Ohio Administrative Code

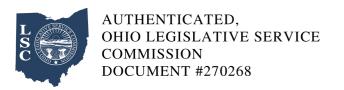## Rule 3344-8-03 Records management and retention.

Effective: April 9, 2017

(A) Purpose

The purpose of this rule is to comply with Ohio public records laws which require Cleveland state university to provide for the efficient and economical creation, utilization, maintenance, retention, preservation, and disposition of records consistent with the university's legal obligations. This rule also requires the preservation of historical permanent institutional records by the university archives.
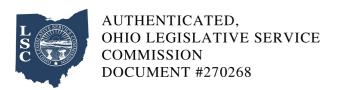
(B) Definitions

(1) "Active records" means any records that relate to current business matters and are required to carry out the daily activities of the department.

(2) "Disposal" means the removal of records from a department or office. It does not necessarily refer refer to record destruction, but rather the various processes of records retention, whether offsite storage, conversion, or destruction.

(3) "Electronic record" means any record that is created, generated, communicated, received, maintained or stored on any electronic media owned by the university or controlled by the university or a university employee. Examples include, but are not limited to: e-mail, word processing documents and spreadsheets, and databases.

(4) "Inactive records" means records that are no longer needed for the daily activities of an office but still have an ongoing value.

(5) "Non-record materials" are documents, devices or items in the university's custody that do not meet the definition of records because they are not needed to document the organization, functions, policies, decisions, procedures, operations, or other activities of the university. Examples include

personal notes, duplicates of existing records, stocks of publications, and library or museum materials intended solely for reference or exhibition.

(6) "Permanent Record" means a record that has continued historical or other value to warrant retention beyond the time they are needed for administrative, legal or fiscal purposes.

(7) "Public records" are records kept by the university, unless exempted from the definition of "public record" under division (A)(1) of section 149.43 of the Revised Code.

(8) "Records" includes any document, device, or item, regardless of physical form or characteristic, including an electronic record, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the university. Personal records of employees, and records of third parties that are in the custody of the university but do not serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the university are not records.

(9) "Records custodian" or "custodian" means the employee responsible for an identified record or category of records.

(10) "Records retention schedule" means a listing of various types of routine, administrative records common to university offices.

(11) "Transitory records" are records which are needed for a limited time to complete a routine action, are used in the preparation of final records, or are kept as information or convenience copies by offices or individuals who do not have primary responsibility for them. Examples include drafts of documents, phone messages, and emails related to scheduling meetings.

(12) "Unit leader" means a department chair, office director, or other administrator that directs the regular functions of a unit.

(C) Creation of records

University employees shall make such records as are necessary to adequately document the organization, functions, policies, decisions, procedures, operations, and essential transactions of the university. A record should be created in the medium that best serves its purpose; instant messages, text messages, or any other form of communication that is difficult to share and preserve should not be used in the creation of records.
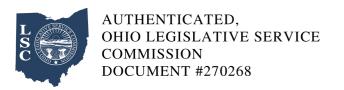
(D) Maintenance of records

(1) The unit leader is responsible for ensuring that unit records, including electronic records, are maintained in such a way that they can be identified and retrieved when needed.

(2) Each unit shall develop a records inventory that describes the categories of records created or maintained by the unit. The unit leader shall identify a records custodian or custodians for each category of record. Employees other than the records custodian may maintain records so long as the records custodian is aware of the records and able to retrieve them.

(3) Records may be maintained in paper or electronic form, so long as they may be identified and retrieved by the custodian. Maintenance and disposal of electronic records shall be determined by the content of the records, not the medium. Digitized paper records (such as scanned documents) may be maintained in place of paper records at the discretion of the department chair or director. Electronic records must be stored on a university-maintained shared drive.

(4) The maintenance of non-record materials should be avoided.

(5) When an employee leaves a unit, or the university, the unit leader shall ensure that any records in the separating employee's possession are properly transferred to a new records custodian. The unit leader is responsible for contacting information services and technology to arrange for the transfer of email and other electronic records to a new custodian before the accounts are scheduled to be deleted.

(E) Retention and disposal of records

(1) University archives is responsible for the university's records retention program in cooperation

with the office of general counsel and will:

(a) Assist university departments and offices in the proper identification and preservation of active, inactive, and archival records;

(b) Retain and preserve necessary information to meet the university's administrative, financial, legal and historical needs;

(c) Help control costs and increase efficiency and through the systematic maintenance and disposal of university records; and

(d) Help increase employee awareness on liability, privacy issues, regulatory compliance and efficiency issues, as well as university history

(2) University records shall be retained for such period as is required by retention schedules approved by the university's general counsel. University records other than transitory records may be disposed of only in accordance with disposition instructions approved by the university's general counsel. Transitory records are to be discarded when no longer useful.

(3) Removal, destruction, mutilation, alteration, transfer or other disposition of university records except as authorized by the university archivist is prohibited and may result in disciplinary action.

(4) In circumstances in which litigation is filed or threatened, the office of general counsel shall issue a litigation hold on certain records.

(a) The litigation hold overrides any records retention schedule that may otherwise apply to the relevant records until the hold has been lifted by the office of general counsel. E-mail and computer accounts of separated employees that have been placed on a litigation hold by the office of general counsel will be maintained by information services and technology until the hold is lifted.

(b) No employee who has been notified by the office of general counsel of a litigation hold may alter or delete any record that falls within the scope of that hold. Violation of the hold may result in disciplinary action, as well as personal liability for civil and/or criminal sanctions by the courts or law

enforcement agencies.
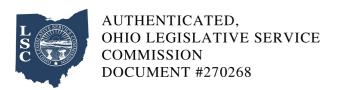
(F) Public records requests

The office of general counsel is responsible for responding to requests for public records pursuant to the Ohio public records act. All records custodians shall cooperate with the office of general counsel to identify and provide all records responsive to a records request. Determination of whether a university record is a public record shall be made by the office of general counsel.

(G) Internal records request

Department records custodians shall cooperate with internal records requests. All requests for data shall be approved by the relevant data custodian, as set forth in rule 3344-8-02 of the Administrative Code.

(H) Roles and responsibilities

(1) University archivist. The university archivist is generally responsible for the retention and preservation of university's permanent records. The university archivist may develop administrative procedures and guidelines for the management and retention of records, including a standardized records inventory and a university record retention schedule. Such administrative procedures and guidelines shall be approved by the general counsel.

(2) General counsel. The university general counsel is responsible for responding to requests for public records and for issuing litigation holds. The general counsel may develop administrative procedures for responding to public records requests.

(3) Information services and technology. Information services and technology is responsible for maintaining all systems and applications and for retention policies related to those systems and applications.

(4) Unit leaders. Unit leaders have overall responsibility for the creation, maintenance and retention of records for their department or office. Unit leaders shall ensure the development of a records

inventory, shall identify records custodians, and shall oversee adherence to the records retention schedule.

(5) Unit records custodians. Each unit records custodian is responsible for maintaining records over which they have custody in a way that allows for the identification and retrieval of records when needed. Unit records custodians must also cooperate with the office of general counsel with respect to public records requests and litigation holds, and must implement the records retention schedule for the records over which they have custody.