

**ELIZABETH CITY STATE UNIVERSITY**  
**Retention, Disposition and Security of University Records**

Unless specifically exempted by law, the records of the University are "public records", defined by State law. Accordingly, they must remain in the custody of the University and be disposed of only as provided by State law. Each campus administrator is responsible for assuring that policies and procedures are in place for adherence to segments of this policy.

**I. Purpose**

The purpose of this Policy is to ensure that all University offices conform to applicable State laws regarding the retention, disposition and security of University records.

**II. The University's Records are Public Records**

Unless specifically exempted by law, the records of Elizabeth City State University, a State-supported institution, are public records as defined by [Chapters 121](#) and [132](#) of the General Statutes of North Carolina:

"Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

The following prohibition regarding the destruction of records ([G.S. Section 132-3a](#)) became effective January 1, 1995:

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with [G.S. 121-5](#), without the consent of the Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, defaces, mutilates or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00).

Almost all University records are public property and constitute a record of public acts. Accordingly, they must remain in the custody and control of the University which created them or received them pursuant to law. They may be disposed of only in accordance with the provisions of General Statute Section [121-5\(b\)](#). Rules and regulations regarding the implementation of this statute have been adopted by the North Carolina Historical Commission;

oversight for compliance has been given to the [North Carolina Department of Cultural Resources' Office of Archives and History](#).

In addition to the legal requirements, some University records, because of their on-going administrative or research value, should be preserved permanently. Many other records have temporary administrative value only and little or no research value. When no longer needed for administrative purposes these records should be disposed of to make room for those of current and continuing value. Destroying worthless records improves office efficiency. Considerable cost savings can be realized when valuable office space is not used to store inactive and/or worthless files. Therefore, an orderly records management program for the retention, storage, and disposal of University records is essential.

### **III. The Records Retention and Disposition Schedule**

At Elizabeth City State University, records retention and disposition schedules are drawn up by the University Archivist, using the [UNC General Records Retention and Disposition Schedule](#) as a template, in cooperation with the specific office, and submitted to the Department of Cultural Resources Office of Archives and History for certification. The schedule identifies which records have permanent value and which records do not. It provides a time frame in which records may be destroyed or transferred to the University Archives. The University Archives stores the records that are scheduled for permanent preservation. These records are transferred to the Archives after they are no longer required for the current operation of the office that created them. These records are the historical memory of the University and, as such, are often used for research.

Additionally, because not all public records are open records, the University Archivist works closely with the Office of Legal Affairs to identify records protected by pertinent State and federal law and regulations in order to ensure the proper protection of restricted information. This protection extends to identifying who may have access to restricted information as well as how this information must be destroyed (if applicable).

Notwithstanding the instructions of the University's Records Retention and Disposition Schedules, any University records subject to audit or official investigative proceedings or that relate to anticipated or pending litigation must be retained until the final conclusion of the audit, official proceedings, or litigation and an official release has been communicated by either the Auditor or the Office of Legal Affairs, as applicable.

### **IV. The Security of University Records**

In addition to providing for the orderly retention and disposition of its records, the University must protect its confidential and sensitive information against accidental or unauthorized access, modifications, disclosures, or destruction.

Each campus administrator is responsible for ensuring that his/her office has procedures in place to maintain the confidentiality of such sensitive or confidential records. Administrators and staff

should regularly review these policies and evaluate their practices as they create new categories of information and as they develop new formats for established categories. This need is critical with the expansion of computerized applications, which results in wider access to systems and to sensitive databases and information. As retention and disposition schedules are developed for unscheduled records, security for paper files and electronic databases will be addressed as appropriate.