

“You mean we are required to retain our documents? Not only are you required but it’s the law!”

April 24, 2018
Tina Dadio, University Public Records Officer/Legal Specialist
and
Katie Causier Howell, University Archivist

Agenda

- ▶ Public records overview
- ▶ How to retain and dispose of public records
- ▶ Overview of the new records retention policy and where to find it
- ▶ Best practices on records management in you office
 - Who is responsible for archiving?
 - Do you have an internal policy on archiving?
 - Where do I start?
- ▶ University Archivist’s role
- ▶ Scenarios related to archiving and records management



What is a public record?

- ▶ All documents of any type “regardless of physical form or characteristics...made or received in the connection with the transaction of public business by any agency of North Carolina. (NCGS 132-1(A))
- ▶ Note:
 - ▶ UNC Charlotte is considered a state agency
 - ▶ Disposition of records are governed by law: NCGS 121 (Archives & History) & 132 (Public Records Act)

What if you deny public access?

- ▶ Anyone who is denied access to a public record may seek a court action to compel the State agency to turn over the records (NCGS § 132-9(a))
- ▶ Burden is on the State (NCGS § 132-9(b))
- ▶ Presumption is that all State records are open to the public

What is Records Management?

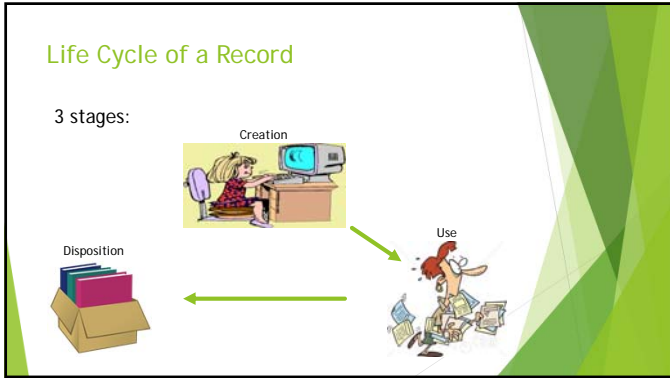
- ▶ Methods to efficiently, effectively, and economically create, use, maintain, preserve, and dispose of official records

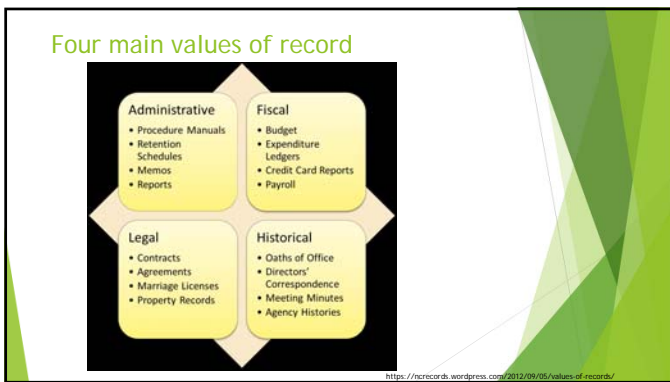


<https://www.dicodscience.org/electronic-records-management-trend-strategy/2795>

Definitions

- ▶ **Transitory record** - records that have little or no documentary or evidential value and do not need to be set aside for the future (meeting invites, routing slips, transmittal sheets, etc.)
- ▶ **Reference value** - a record held by an office for its own reference and not the official record for the University that hold limited value, typically documenting routine operations within the office (templates, instruction manuals, newsletters, etc.)
- ▶ **Record series** - a group of records that are related (personnel files, student files, contracts, business correspondence, financial statements, etc.)
- ▶ **Retention period** - length of time a record should be kept before disposing (ex.: transfer to university archivist after 5 years)
- ▶ **Disposition** - what happens to a record when it is no longer needed for current University business (3 steps: review, archive, destroy)







Why all the fuss?

- ▶ State law requires agencies to retain public records and prohibits the destruction EXCEPT in accordance with the guidelines established by the North Carolina Department of Cultural Resources
- ▶ Rule applies to all UNC Charlotte employees
- ▶ **Remember:** All UNC Charlotte employees are responsible for the records they create and maintain

A Record Retention Schedule will usually include....

- ▶ Description of the record
- ▶ Retention period and trigger
- ▶ Disposal



<https://www.it-andrews.ac.uk/Products/Products-Improvement/Products/RecordManagement/Documents/RSCcourse.pdf>

What is the University Records Retention and Disposition Schedule and where can I find it?

- ▶ Identifies which records have permanent value and which ones do not
- ▶ Provides descriptions of records and when to dispose of them
- ▶ Identifies confidential or restricted records
- ▶ Newly revised in January 2018
 - ▶ UNC General Records Retention and Disposition Schedule found here: https://files.nc.gov/dhcr/archives/documents/files/university_generalschedule_2018.pdf?rb0aJ5yBRBiw_ScMR0dDGTtKWKkAFknc
- ▶ Also can be found here: **University Policy 605.3, Retention, Disposition, and Security of University Records** or on Special Collections and University Archives' site



Records Management for Your Office

1. Determine who is responsible for archiving
 - > Consider full-time permanent employees and a substitute backup
2. Inventory your records (e.g. permanent, transitory, duplicates, paper, electronic, etc.)
3. Prepare a file plan
 - > Establish a procedure and follow it (e.g. determine your internal policy for reference value records)
4. Document records sent to the archivist (follow appropriate transfer procedures)
5. Determine the best date archiving should take place (e.g. annual, bi-annual, monthly, etc.)
6. Purge, purge, purge - all records that are beyond the approved retention schedule and not under a legal hold
7. **Train, Train, Train** all new employees responsible for archiving

What if there is a legal hold?

- ▶ "Litigation holds" are issued and enforced due to certain circumstances, usually when there is a pending or threatened litigation
- ▶ You are required to suspend normal and routine destruction of records regardless of the established record retention and disposition schedule
- ▶ Upon notice you are required to:
 - ▶ Immediately suspend deletion of relevant records
 - ▶ Preserve any electronic records generated OR received after receipt
 - ▶ Preserve hard copies of documents under your control
 - ▶ Receipt MUST acknowledge receipt
 - ▶ You MUST continue to monitor compliance

Violation of legal holds

- ▶ It is against the law to destroy, alter, withhold, or obscure "evidence" once a legal hold has been initiated
- ▶ This is "spoliation"



If we scan and image our records, can we shred the paper version?

- ▶ *Not at this time.* You should not destroy documents until an imaging policy is in place.
- ▶ The University is currently working on an imaging policy to address best practices to image/scan documents that are public records prior to destroying the hard copies.
- ▶ State law requires that we have an imaging policy to address these practices.



What about my emails?

- ▶ EMAILS are PUBLIC RECORDS
- ▶ Remember: CONTENT
- ▶ Public records are ANY documents *regardless of physical form or characteristics*, made or received in connection with the transaction of public business by any agency of North Carolina..."



How do I know if my email is permanent?

- ▶ First look at the Records Retention and Disposition Schedule
- ▶ Content determines record series
 - ▶ Permanent (lasting historical value such as creation of policy or provide guidance)
 - ▶ Long-term (significant value but not permanent in nature)
 - ▶ Short-term (junk mail, unsolicited emails, confirmations)

Note: **Author or creator of email is responsible for maintaining the "record" copy UNLESS** message was altered by recipient or coming from outside the agency.

How long must records be kept?

- ▶ When the public record meets its retention requirement under the approved schedule
- ▶ Short-term records may be destroyed when their "reference value" ends
- ▶ Documents with legal holds must be retained until the Office of Legal Affairs provides written permission to destroy the records

What about faculty and postdoctoral fellow papers?

- ▶ **NOT SUBJECT TO STATE RECORDS ACT:**
- ▶ Papers of individual faculty members and postdoc fellows are considered their property and NOT of the University
 - ▶ Examples: personal research, participation in professional organizations and consultant work
- ▶ **SUBJECT TO STATE RECORDS ACT AND RETENTION AND DISPOSITION REQUIREMENTS**
- ▶ Records created by faculty member or postdoc fellows **SERVING AS AN ADMINISTRATOR** or producing documents **IN THE COURSE OF CARRYING OUT SPECIFIC UNIVERSITY ASSIGNMENT.**
 - ▶ Examples of administrators: department chair, faculty committee chair, principal investigator of a University-authorized research project

What about historical documents?

- ▶ University Archivist's primary role is to collect, preserve and provide access to historically valuable records relating to the University
- ▶ Public access may be restricted to the extent needed to protect old or fragile records (**NCGS § 132-6(f)**)



What does University Archives do?

- ▶ University Archives is a unit of Atkins Library
- ▶ Identify, collect, preserve, and make available the permanently valuable and historical records of the University
- ▶ Implement the retention, disposition, and security of University records (**University Policy 605.3**)
- ▶ Promote guidelines and procedures for handling University records
- ▶ Provide record center services for some University offices

University Archives and the Retention Schedule

- ▶ "Permanent records"
 - ▶ Records with permanent historic value
 - ▶ Valuable because they document significant events, actions, decisions, conditions, relationships, and similar developments
 - ▶ Have administrative, legal, fiscal, or evidential importance for the University, the state, or its citizens
- ▶ "Final appraisal and disposition"
 - ▶ Records are sent to the archives where they are reviewed and assessed for their historic value
 - ▶ Series with this disposition instruction may or may not be retained permanently

Tips for record keeping

- ▶ Organize files by the series listed in the retention schedule
- ▶ Records and non-records should not be filed together
- ▶ Do not mix record series in the same file
- ▶ Confidential files should be kept separate and secure
- ▶ Organize by function (record series) and then alphabetically or chronologically
- ▶ Consider filing by event date
 - ▶ Separate active and inactive files
 - ▶ Use the triggering event as a reference point (ex: file personnel files by separation date)
 - ▶ Separate record series by color-coded labels for easy visual ID
- ▶ Review files annually

Best practices for managing records

- ▶ When in doubt, treat it as an original record
- ▶ If there are conflicting retention guidelines, use the longest retention period
- ▶ If a file contains multiple types of records with varying retention guidelines, use the longest retention period
- ▶ Just because a record is listed on the schedule doesn't mean you have to have it
- ▶ Do not keep records "just in case"
- ▶ Destroy all records, regardless of format, at the same time when they have met retention requirements. This includes electronic copies.
- ▶ Contact University Archives with questions!

Preparing records for transfer or destruction

- ▶ Survey the records in your office
 - ▶ What do you have and where is it?
- ▶ Find the relevant record series on the retention schedule
- ▶ Records that have met the retention listed in the schedule and are not involved in any actions, pending actions, or holds can be prepared for destruction
- ▶ Records that must be sent to the archives can be prepared for transfer

Destroying records

- ▶ The most common method is to shred them, though there are alternatives
- ▶ To be destroyed, electronic records must be overwritten, deleted, and unlinked so the data and metadata may not be reconstructed




Transferring records to University Archives

- ▶ Make sure all personally identifying information and FERPA-protected student records are removed from the files to be transferred
- ▶ Make sure you are not sending over records that need to be destroyed



Transferring records to University Archives




**J. Murrey Atkins Library
UNC CHARLOTTE**
 University Archives Paper Records Transfer Form

Fill out and save this form, using the formfile on page two to create a detailed list of the records that you wish to transfer to University Archives. When complete, email the form as an attachment to records.management@unc.edu. Once we have reviewed the form we will reply with comments, any necessary changes, and further instructions for use and the form to be using on campus.

NOTE: This form is for **paper** records only. If you have electronic records to transfer contact records.management@unc.edu

OFFICE TRANSFERING RECORDS	
Name of Person Submitting Transfer Form	
Phone Title	
Email Address	
Phone	
Name, Address, and/or Office of Records Custodian	
Description of Records	
Inclusive Dates (YYYY-MM-DD)	
Number of Boxes	
Physical location of boxes (Building and Room #)	
Does this transfer contain confidential materials?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does this transfer contain restricted materials?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Form updated April 2015

FAQ: #2

► Do I need to print out and save electronic documents?

FAQ: #3

► What do I do with records that get sent to or come from another office?

QUESTIONS?