

3356-9-07 Records management and public requests.

- (A) Policy statement. It is the policy of Youngstown State University (university) that openness leads to a better informed citizenry, which leads to better government and better public policy. The board of trustees directs the university to comply with all state and federal laws regarding the creation, disposition, public inspection and copying of university records. In accordance with this policy, the university strictly adheres to the state's public records act (see section 149.43 of the Revised Code). Furthermore, in accordance with section 149.33 of the Revised Code, the board of trustees has full responsibility for establishing and administering a records retention program for the university.
- (B) Purpose. To ensure compliance with sections 149.33 and 149.43 of the Revised Code for the establishment and administration of efficient and economical management methods applied to the creation, utilization, maintenance, retention, preservation, and disposition of the university's records, and to define the procedures that the university will follow in administering the public records law.
- (C) Scope. This policy applies to all records of the university, both public and exempt, that are maintained and disposed in accordance with the university's [records retention schedule](#).
- (D) Definitions (for purposes of this policy).
- (1) "Records" are defined as any document, device or item, regardless of physical form or characteristic (including a record created, generated, sent, communicated or stored by electronic means) that is created or received by or comes under the jurisdiction of the university and which serves to document the organization, functions, policies, decisions, procedures, operations or other activities of the university. Records and their retention and associated retention schedules are numerated in the "Records Retention for Public Colleges and Universities in Ohio: A Manual" (IUC manual). University records may include, but are not limited to:

- (a) Financial records such as requisitions, purchase orders, invoices, bank data, and ledgers or journals.
 - (b) Administrative records such as correspondence, emails, reports, policy statements and related items both sent and received.
 - (c) Minutes of all university board and committee meetings.
 - (d) Publications and other items issued by the university.
- (2) A “public record” is defined as any document, device, or item, regardless of physical form or characteristic, including paper, electronic (including but not limited to email), or other format, that is created or received by or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the university are public unless they are specifically exempt from disclosure under section 149.43 of the Revised Code.
- (3) “Non-record materials” are documents, devices, or items in the university’s custody that do not meet the above definition because they are not needed to document the organization, functions, policies, decisions, procedures, operations, or other activities of the university. Examples of non-records include:
 - (a) Rough notes and drafts which do not contain any information that needs to be preserved or which merely duplicate information that is being preserved in other documents that are records.
 - (b) Extra copies of documents kept only for reference.
 - (c) Stocks of publications and processed documents.
 - (d) Library or museum materials intended solely for reference or exhibition.

- (4) “Active record” means any record that relates to current business matters and is required to carry out the daily activities of the department.
- (5) “Disposal” means the removal of records from a department or office. It does not necessarily refer to record destruction, but rather to the various processes of records retention, whether offsite storage, conversion, or destruction.
- (6) “Electronic record” means any record that is created, generated, communicated, received, maintained or stored on any electronic medium owned by the university or controlled by the university or a university employee. Examples include, but are not limited to: email, word processing documents and spreadsheets, and databases.
- (7) “Permanent record” means a record that has continued historical or other value to warrant retention beyond the time it is needed for administrative, legal, or fiscal purposes.
- (8) “Records custodian” means the employee responsible for records retention in their assigned area of university operations.
- (9) “Records retention schedule” is a listing of various types of routine, administrative records maintained by university offices and departments.
- (10) “Transitory records” are records which are needed for a limited time to complete a routine action 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 are drafts of documents, telephone messages, and emails relating to the scheduling of meetings.
- (11) “Unit leader” is a department chair, office director, or other administrator that directs the regular function of a unit of the university.

(E) Procedures for retention of records.

- (1) The program shall be administered by the archives and special collections department of Maag library (university archives), which shall have authority to develop administrative procedures and guidelines to implement this rule.
- (2) The university hereby adopts the IUC manual as developed by the inter-university council of Ohio, as it may be amended by the university's administration as its guidelines for the retention of its records. Records and their retention and associated retention schedules are numerated in the IUC manual.
- (3) University employees shall make such records as are necessary for the adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the university and for the protection of the legal and financial rights of the state and persons directly affected by the university's activities.
- (4) The creation of unnecessary and duplicative records should be avoided. Duplicative records are not official and should not be used to represent official records. Duplicative records should not be retained and should be destroyed as soon as their immediate need has passed.
- (5) University records shall be retained for such period as is required by retention schedules established by the IUC manual and administered by university archives and may be disposed of only in accordance with disposition instructions issued by university archives.
- (6) Each 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 on demand.
- (7) Each unit leader shall identify a records custodian to ensure (in conjunction with university archives) that records are maintained

in accordance with the university's records retention schedule. Employees other than the records custodian may maintain records so long as the records custodian is aware of the records and is able to retrieve them.

- (8) Each unit shall develop a records inventory that describes the categories of records created and maintained by that unit.
- (9) Records may be maintained in paper or electronic format so long as they may be identified and retrieved by the custodian. Maintenance and disposal of electronic records shall be determined by the content, not the medium. Digitized paper records (e.g., scanned documents) may be kept in lieu of paper records at the discretion of the unit leader and university archives.
- (10) University records shall not be removed or destroyed except in accordance with the university's records retention schedule.
- (11) Detailed administration guidelines for records retention are found on the [records management](#) website.

(F) Procedures for requesting non-law enforcement records.

- (1) It is the policy of the university that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and posted prominently.
- (2) Each request for public records should be evaluated for a response using the following guidelines:
 - (a) Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification.

(b) The requester does not have to put a records request in writing and does not have to provide their identity or the intended use of the requested public record.

(c) Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time.

“Prompt” and “reasonable” take into account the volume of records requested, the proximity of the location where the records are stored, and the necessity for any legal review of the records requested.

(d) Public records requests can be made by completing the [form](#) on the office of general counsel webpage or can be directed to the “Office of the General Counsel, Tod Hall, Suite 314, Youngstown State University, 1 Tressel Way, Youngstown, Ohio 44555.”

“Routine requests” are those that certain departments receive on a consistent basis and that request basic information. These routine requests do not need to go to the office of the general counsel but may be processed by the office that retains the information after having first discussed the process with the office of the general counsel. “Non-routine requests,” or requests that produce voluminous documents, must be processed through the general counsel’s office.

(e) Routine requests for information that are easily accessed will be processed as quickly as is reasonable. Non-routine or voluminous requests that require extensive copying or research will be accompanied by an acknowledgment including:

- (i) An estimated number of business days it will take to satisfy the request.
 - (ii) An estimated cost, if copies are requested.
 - (iii) Any items within the request that may be exempt from disclosure, if known at the time of the acknowledgment.
- (f) Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.
- (g) Those seeking public records will be charged only the actual cost of making copies. The university is permitted to request payment in advance.
 - (i) The charge for paper copies is five cents per page.
 - (ii) The charge for downloaded computer files to a compact disc is one dollar per disc.
 - (iii) There is no charge for documents emailed.
 - (iv) Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.
- (h) Documents in electronic mail format are records as defined in section 149.43 of the Revised Code when their content relates to the business of the office. Email is to be treated in the same fashion as records in other formats and should follow the same retention schedules; however, emails are considered to be "general files," including correspondence, reports, and files of executive and administrative officers

are coded in the records retention schedule under “ADM9910” and for all other employees are coded as “ADM9900.”

Records in private email accounts used to conduct public business are subject to disclosure and all employees or representatives of the university are instructed to retain their emails that relate to public business.

- (i) The university recognizes the legal and civic consequences of a failure to properly respond to a public records request. In addition to the distrust in government, such a failure may result in a court ordering the university to comply with the law and to pay the requester attorney’s fees and damages.

(G) Specific procedures for requesting law enforcement records and video records are as follows:

- (1) Requests for law enforcement records can be made by completing the request for university police public records [form](#) found on the police webpage. Responses must be made within a reasonable amount of time, which includes preparing the records and seeking any necessary legal advice. The university may charge for the cost of the records, including a charge of five cents per page for copies, a charge for the actual cost of storage medium, and the actual cost of postage.
- (2) Requests for law enforcement video records, such as footage from dash cameras, body cameras and surveillance cameras, may also be made by completing the request for university police public records [form](#) found on the police webpage.
 - (a) The university may charge the requestor for the actual cost of reviewing, preparing, producing, blurring and otherwise obscuring and redacting portions that are not available for public inspection, including the staff time, storage medium

on which the record is produced and any other relevant overhead necessary to produce the video record.

(b) The actual cost may not exceed seven hundred fifty dollars in total. The university shall charge sixty dollars per hour of video produced. Within five business days of receipt of a request for video records, the university will provide the requestor an estimate of the actual cost of production. The university is not required to begin to prepare the video record until the estimated actual cost is paid in full. Payment must be made either by cashier's check, money order, or cash. No personal checks will be accepted.

(c) All requestors are notified that the actual cost may exceed the estimated cost by up to twenty per cent and, as such, that additional amount may be charged when the request is filled. If the actual charge is less than twenty per cent of the estimate, the requestor is entitled to refund of the difference. The additional charge is not required to be paid prior to fulfilling the video records request.

(H) Policy violation, removal, destruction, mutilation, alteration, transfer, or other disposition of university records, except as authorized by this policy, is prohibited and may result in disciplinary action.