

## POLICY CONCEPT FORM

**Name and UO Title/Affiliation:** Mahnaz Ghaznavi, University Records Manager  
**Current Title/# (if applicable):** Not applicable  
**Submitted on Behalf Of:**  
**Responsible Executive Officer:** Kevin Reed, Vice President and General Counsel

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**SELECT ONE:**  **New Policy**       **Revision**       **Repeal**  
*Click the box to select*

**HAS THE OFFICE OF GENERAL COUNSEL REVIEWED THIS CONCEPT:**  **Yes**       **No**  
**If yes, which attorney(s):** Bryan Dearing

### GENERAL SUBJECT MATTER

*Include the policy name and number of any existing policies associated with this concept.*

**University Records Management Policy**

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### RELATED STATUTES, REGULATIONS, POLICIES, ETC.

*List known statutes, regulations, policies (including unit level policies), or similar related to or impacted by the concept. Include hyperlinks where possible, excerpts when practical (e.g. a short statute), or attachments if necessary. Examples: statute that negates the need for or requires updates to an existing policy; unit level policy(ies) proposed for University-wide enactment; or existing policies used in a new, merged and updated policy.*

Oregon State Statute ORS 192.001 asserts that Oregon public bodies “have a responsibility to ensure orderly retention and destruction of all public records, whether current or noncurrent, and to ensure the preservation of public records of value for administrative, legal and research purposes.” Retention schedules, the essential core of Records Management Programs, support an organization’s ability to comply with this responsibility by identifying categories of records and how long to retain these to comply with external or institutional requirements.  
<https://www.oregonlaws.org/ors/192.001>

Prior to July 1, 2014, UO was subject to the Oregon Secretary of State Oregon University System Records Retention Schedule. ORS 352.138, the “Applicability of Laws to Universities with a Governing Board” (<https://www.oregonlaws.org/ors/352.138>) states that ORS 192.105 (State Archivist authorization for state officials to dispose of records) no longer applies to a university with a governing board. As a result, the University will need to draft and apply a records retention schedule to support compliance with ORS 192.001.

Additionally, UO Policy IV.02.02 (Internal Controls) describes the University of Oregon’s commitment to transparency and “[c]ompliance with applicable laws and regulations” through the institution of internal controls. Records Management Programs advise employees on best practices for documenting UO work, and introduce and monitor intellectual and physical controls over the life-cycle of information.  
<https://policies.uoregon.edu/vol-4-finance-administration-infrastructure/ch-2-audits/internal-controls>

A list of specific authorities that govern record keeping for the University of Oregon is available in the records retention schedule; these authorities include

- \* Federal and Oregon Statutes and Regulations;
- \* Funding Agency Rules;
- \* University of Oregon Policies;
- \* Collective Bargaining Agreements;
- \* Accreditation Standards; and,
- \* Professional Standards and Best Practices.

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## **STATEMENT OF NEED**

*What does this concept accomplish and why is it necessary?*

The University of Oregon (“the University”) is subject to recordkeeping requirements established by state and federal laws. Reliable, authentic, complete records evidence decision-making and serve as primary vehicles for demonstrating compliance with policies and laws; preserving institutional memory; and promoting business continuity.

As a public body, the University of Oregon has a responsibility to “ensure orderly retention and destruction of all public records” and “the preservation of public records of value for administrative,

legal and research purposes.” ORS 192.001. Public records are not media specific; they may be digital or physical (paper, audiotape, microfilm).

Not all records require indefinite retention. Organizations use Records Retention Schedules (“RRS”), a listing of various groups of records, how long to retain them based on legal and administrative requirements, and who is responsible for their management, to “ensure orderly retention and destruction of all public records.”

The RRS University of Oregon has on file is over 20 years old and was written for the OUS system.

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### **AFFECTED PARTIES**

*Who is impacted by this change, and how?*

All University employees, volunteers, agents, units, and other individuals/entities acting on behalf of the University who create, manage, or otherwise retain University public records as defined in this policy.

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### **CONSULTED STAKEHOLDERS**

*Which offices/departments have reviewed your concept and are they confirmed as supportive? (Please do not provide a list of every individual consulted. Remain focused on stakeholders (e.g. ASUO, Office of the Provost, Registrar, Title IX Coordinator, etc.).)*

<b>Name</b>	<b>Office</b>	<b>Date</b>
<b>Miriam Bolton</b>	<b>College of Arts and Sciences</b>	<b>7/24/17; 8/14/17;8/30/17; 3/28/18</b>
<b>Jim Bouse</b>	<b>Student Services and Enrollment Management</b>	<b>7/24/17; 8/14/17;8/30/17</b>
<b>Corrie Bozung</b>	<b>Information Services</b>	<b>7/24/17; 8/14/17; 3/28/18</b>
<b>Bryan Dearing</b>	<b>Office of General Counsel</b>	<b>7/24/17;8/30/17</b>
<b>Jose Dominguez</b>	<b>Information Services</b>	<b>7/24/17;8/30/17</b>
<b>Liz Denecke</b>	<b>Sponsored Projects Services</b>	<b>7/24/17; 8/14/17;8/30/17; 3/28/18</b>
<b>Flo Hoskinson</b>	<b>Safety and Risk Services</b>	<b>7/24/17; 8/14/17;8/30/17</b>
<b>Daphne Joubran</b>	<b>Finance and Administration</b>	<b>7/24/17;8/30/17</b>

<b>Mary Ellen Mansfield</b>	<b>Intercollegiate Athletics</b>	<b>7/24/17;8/30/17</b>
<b>Jennifer O'Neal</b>	<b>UO Libraries</b>	<b>7/24/17;8/30/17; 3/28/18</b>
<b>Haley Ruddell</b>	<b>Information Services</b>	<b>7/24/17; 8/14/17;8/30/17; 3/28/18</b>
<b>Christine Taylor Thompson</b>	<b>Campus Planning and Facilities Management</b>	<b>7/24/17;8/30/17; 3/28/18</b>
<b>Lisa Thornton</b>	<b>Public Records Office</b>	<b>7/24/17; 8/14/17;8/30/17</b>

*The following stakeholders have been consulted about the value of the proposed concept and expressed their support for a university wide Records Management Program. These stakeholders have discussed only the concept but neither the draft policy nor procedures.*

<b>Name</b>	<b>Office</b>	<b>Date</b>
<b>Krista Borg</b>	<b>Business Affairs Office</b>	<b>5/15/18</b>
<b>Paula Braswell</b>	<b>Clark Honors College</b>	<b>1/19/18</b>
<b>Trisha Burnett</b>	<b>Internal Audit</b>	<b>5/15/17</b>
<b>Bill Clever</b>	<b>Intercollegiate Athletics</b>	<b>1/19/18</b>
<b>Shelby Cooper</b>	<b>Payroll</b>	<b>1/18/18</b>
<b>Michael Griffel</b>	<b>University Housing</b>	<b>1/5/18</b>
<b>Leo Howell</b>	<b>Information Services</b>	<b>4/9/18</b>
<b>Jeff Jones</b>	<b>Information Services</b>	<b>5/15/18</b>
<b>Andre Le Duc</b>	<b>Safety and Risk Services</b>	<b>4/16/18</b>
<b>Karen Levear</b>	<b>Business Affairs Office</b>	<b>5/14/18</b>
<b>Tiffany Lee</b>	<b>Accessible Education Center</b>	<b>6/1/17</b>
<b>Brad Lowry</b>	<b>School of Journalism</b>	<b>8/29/17</b>
<b>Jon Marchetta</b>	<b>Finance and Administration Shared Services</b>	<b>12/8/18</b>

<b>Monte Matthews</b>	<b>Terrestrial Animal Care Services</b>	<b>3/18/18</b>
<b>Seth May</b>	<b>School of Education</b>	<b>12/13/17</b>
<b>Mark McCullough</b>	<b>Business Affairs Office</b>	<b>4/6/18</b>
<b>Debra McLaughlin</b>	<b>University Health Center</b>	<b>5/15/18</b>
<b>Jessie Minton</b>	<b>Information Services</b>	<b>5/14/18</b>
<b>Pamela Palanuk</b>	<b>Clark College</b>	<b>4/7/18</b>
<b>Dan Patten</b>	<b>Business Affairs Office</b>	<b>4/10/18</b>
<b>Julia Pomerenk</b>	<b>Student Services and Enrollment Management</b>	<b>4/3/18</b>
<b>Nancy Resnick</b>	<b>Human Resources</b>	<b>5/24/17</b>
<b>A. Elaine Seyman</b>	<b>Law School Office of the Registrar</b>	<b>5/22/17</b>
<b>Jody Sykes</b>	<b>Intercollegiate Athletics</b>	<b>1/19/18</b>
<b>Tracey Tsugawa</b>	<b>Affirmative Action</b>	<b>4/9/18</b>
<b>Jena Turner</b>	<b>Oregon Humanities Center</b>	<b>5/14/18</b>
<b>Jason Wade</b>	<b>UOPD</b>	<b>5/21/18</b>
<b>Chuck Williams</b>	<b>Innovation Partnership Services</b>	<b>4/11/18</b>

## REASON FOR POLICY

Oregon law states that Oregon public bodies “have a responsibility to ensure orderly retention and destruction of all public records, whether current or noncurrent, and to ensure the preservation of public records of value for administrative, legal and research purposes.” The University of Oregon (“the University”) is subject to recordkeeping requirements established by state and federal laws. Reliable, authentic, complete records evidence decision-making and serve as primary vehicles for demonstrating compliance with policies and laws; preserving institutional memory; and, promoting business continuity.

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## ENTITIES AFFECTED BY THIS POLICY

All University employees, volunteers, agents, units, and other individuals/entities acting on behalf of the University who create, manage, or otherwise retain University public records as defined in this policy.

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## WEB SITE ADDRESS FOR THIS POLICY

[Provided by Office of the University Secretary after policy is posted online]

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## RESPONSIBLE OFFICE

For questions about this policy, please contact the University Records Manager at [recordsmgr@uoregon.edu](mailto:recordsmgr@uoregon.edu). The Responsible Executive Officer of this policy is the Vice President and General Counsel.

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## ENACTMENT & REVISION HISTORY

[To be completed upon enactment.]

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## 1. POLICY STATEMENT AND RESPONSIBILITIES

**1.1** The University policy is to have a university-wide Records Management Program (the “Program”). Records Subject to Retention, as defined below, must be managed and retained for the specific periods of time set forth in the procedures that accompany this policy, in accordance with institutional or legal requirements, or for historical purposes.

**1.2** The University shall maintain a records retention schedule for University Public Records that are Records Subject to Retention. The retention schedule shall be part of the procedures accompanying this policy. Records Subject to Retention must be retained and managed for the retention periods set forth in the University’s records retention schedule contained in the

procedures accompanying this policy, and may only be disposed of according to that schedule. Except as provided in Section 1.5 and 1.6, when authorized by this policy (i.e., after the retention period is met), a University employee, volunteer, agent, or unit may destroy Records Subject to Retention according to the University's record retention schedule.

**1.3.** Records that are not University Public Records, and Records Not Subject to Retention have no retention requirement and may be disposed of immediately. Such records containing confidential, sensitive or otherwise protected information should be destroyed in a secure manner such as shredding. Except as authorized by this policy and its accompanying procedures, no person may dispose of a University Public Record.

**1.4** The University's records retention schedule shall be established and maintained by the Program, shall be posted at [recordsmanagement.uoregon.edu](http://recordsmanagement.uoregon.edu), and shall be reviewed every three years.

**1.5** To the extent that state or federal laws prescribe retention periods for records not listed in the retention schedule or prescribe longer retention periods for records listed in the schedule, those laws are to be followed. While units are responsible for maintaining a general understanding of the laws and retention requirements that apply to their areas, units are encouraged to consult with the Office of the General Counsel (OGC) regarding questions about applicable legal requirements. Requests for changes in retention requirements within the schedule should be made to the University Records Manager and may be implemented only after approval by the University Records Manager in consultation with OGC.

**1.6** From time to time, the application of the retention schedule may be temporarily halted for legal and/or administrative reasons. University Public Records may be material to a pending or threatened tort claim notice, litigation, or administrative proceedings or may become subject to an active public records request, subpoena, litigation discovery request, audit, internal or external investigation, or litigation hold. Additionally, because organizational structures change over time, which may impact custodial responsibilities, it is possible to place an administrative hold on records that have otherwise met their retention period. In any of these triggering circumstances, and regardless of the terms of the University's retention schedule, no University Public Records may be destroyed unless and until the triggering circumstance is concluded, and OGC approves their disposal. Units must inform OGC of any situation that might give rise to legal action as soon as the situation becomes apparent.

**1.7** This policy supersedes any and all previous University records retention and destruction policies and related procedures. To the extent current University policies or procedures address specific retention requirements, those requirements are hereby amended to conform with this policy, its accompanying procedures and the retention requirements contained therein.

## **2. ROLES AND RESPONSIBILITIES**

- 2.1 **The University Records Manager** shall direct the Program to develop, deliver, and monitor procedures and training to guide employees in how to create, maintain, protect, retain, and dispose of records in a manner consistent with legal requirements, operational needs, and preservation best practices.
- 2.2 **All employees, volunteers, agents, units, and other individuals/entities acting on behalf of the University** shall manage and dispose of records they create or receive in the course of business in accordance with the policy and accompanying procedures; and participate in Records Management trainings and related activities as requested.
- 2.3 **The University Archivist** will assist units holding Records Subject to Retention that may have long-term administrative or historical value, including identifying such records and developing a plan for their preservation and access.
- 2.4 **The Office of the General Counsel** shall coordinate discovery and public records requests and has the authority to suspend retention periods due to a pending public records request, subpoena, litigation discovery request, audit, internal or external investigation, or litigation hold.
- 2.5 **Executive leadership** shall allocate time required of employees to achieve compliance with the policy; work with direct reports to ensure recordkeeping responsibilities are met; and complete annual Records Management training.
- 2.6 **Senior leadership, such as Associate Vice Presidents, Deans, Directors, or their designees,** shall work with their direct reports to identify one or more employees who will serve as the Records Steward(s) for their designated areas and empower them to lead Records Management activities; support Records Steward's participation in training and implementation activities; ensure that individual employees in their portfolios receive appropriate guidance; and complete annual Records Management training.
- 2.7 **Records Stewards,** shall guide the systematic maintenance and disposal of records and cooperation of all employees; serve as a resource to others in their units/departments/programs; and complete annual Records Management training. The criteria, time commitment, and scope of work for Records Stewards shall be described in the procedures accompanying this policy.

### 3 ENFORCEMENT

- 3.1 This policy has the force of law pursuant to Oregon law. It may be enforced through appropriate employee and volunteer personnel procedures, contract administration procedures, and student conduct code proceedings. In the event that the procedure used in a particular case does not include an opportunity for an appeal of any initial decision to a higher level within the University, the person aggrieved by such a decision may, within ten days of the decision, appeal the decision in writing to the University Records Manager.



## 4 DEFINITIONS

**4.1 “University Public Record”** means any book, document, paper, file, photograph, sound recording, computerized recording in machine or electronic storage, records or other materials, regardless of physical form or characteristic, made, received, filed or recorded at the University pursuant to law or in connection with the transaction of any University business or activity, whether or not confidential or restricted in use or access. These records constitute University property.

**4.1.1 “Records Subject to Retention”** means University Public Records identified in the University’s Retention Schedule or in a federal or state law prescribing a retention period for such records.

**4.1.2 “Records Not Subject to Retention”** means University Public Records that are not subject to retention. They include, but are not limited to:

- Messages on voice mail or on other telephone message storage and retrieval systems.
- University Public Records that are duplicates by reason of being photocopies or electronic copies.
- Transmittal and acknowledgment letters or emails.
- Spam, advertising, and announcements.
- Correspondence or notes pertaining to reservations of accommodations or scheduling of personal visits or appearances.
- Private emails or other messages or records that do not relate to University business or activities.
- Electronic text messages sent from one cellphone to another.
- Temporary records that may result from communication technologies (e.g., instant messaging, image messaging, and other multimedia mobile applications or technologies that may be developed and used in the future).
- Superseded drafts of letters or emails, minutes, notes, memoranda, reports, or articles.
- Desk, telephone, or meeting notes intended for temporary or personal use.
- Daily calendar or scheduling information.
- A stock of publications.
- Library and museum materials made or acquired and preserved solely for reference or exhibition purposes.
- Any metadata associated with a Record Not Subject to Retention.

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### Related Resources

University Records Management Procedures – <http://recordsmanagement.uoregon.edu>