the length of time that each series must be retained and the final disposition of these records.

Some records are listed as *permanent* records, and must be maintained by the University in perpetuity. There are currently 43 permanent record series in the retention schedule,

many other series and duplicate copies may be destroyed after a specified time has passed. Usually this is a fixed time period such as three years or five years after creation. Occasionally a retention period is given as *indefinite*. With indefinite retention, the retention period is based on an event rather than a specific date. This is often the case with certain types of employee records. The retention period for these records, for example, is measured from the time the employee separates from the institution, not the time the record was created. Because the date of the triggering event cannot be known in advance, the retention period is listed as indefinite.

The schedules that the University must use are:

- State University Model Records Retention Schedule (hereinafter called the Records Retention Schedule)
- General Schedule for Electronic and Related Records (hereinafter called the Electronic Records Retention Schedule)

The Records Retention Schedule covers records commonly created by the University. The schedule is available on the University Records Management website at: <http://library.nku.edu/rm/retention.html>. To use the schedule most effectively go to the Edit menu, select "Find in Page" and enter your search terms. Because many people prefer a different layout, links to the same retention schedule at other Kentucky institutions have been provided on the website.

According to the schedule, copies of many records are to be sent to the Archives. Due to space constraints, the material the Archives can accept is severely limited. Please contact Special Collections and Archives before sending any material for storage.

Electronic Records

When deciding which retention schedule to use, it is best to consider whether or not the record at hand can easily exist outside of the electronic environment. The basic question to ask is: Does this record have a print equivalent? Email has a print equivalent, as do most of the reports prepared on campus. Therefore, these records are covered by the Records Retention Schedule. A webpage on the other hand is "born digital", and has no such equivalent. A printed copy of such a record would not contain all the information found in the electronic original. The retention period of webpages, and other "born digital" documents, is covered by the Electronic Records Retention Schedule. The schedule is available in PDF format at:

<http://www.kdla.ky.gov/recmanagement/schedules/erecordsgeneral.pdf>.

Unlisted Records

Records which are not expressly listed on either retention schedule cannot be destroyed without consent. A department wishing to destroy such records must receive permission from the State Archives and Records Commission to do so. The department must complete a *Record Description and Analysis form* which describes the nature of the records. This form is sent to the Kentucky Department of Libraries and Archives

(KDLA), which forwards both the form and any other relevant information to the Commission. The Commission then determines the appropriate retention time for the records. The form and instructions are available from Records Management.

Terminology

A guide to the terminology used in the schedule is available in Appendix I of this manual, as well as in PDF format at: <http://library.nku.edu/rm/terminology.pdf>.

Destroying Records

When records are destroyed, a form must be filed with NKU Records Management and KDLA. This is the only record we have to prove that documents were legally destroyed.

According to the retention schedule copies of many records are to be sent to the Archives, however, due to space constraints, the material the Archives can accept is severely limited. Please contact Special Collections and Archives before sending any material for storage.

Procedures for Destroying University Records

1. Before destroying any records, authorization should be established by checking the Records Retention Schedule for "print" documents or the Electronic Records Retention Schedule for "born digital" documents. You will need the "record series number" and "length of retention". If the records don't seem to appear on either schedule, please contact the Records Management department for help.
2. Complete the form, available in PDF format at: <http://library.nku.edu/rm/destructioncertificate.pdf> Instructions for completing this form are available in Appendix II of this manual. They are also located on the Records Management website at: <http://library.nku.edu/rm/dc.html#instr>.
3. Print out two copies of the completed form, one for Records Management and one for your own records.
4. Send one copy to:
Records Management, SL106
5. Please include your name and phone number on a note, and Records Management will notify you when the records are cleared for destruction.
6. After receiving notification from Records Management, you may destroy the records.

Litigation Holds

A litigation hold is a temporary order to halt destruction of specific records, regardless of retention period. This halt is issued by the Office of the Vice President for Legal Affairs and General Counsel in order to preserve records needed for pending litigation.

Legal Affairs will send electronic notices to all department heads on campus informing them of the nature of the records to be held. When these records are no longer needed for litigation, the Office of Legal Affairs will remove the hold and notify department heads electronically.

Once a litigation hold has been issued, the affected records *cannot* be destroyed for any reason until the hold is removed by Legal Affairs.

Training and Assistance

Additional help is available through the Records Management Department, located in Stealy Library, as well as through the department website which contains links and other resources. Records Management personnel can provide training, handouts and other materials upon request. They will also provide assistance with the retention schedules, destruction certificate forms, and other records management questions that may arise.

Contact information is available at: <http://library.nku.edu/rm/contact.html>

Updates

The records management procedures will be updated by the University Records Manager as necessary to reflect current state policy.

Appendix I - Glossary of Terms

Terms and definitions are taken from the introduction to the Records Retention Schedule as written by KDLA.

Adequate and Proper Documentation

All public agencies, state and local, are responsible for creating and preserving records that adequately and properly document "the organizational functions, policies, decisions, procedures, and essential transactions of the agency" (KRS 171.640). Complete and accurate records are essential to:

- protect legal, financial, and other rights of the government and the people;
- ensure continuity and consistency in administration;
- assist public officials and their successors in making informed decisions; and
- provide the information required by the Kentucky General Assembly and others for overseeing the activities of government.

By creating and maintaining adequate and proper documentation, public officials are able to:

- reconstruct the development of their own and their predecessors' policies and decisions;
- furnish their successors with information needed to understand past and current actions; and
- leave an enduring record of their public service.

Auditable Records

Records of the university which are subject to audit are those which relate to financial transactions or represent an audit trail. Audits may be either fiscal or compliance in nature. When the word "audit" appears in the disposition column of the records retention schedule, it refers to state, federal, or internal agency fiscal or compliance audits. In the case of fiscal or compliance audits, such audits are prepared or approved by the Auditor of Public Accounts. Audits of university records intended to meet state requirements occur annually and are completed by independent auditing or accounting firms, with the express approval of the State Auditor's Office.

Unless otherwise supported by *Kentucky Revised Statutes* or Federal regulations specifying a longer retention, the retention requirement for records subject to audit, as approved by the Auditor of Public Accounts, is three years. If the University is aware of the need to maintain records longer than the standard three year period, as may be the case with some

federal audits, then all affected records should be retained until the audit has been completed and the retention period met. In no case should records which have been identified as subject to audit be destroyed until the audit has been completed and retention periods met, or the records have been officially exempt from any audit requirements.

Records subject to audit also fall into the category of *indefinite* records because it is the completion of the audit which actually triggers the retention period of three years. The schedule reflects a "three year" retention period in the agency with a disposition of "destroy after audit." This means that the record must be retained by the agency for three years after the audit has been completed, even though the university is audited annually. In other words, the record can only be destroyed after the audit has been completed and three years has elapsed. This ensures that all audited records are available for further review, should there be exceptions to the completed audit. The *indefinite* period, then, is the time between creation of the record and completion of the audit.

In addition, when not audited within the "three year" period, the record must still be retained until the audit is completed, unless a written release has been obtained from the Auditor of Public Accounts or the federal agency having jurisdiction over the record.

Confidential Records

While all records created by a public agency, using public funds and public employees, in carrying out its official business are public records, not all of those records are open to inspection. For example, medical records created by the University of Kentucky Medical Center are public records because the Medical Center is a part of the university, which is a public agency; however, medical records are not open to public inspection because of statutory restrictions on access.

Whether a record is open to public inspection is a matter determined by the application of the state's Open Records laws and other relevant statutes, or federal regulations. Public inspection of confidential records is restricted. Records of the university which are considered to be confidential and to which a claim of restricted access can be supported by a proper citation from Kentucky's Revised Statutes, Administrative Regulations, Code of Federal Regulations, or similar authority are identified on the retention schedule with a "(C)", plus the accompanying legal citation which restricts access.

The State University Model identifies records which are considered confidential through application of the federal Family Educational

Rights and Privacy Act (FERPA) of 1974, commonly known as the Buckley Amendment. In general, federal access laws apply to federal records and state access laws apply to state and local records. One of the major exceptions to this proposition is the federal law governing records of identifiable students attending schools that receive federal financial aid, or the Buckley Amendment.

FERPA has a direct effect on university archives and records management programs. First, as educational records are not defined in terms of records systems, all records in which student names appear may be covered, with the following exclusions: institutional personnel records, institutional law enforcement records that fall within a narrow definition, and medical records of students who are either eighteen years of age or older or who are attending postsecondary institutions. The amendment could be interpreted to cover records reporting spontaneous campus events as well as classic student records of the registrar's office. Thus the series which are identified as carrying FERPA access restrictions on the retention schedule may not be the only ones so covered. Depending on the university's interpretation of the Amendment and its own access policies, additional restrictions may need to be identified and noted on the retention schedule.

Second, the Amendment sets no time limit on the duration of the restrictions, which can present problems for those responsible for responding to open records requests. Archivists and records officers will have to work closely with the University's lawyers and Administrators in the identification of records which may be restricted under the Amendment and the conditions under which access to them may be granted.

In addition, HB 176, which creates new sections of KRS Chapter 160 to establish Kentucky's equivalent of the Family Educational Rights and Privacy Act, was enacted into law during the 1994 Regular Session of the General Assembly. University administrators should review the requirements of this law, which becomes effective July 15, 1994, to determine its impact on restrictions on access to student records.

Fiscal Records

Summary fiscal records which provide a general picture of the fiscal operation of the university must be kept permanently. Examples include: operating budgets, audit reports, annual financial reports, and journals and ledgers. These and similar records are identified in the records retention schedule.

Fixed Retention Records

These are records with specific, fixed, retention periods, such as three years, six months, fifty years. The duration of a record's administrative, fiscal, or legal value is defined by both agency use and state and federal requirements. Recommended retention periods are determined by KDLA staff and by the university's Records Officer during the scheduling process and are fixed and authorized when approved by the State Archives and Records Commission. To realize economic benefits, the agency should destroy its non-permanent records when retention periods expire, unless some legal action is pending.

General Correspondence

General correspondence is correspondence which is not crucial to the preservation of the administrative history of the university. It is generally of a non-policy nature and without permanent value. It deals only with the general operations of the university, operations which are better documented by other records. General correspondence should be retained no longer than two years. However, before destruction occurs, the files should be screened to remove any official correspondence which may be present.

Indefinite Records

The term *indefinite* is not a retention period and does not mean permanent. *Indefinite* means the period of time before the retention of the record begins. For example, the retention period for Leave Accrual Reports is five years, but the retention does not begin until the individual's employment with the university is terminated. In this case, the *indefinite* period is the time between creation of the record and termination of employment, which triggers the five year retention period. Another example is a lease. The retention period of a lease is triggered by its termination or cancellation. In the case of reference and informational material, the retention is determined by when the records cease to be of value administratively, which could be one day, one month, or several years. The disposition instructions in the schedule explain conditions under which *indefinite* records may be destroyed.

Informational and Reference Materials

Informational and reference materials are aids of a technical or non-technical nature used in the conduct of official business. The disposition for such materials is "destroy when no longer useful" to the receiving unit. Examples of informational and reference materials may include externally created brochures and publications, duplicate copies of memoranda which do not require action by the receiving unit, literature not related to day-to-day activities, and some tracking tools, such as logs.

**Kentucky State
Agency/University
Cooperative
Publications**

Kentucky state governmental agencies provide funding for a number of university research projects and/or programs across the Commonwealth. Many of these projects and programs produce published reports. Because these publications document information on a statewide basis, and because of their relationship with the sponsoring state government agency, they are included in KDLA's state publications holdings.

Program examples include: Kentucky Department of Criminal Justice Training (Justice Cabinet) at Eastern Kentucky University; Kentucky Municipal Law Center (Kentucky Department of Local Government) at Northern Kentucky University; and the Kentucky Cancer Registry (Cabinet for Human Resources) at the University of Kentucky.

Three copies of each Kentucky State Agency/University Cooperative publication should be forwarded to the Kentucky Department for Libraries and Archives, State Publications Program, Public Records Division, 300 Coffee Tree Road, P.O. Box 537, Frankfort, Kentucky, 40602. In addition, one copy of each publication should be transferred to the University Archives for permanent preservation and one copy should be retained in the creating unit.

Minutes of Meetings

The following have been identified as formally constituted units which operate within public universities, and which are subject to public records management statutes: Board of Trustees, Board of Regents, President's Cabinet or similar body, Faculty Senate, and committees of departments, colleges, administrative units or other academic bodies. This list is not meant to be exclusive but rather indicative of the types of meetings that may be held and for which minutes should be created and retained. Minutes of meetings constitute proper documentation of essential university transactions and organizational functions, as required in KRS 171.640. While individual committees within a university are not public agencies in and of themselves they are an integral part of an existing public agency. The requirement to document committee actions then is the same that applies to other elements of the universities.

One copy of each set of approved minutes should be transferred to the University Archives for permanent preservation and one copy should be maintained in the creating unit.

Tapes or stenographic notes from which minutes are prepared also should be retained by forwarding them to the University Archives. Since minutes which are produced from tapes or notes are not always verbatim

transcriptions, the original tapes and notes should be retained as supporting documentation.

**Official
Correspondence**

Official correspondence is a *permanent record* which documents the major activities, functions, and programs of the university and the important events in its history. It is critical that official correspondence be preserved as it provides a record of policy evolution and formulation, how and why decisions are made, and the effect of those decisions upon the university and its constituencies. Without official correspondence, we lose much of the understanding of the administration of an organization. Its retention, therefore, is crucial to the preservation of the administrative history of the university.

In general, the correspondence of the president of the university, as well as that of vice-presidents and other administrative heads is considered to be official correspondence.

Permanent Records

Records which have been appraised by KDLA staff and by university staff, with approval from the State Archives and Records Commission, as having sufficient historical, informational, or evidential value to the university that their continued preservation beyond the time they are needed for administrative, legal, or fiscal purposes is warranted. Such records are preserved because they constitute evidence of the university's functions, policies, decisions, procedures, and operations. Generally, *permanent records* comprise only 5% to 7% of an organization's total records.

Examples of permanent records include but are not limited to: official correspondence; minutes of meetings of Board of Trustees, Board of Regents, President's Cabinet, Faculty Senate, Department and Administrative units; special studies; publications; annual reports; and audit reports.

Personnel Records

The departmental copy (or duplicate) of university personnel records for faculty and staff may be destroyed five years after termination of employment. The master copies of these records are retained permanently by the university's personnel office. Individual departments or units should contact the university personnel office for information about specific documents maintained within the duplicate file which should be transferred to the personnel office for inclusion in the master file prior to termination of employment.

Subunit copies of personnel files may be destroyed two years after termination of employment with the university.

Public Agency

KRS 171.410, Section (4), defines "public agency" as "every state or local office, state department, division, bureau, board, commission and authority; every legislative board, commission, committee and officer; every county and city governing body, council, school district board, special district board, municipal corporation, and any board, department, commission, committee, subcommittee, ad hoc committee, council or agency thereof; and any other body which is created by state or local authority and which derives at least twenty-five percent (25%) of its funds from state or local authority."

Public Record

KRS 171.410, Section (1), defines "public record or record" as "all books, papers, maps, photographs, cards, tapes, disks, diskettes, recordings, and other documentary materials, regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency."

While all records created by public agencies, state or local, are public (government) records, not all are open records (that is, open to public inspection) under Kentucky's Open Records laws.

Publications and Reports

A University publication or report is any published material, regardless of format, which documents university-related functions or activities. Publications and reports contain important facts and statistics about the operation of the university and its policies and are retained permanently because they provide information, often in summarized form, which aids in understanding the administrative functioning of the university.

Examples of publications may include manuals of operations, printed policies and procedures, catalogs, commencement programs, and annual reports. One copy of each publication or report should be transferred to the University Archives for permanent preservation and one copy should be retained in the creating unit.

Unpublished Reports

Unpublished reports, such as special internal studies or research projects, also contain important narrative and statistical information on the operation of the university and should be retained permanently. One

copy of each unpublished report should be transferred to the university archives for permanent preservation and one copy should be retained by the creating unit.

Vital Records

Vital records are defined as those records essential to the continued functioning of the university during and after an emergency, and also those records essential to the protection of the rights and interests of the university and of the individuals for whose rights and interests it has responsibility. Vital records are identified in the retention schedule with a "(V)." The records which have been identified as vital on the retention schedule may not be fully inclusive; therefore, university staff should identify the additional records which may be vital and take the necessary steps to ensure their protection.

All records which have been identified as vital to the university should be isolated and protected so as to ensure their availability should the need arise. Vital records protection methods include:

1. natural dispersion (that is, duplicates of vital records are dispersed to off-site locations by virtue of the university's normal operating procedures);
2. duplicating the record and storing it off-site in a protected environment;
3. duplicating the record and storing it on-site in a protected environment;
4. storing the record in its original form on-site at the end of the day in a protected environment; and
5. storing the record in its original form off-site at the end of the day in a protected environment.

Because a record is vital to the university does not mean its retention is always permanent, nor is a record judged of permanent value always equal to a vital record. A vital record can be essential to the university for a portion of the retention period or for the entire period, depending on what the record documents and how it is used in the normal course of business. Generally, vital records comprise less than 5% of the total records of an organization.

Appendix II - Instructions for Completing the Destruction Certificate Form

The form requires you to list the amount of records being destroyed in terms of volume with measurements in cubic feet. To easily calculate cubic feet, use the volume equivalents chart located in the back of this manual and online at: <http://library.nku.edu/rm/vol.html>. In the case of electronic records, volume is measured by MB of computer space.

Fill in the data on the Records Destruction Certificate form moving from Number 1 through Number 10, as follows:

1. **Date:** Enter the month, day, and year the form is prepared.
2. **Division:** Academic, Administrative, Student Affairs, etc...
3. **Branch/Unit:** The name of your office. i.e. History Dept., Bursar, etc....
4. **Destruction Date:** Indicate the date you would like to dispose of the records.
5. **Destruction Method:** Using the pull-down menu, indicate the method to be used to dispose of the records, i.e., landfill, trash, recycle, shred, etc.
6. **Series No.:** Enter the series number from the Records Retention Schedule for the record(s) you are destroying. Note: More than one series can be recorded on the same destruction certificate form.
7. **Title Records:** Enter the title of the record(s) exactly as shown in the Records Retention Schedule. If you refer to it by another name, include that title as well.
8. **Date Span:** Give the inclusive (oldest and most recent) dates of the records to be destroyed. Make certain that the most recent date corresponds to the minimum retention listed for that record series.
9. **Cubic Feet:** Indicate the cubic feet of each series of records destroyed. An approximated amount is fine. If you are destroying electronic records, indicate the file size in K, MB, etc. The formula for calculating cubic footage is: width x length x height.
Example: A stack of papers 8.5" x 11" x 10"(deep) = 935" divided by 1728" (inches in a cubic foot) = 0.54 cubic feet
10. **Total Volume (C.F.) of Records Destroyed:** Enter the total cubic feet of records destroyed. In the case of electronic records, this is the total volume of data to be deleted.

STOP HERE

Approvals and Certifications: The University's Records Officer signs and dates the form, certifying destruction of the records. Leave this line blank, Records Management will fill this in.

Appendix III - Volume Equivalents Chart

<u>Equipment/Containers:</u>	<u>Cubic Feet:</u>
Standard file storage box	1.0
Letter-size file drawer or copy paper box	1.5
Legal-size file drawer	2.0
Letter-size shelf: 36 inches long	2.0
Legal-size shelf: 36 inches long	2.5
3x5-inch cards, ten 12-inch rows/drawers	1.0
3x5-inch cards, five 24-inch rows/drawers	1.0
4x6-inch cards, six 12-inch rows/drawers	1.0
4x6-inch cards, three 24-inch rows/drawers	1.0
5x8-inch cards, four 12-inch rows/drawers	1.0
3.5x8-inch tab cards, five 14-inch boxes	1.0
3.5x8-inch tab cards, three 24-inch boxes	1.0