

Policy 1109 Records Management

Date of Current Version: March 2019
Responsible Officer: Director of Human Resources

1. PURPOSE

The purpose of this policy is to authorize a university records management program in accordance with State law and the university's need for proper records management.

Some major considerations in records retention and disposition are:

- Legal requirements must be met.
- Audit requirements must be met. This includes the university's ongoing internal audit program, as well as the requirements of the Auditor of Public Accounts and other external agencies.
- Limitations of space. The university has very limited storage space. Departments are restricted as to both the volume of records that can be maintained and the duration for which records may be stored.
- Historical and research information about the university must be preserved. In addition, records with historic value should be kept in a manner that makes them readily accessible to researchers.

2. AUTHORITY

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia § 23.1-1600; § 23.1-1301. The Board has delegated the authority to manage the university to the president.

STATE OR FEDERAL STATUTE AND/OR REGULATION

The Virginia Public Records Act, Code of Virginia, Sections 42.1-76 through 42.1-91, requires that state agencies with public records maintain an active and continuing program for the economic and efficient management of the records of the agency. The Freedom of Information Act, Code of Virginia, Sections 2.2-3700 through 2.23-3714, provides that public records are to be made available for public inspection, except those records that are specifically excluded from public disclosure by the Act. The Government Data Collection and Dissemination Practices Act, Code of Virginia, Sections 2.2-3800 through 2.2-3809, restricts the public's right of access when records show personal information on individuals. The Family Educational Rights and Privacy Act, USC Title 20, Section 1232g, requires the establishment of a written institutional policy regarding the confidentiality of and access to student educational records.

3. DEFINITIONS

Administrative Value:

Records or documents that have continuing utility in the operation of the university.

Archival Record:

A public record of continuing and enduring value useful to the citizens of the Commonwealth and necessary to the administrative functions of public agencies in the conduct of services

and activities mandated by law that is identified on a Library of Virginia approved records retention and disposition schedule as having sufficient informational value to be permanently maintained by the Commonwealth.

Current Records:

Records needed to conduct the daily business of the university. Current records must be maintained in appropriate filing or retrieval equipment for immediate access in a working office.

Fiscal Value:

Records that are needed to document and verify financial authorizations, obligations, and transactions. This includes records relating to pending audits.

Historical Value:

Records that contain unique information, regardless of age, that provides understanding of some aspect of the government and promotes the development of an informed and enlightened citizenry.

Legal Value:

Records that document actions taken in the protection and proving of legal or civil rights and/or the obligations of individuals and agencies. This includes records relating to pending or proposed litigation.

Non-current Records:

Records not needed to conduct current business and have no further use to the originating office. If noncurrent records have historic value, they should be transferred to the special collections of the Carrier Library or to the Records Officer, who will arrange for their storage. If disposable, they should be destroyed or disposed of in accordance with an approved records retention and disposition schedule.

Original Record:

The first generation of the information which is the preferred version of a record. Archival records should to the maximum extent possible be original records. In cases where the original copy has been sent outside of the university, the institutional copy that resides in the originating office is to be treated as the original record. The requirement for records retention and disposition schedules relates specifically to original records.

Private Record:

A record that does not relate to or affect the carrying out of the official duties of the employee, the office, the department, or any aspect of the university, including private correspondence, diaries, journals, or notes that are not prepared for, utilized for, circulated, or communicated in the course of transacting public business.

Public Records:

Recorded information that documents a transaction or activity by or with any public officer, agency or employee of an agency. Regardless of physical form or characteristic, the recorded information is a public record if it is produced, collected, received or retained in pursuance of law or in connection with the transaction of public business. The medium upon which such information is recorded has no bearing on the determination of whether the recording is a public record. Materials made or acquired and preserved solely for reference use or exhibition purposes, extra copies of documents preserved only for convenience or reference, and stocks of publications are not considered public records for the purposes of this policy.

Records Officer:

The Records Officer role for the university resides in the Office of Human Resources.

Semi-current Records:

Records not required for immediate access, but retained for information, audit, or legal purposes. When possible, semi-current records should be retired from storage in working office space and moved to a designated storage area. Some semi-current records, such as certain student and personnel records, are permanent in nature.

4. APPLICABILITY

This policy applies to all university employees with the responsibility to maintain or manage university records or data. All such information is covered under this policy unless specifically excluded.

5. POLICY

Departments, offices and all employees are responsible for the storage of public records that they generate and receive. Current records must be maintained in appropriate filing or retrieval equipment for immediate access in the office. Different types of records must be retained for varying amounts of time before they can be destroyed. No public records may be destroyed without an approved retention and disposition schedule.

Public records are subject to the provisions of the Virginia Public Records Act. In accordance with the Freedom of Information Act, public records are to be made available for public inspection, except those records that are specifically excluded from public disclosure by the Act. See [Policy 1103](#), Responding to External Requests for Information. The public's right of access is also restricted by the Government Data Collection and Dissemination Practices Act when records show personal information on individuals. See [Policy 1316](#), Release of Information From Employee Records. The Family Educational Rights and Privacy Act requires the establishment of a written institutional policy regarding the confidentiality of and access to student educational records. See [Policy 2112](#), Student Privacy.

Departments, offices and employees must use the Library of Virginia published standard forms in administering the records management program.

6. PROCEDURES**6.1 Records Retention and Disposition Schedules.**

General Records Retention and Disposition Schedules ("General Schedules") have been prepared for use by all state agencies by the Library of Virginia. Departments should refer to those general schedules to determine how long a particular record must be retained before it can be destroyed. Copies of current general schedules are available from the records officer, from the JMU Web Site: www.jmu.edu/recordsmgmt or the Library of Virginia Records Management Services Web Site: <http://www.lva.virginia.gov/agencies/records>.

6.2 Destruction and Disposal of Records.

State Form RM-3, Certificate of Records Disposal, must be used to obtain permission to destroy records.

All departments and offices must contact the records officer before destroying any original or institutional files, series of records, or correspondence files. To meet this requirement, the department or office must submit State Form RM-3 to the records officer for review.

Instructions on filling out Form RM-3 may be obtained from the JMU Web Site: www.jmu.edu/recordsmgmt or the Library of Virginia Records Management Services Web Site: <http://www.lva.virginia.gov/agencies/records>.

The records officer will review the completed RM-3 for adherence to approved records retention and disposition schedules. The records officer will not approve of the destruction if there is pending litigation, audit, investigation, request for records pursuant to the Virginia Freedom of Information Act, or renegotiation of the relevant records retention and disposition schedule pending at the expiration of the retention period for the applicable records series.

After approving the form, the records officer will notify the department to proceed with the destruction of the records. At the discretion of the records officer, records not scheduled for transfer to the university library, but thought to be of possible historical value, will be made available to the records officer for review prior to being destroyed.

Most records can be destroyed simply by throwing the records away or disposing of the records in the university's recycling system. In some cases, however, the records must be destroyed by burning or shredding under the supervision of a university employee. The general schedules state which records must be destroyed in this manner. Regardless of the method, the department that owns the records must assure that they are destroyed in a proper manner, and that all destructions are reported to the records officer, who in turn notifies the Library of Virginia.

6.3 Records Storage.

Records should be filed and arranged by an accepted standard method that allows for determination of when a records series passes from a current status to a semi-current or noncurrent status. When possible, semi-current records should be retired from working office space and moved to a designated storage area.

6.4 Microfilming.

It is much less expensive to store records for many years than to microfilm them. The state will not allow the microfilming of records merely for convenience. Only records of sufficient administrative, legal, fiscal, and historical value to warrant their permanent preservation will be approved for microfilming. Any department or office which intends to microfilm records must budget for its own filming. The Library of Virginia's Records Management Services Office maintains a large microfilming operation and will submit bids, if requested through the university's purchasing process. Microfilming of records must be approved by the records officer and the Library of Virginia.

7. RESPONSIBILITIES

The university records officer is responsible for administering the Records Management Program in accordance with state law and university policy. The records officer ensures that records appraisals and records retention and disposition schedules are systematically updated, maintained, and enforced. In addition, the records officer evaluates and reports the program's progress and achievements to management.

All departments, offices and employees that generate, receive or maintain public records as defined above are responsible for preparing the certificates of records disposal for those records. They are further responsible for compliance with procedures regarding records storage and destruction as established by this policy.

8. **SANCTIONS**

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

9. **EXCLUSIONS**

Private records owned or maintained by university employees are not covered by this policy.

10. **INTERPRETATION**

The authority to interpret this policy rests with the president and is generally delegated to the records officer.

Previous version: April 2010

Approved by the President: April 2010