

Attachment 2

The Kansas State University Library established a special collections division in June 1967, which included building an official university archives. For the next sixteen years, a special collections librarian led the small division and served as the de facto director of the archives. In 1983, KSU hired its first professionally-trained archivist, Tony Crawford, to develop a more professional focus on managing historically-significant university records. He operated as the university archivist and curator of manuscripts until his position was split and I became the university archivist in 2011. During Tony's time there were retention schedules developed and updated, and the current records retention policy and schedule was approved in 1993 with occasional updates and minor modifications. By 2011, the policy and schedule needed a major revision—mainly because of changes in technology, statutes, and the state retention policy and schedule. A pilot project with the provost's office led to the creation of a university records task force in 2014 and 2015, which then led to the creation of the University Records and Information Management Committee that started in March 2016. The first goal of the committee has been to overhaul the retention policy to current standards. The second goal has been to begin updating retention schedule entries to help campus improve records and information management. Both goals have required the committee to begin grappling with electronic records and writing policies that address all formats of applicable records. The current draft should strike that balance and clarify the roles and responsibilities of K-State personnel with regard to records retention.

K-State Policy and Procedures Manual, Chapter 3090

Retention of Records, drafted 2016

Table of Contents

- .010 Introduction
- .020 Objectives
- .030 Statutes
- .040 Definitions
- .050 Roles and Responsibilities
- .060 Access to Records
- .070 Records Retention and Disposition Schedule
- .080 Records Procedures and Forms
- .090 Related Kansas State University Policies
- .100 Related Content
- .110 Questions

.010 Introduction

Kansas State University, as an agency of the State of Kansas, is governed by state statutes defining records retention requirements. State law provides that all government records are public property and shall not be destroyed or otherwise disposed of except as authorized by law or applicable retention and disposition schedules (see [Kansas Statutes Annotated \(K.S.A.\) 45-403](#)). This chapter provides records and information management guidance for current and noncurrent government records within Kansas State University units and offices. The University Archives is designated as the official repository for the preservation of all Kansas State University noncurrent government records with enduring value. The University Archives is administered by the University Archivist, hereinafter referred to as the Archivist, who serves as the Agency Records Officer for Kansas State University in accordance with [Kansas Administrative Regulation \(K.A.R.\) 53-4-1](#). In this capacity, the Archivist serves as the liaison between the University Archives and Kansas State University offices to develop and maintain records retention and disposition schedules as described in this chapter. Unless stated otherwise, the term “office(s)” used in this chapter refers to all administrative, academic, and other offices of Kansas State University. This policy is maintained by the Records and Information Management Committee, which is further described in .050 Roles and Responsibilities.

.020 Objectives

This policy will:

- Communicate requirements for maintaining and preserving university records for appropriate lengths of time,
- Provide information regarding applicable records retention schedules,
- Explain key elements of records retention and disposition,
- Identify resources that provide guidance related to records and information management, and
- Provide definitions for terminology applicable to this policy.

.030 Statutes

Kansas State University records, regardless of their format, are subject to the records preservation laws of Kansas. University officials are responsible for managing records in ways that ensure accessibility under the Kansas Open Records Act (KORA, [K.S.A. 45-215-45-223](#)), protect the confidentiality of other records as stipulated in various state and federal statutes, and preserve and provide long-term access to selected records through the Government Records Preservation Act ([K.S.A. 45-401-45-413](#)) and the Public Records Act ([K.S.A. 75-3501-75-3518](#)). There is a list of applicable statutes and regulations with brief summaries in section .100 Related Content.

.040 Definitions

This policy focuses on the management of records and, as such, the following terms are relevant with their associated definitions.

“Government records’ means all volumes, documents, reports, maps, drawings, charts, indexes, plans, memoranda, sound recordings, microfilms, photographic records and other data, information or documentary material, regardless of physical form or characteristics, storage media or condition of use, made or received by an agency in pursuance of law or in connection with the transaction of official business or bearing upon the official activities and functions of any governmental agency. Published material acquired and preserved solely for reference purposes, extra copies of documents preserved only for convenience of reference and stocks of publications, blank forms and duplicated documents are not included within the definition of government records” (see [K.S.A. 45-402\(d\)](#)).

“Noncurrent government records’ means all government records which no longer are necessary for the handling of ordinary official public business by the agency and which are not required by law to be retained in the immediate custody of the agency for a longer period of time” (see [K.S.A. 45-402\(e\)](#)).

“Government records with enduring value’ means all government records which merit preservation for historical, legal, fiscal or administrative reasons, or for research purposes” (see [K.S.A. 45-402\(f\)](#)).

“Retention and disposition schedules’ means lists of series of government records, prepared pursuant to K.S.A. [45-404](#) and subsections (c) and (d) of K.S.A. [45-406](#), and amendments thereto, specifying which series of records have enduring value, authorizing disposition of certain other series of records, and indicating how long certain series of records should be retained before disposition of them” (see [K.S.A. 45-402\(g\)](#)).

“Records lifecycle” means the phases of existence for records, usually including creation, active (current and regularly used), inactive (current and occasionally referenced), and disposition (noncurrent).

“Records retention” means the length of time records should be maintained by an organization. This duration can range from immediate disposal to archival preservation.

“Records disposition” means the decision, usually designated by retention schedules, to move records to their final location. Options can include continued maintenance in office of record, destruction, or transfer to the archives.

.050 Roles and Responsibilities

The following groups and individuals are frequently involved in records and information management at Kansas State University. Their functions and obligations are described as follows.

The Records and Information Management Committee is charged to develop, review, revise, endorse, and interpret university records and information management and technology policies and procedures for the university community and ensure that those policies are appropriately disseminated to the campus community. All policies related to records and information management and technology should be approved by this committee. It has authority to review and recommend records retention schedules for

approval by the State Records Board, and will review this policy on an annual basis. In addition, the committee will:

- Keep retention policies and schedules updated.
- Provide guidance on matters related to records and information management and information technology.
- Ensure best practices are known and followed.
- Respond to records questions and issues.
- Identify and implement training opportunities.
- Develop implementation and enforcement strategies.
- Address changes in technology and recordkeeping priorities.

The duties of the Agency Records Officer, designated as the University Archivist, are described in [K.A.R. 53-4-1](#). Further, this person serves as chair of the Records and Information Management Committee and is a resource to university personnel for records and information management questions.

The University Archives is the official repository for the preservation of all Kansas State University noncurrent government records with enduring value.

The Freedom of Information Officer's duties are delineated in [P.P.M. Chapter 3060](#) and [KORA](#).

Administrative, academic, and other offices and units have responsibility for the management of records during their active and inactive phases of the records lifecycle. They also coordinate with the Archivist for transfers of archival records.

The State Records Board of Kansas functions as outlined on the Kansas Historical Society's website, "[About the State Records Board](#)."

.060 Access to Records

Kansas State University recognizes its responsibility to the academic community and public for the timely access, retention, and disposition of university records, as defined by this policy and the applicable records retention schedules, and in compliance with [KORA](#) and other university, state, or federal statutes and regulations that may apply.

As a state institution, many of Kansas State University's records are generally subject to inspection and copying by members of the public, unless there is an applicable exemption to disclosure, such as those described in KORA.

For access to active and inactive records, please contact the university's designated records custodians as identified in [P.P.M. 3060](#).

For access to records transferred to the [University Archives](#), refer to the [department website](#) for open hours and any procedural guidelines. Some archival university records may be exempt from disclosure.

The Office of General Counsel should be consulted whenever there is any question about the applicability of policy to specific cases or about the confidentiality of certain records.

.070 Records Retention and Disposition Schedule

Records at Kansas State University will be maintained in accordance with applicable retention and disposition schedules. The [State of Kansas General Schedules](#), [Kansas Board of Regents agency schedule](#), and [Kansas State University agency schedule](#) provide retention and disposition guidance. For questions about records not described in these schedules, please contact the Archivist. When the schedules defined above give the disposition as “Archives,” it means the University Archives.

.080 Records Procedures and Forms

Throughout the records lifecycle, personnel in administrative, academic, and other offices and units will be required to store, transfer (to the University Archives), or destroy records. The following procedures and forms assist in these activities:

- Using and navigating retention and disposition schedules:
 - Records retention schedules may be accessed by browsing the schedules using the links provided herein, or by [searching](#) all of the state retention schedules on the Kansas Historical Society website. Refer any questions to the Archivist.
 - The relevant retention schedules for Kansas State University records are found in the [State of Kansas General Schedules](#), [Kansas Board of Regents agency schedule](#), and [Kansas State University agency schedule](#). Questions about records not described in these places should be referred to the Archivist.
- Storing paper and analog records:
 - Offices and units should store inactive records in standard records cartons (15" long x 12" wide x 10" high).
 - Boxes should be labeled clearly, even if the contents are scheduled for destruction, so the office holding the records and the Archives staff can readily identify the records, retention length, disposition action, and date. The label should include the office or unit name, the name of the records as listed in the Records Retention and Disposition Schedule (see .070; if not in the schedules, provide the appropriate name of the records), beginning and ending dates of contents, and the sequential box number (e.g., 1 of 4, 2 of 4, etc.).
 - Boxes stored in an office area should be placed so that all box labels are visible and the boxes are accessible. Inactive records having archival value ultimately will be transferred to the Archives. In the event that Archives space limitations should postpone transfer of some historical records, the office or unit will have full responsibility for maintaining the records until they can be placed in the Archives. Any storage site should be clean, dry, secure, and maintained at a moderate temperature.
- Storing electronic records:
 - Offices and units should store active records in locations that allow rapid retrieval from information systems.
 - Offices and units should store inactive records in locations that balance cost and retrieval needs.

- Directory folders and files should be named consistently to assist retrieval of appropriate information.
- Active and inactive records require storage that meets any information security needs and digital preservation requirements.
- Transferring records to the Archives:
 - Identify records in the Records Retention and Disposition Schedule (see .070; if not in the schedules, contact the Archivist) that have disposition as “Archives.” Transfer of records to the Archives takes place at the end of the retention period described in the schedules.
 - Contact the Archivist if any questions exist about records to destroy or transfer to the Archives.
 - Fill out the [records transmittal form](#) for materials designated for transfer to the Archives. For donation of collections and materials that are not university records, please visit the [Morse Department of Special Collections](#) website.
 - Contact the Archivist to coordinate transfer of records to the Archives.
- Destroying records:
 - Identify records in the Records Retention and Disposition Schedule (see .070; if not in the schedules, contact the Archivist) that have disposition as “Destroy.” Ensure other federal or state statutes or regulations do not prohibit destruction of specified records. Destruction of records takes place at the end of the retention period described in the schedules.
 - Contact the Archivist if any questions exist about records to destroy or transfer to the Archives.
 - Fill out any applicable records destruction forms and contact the Archivist for any necessary approvals for records destruction.
 - For paper records, use university-approved destruction method (recycle, shred, vendor shredding, Shred Day, etc.) that is appropriate for the confidentiality of the records being disposed.
 - For destruction of digital data and records, follow guidelines in the Media Sanitization and Disposal Policy, [P.P.M. Chapter 3436](#), and ensure methods are appropriate for the confidentiality of the records being disposed.
- Revising records retention schedules:
 - To revise existing retention schedules, please contact the Archivist to initiate the process. The Archivist will submit draft revisions to the Records and Information Management Committee for review and recommendation to the State Records Board for final approval.
 - To create a new retention schedule, please contact the Archivist to initiate the process. The Archivist will submit draft schedules to the Records and Information Management Committee for review and recommendation to the State Records Board for final approval.
- Revising the retention of records policy:
 - The Records and Information Management Committee will review this policy at least annually.
 - For questions about this policy, please contact the Archivist.

.090 Related Kansas State University Policies

The following Kansas State University policies may be relevant to further clarification for records and information management:

- University Handbook:
 - [Section B: University Structure](#), B95
 - [Appendix G: Administrative Appeal and Grievance Policy and Hearing Procedures](#), K.5
 - [Appendix M: Procedure for Review of Dismissal of Tenured Faculty](#), E.14
 - [Appendix R: Intellectual Property Policy and Institutional Procedures](#)
- Policies and Procedures Manual
 - [Kansas Open Records Act](#), Chapter 3060
 - [Electronic Mail Policy](#), Chapter 3455
 - Employment Verifications and References, [Access to Employee Files](#), Chapter 4010.060
 - Criminal Background Checks, [Custodian of Record](#), Chapter 4015.060
 - Employee Leaves, Holidays, FMLA and Other Absences, [Recordkeeping for Leave Programs](#), Chapter 4860.070
 - Pre-Awards, [Data Access and Retention](#), Chapter 7010.440

.100 Related Content

State and Federal Statutes and Regulations

State and federal statutes and regulations related to records management and records retention include the following sections: state records, education records, financial records, health information records, human resources records, and research and sponsored programs records.

A. State records:

- a. Government Records Preservation Act, [K.S.A. 45-401 et seq.](#), defines government records, declares records to be state property, prohibits their unauthorized destruction, describes the State Records Board, requires state and local agencies to cooperate with the State Records Board and the State Archivist in regards to records, and stipulates the conditions for the destruction of records after imaging.
- b. Public Records Act, [K.S.A. 75-3501 et seq.](#), also defines records, creates and outlines responsibilities of the State Records Board, authorizes admissibility in court of micrographic and optical disc records, requires agency compliance with standards for micrographic and optical disc records, requires state agencies to maintain titles, deeds, or other records related to any real estate transactions conducted by the agency, provides guidelines for the use of acid-free and permanent paper, prohibits disclosure of individuals' social security numbers, but not access to full records containing that information.
- c. State Records Board, [K.A.R. 53-4-1](#), implements the Kansas Public Records Act and describes the duties of records officers.
- d. Kansas Open Records Act (KORA), [K.S.A. 45-215 to 45-223](#), declares records open for inspection unless otherwise provided by this act,

requires the development of policies to provide prompt and convenient public access to government records for a reasonable fee, describes specific categories of records that are exempt from disclosure, state agencies have discretion to release some records exempted from disclosure by the KORA, provides that records exempted by KORA and still in existence will be open to the public after 70 years unless closed by another specific statute or regulation, provides description of enforcement actions and penalties for violations, requires the designation of a local freedom of information officer per office, requires a citizens' right to access brochure be available to the general public, provides for legislative review of exceptions, prohibits unlawful use of names derived from public records, and requires not-for-profit entities receiving public monies over a certain amount to retain and make publicly available records regarding the expenditure of those funds.

- e. Kansas Open Meetings Act (KOMA), [K.S.A. 75-4317 et seq.](#), defines meetings, declares meetings that conduct governmental affairs or governmental business transactions be open to the public, provides for public notices to be given regarding meetings, provides for exceptions when meetings may be closed, and describes penalties and enforcement actions.
- f. Kansas Uniform Electronic Transactions Act, [K.S.A. 16-1601 et seq.](#), allows for the use of electronic signatures and electronic recordkeeping.
- g. Tampering with a public record, [K.S.A. 21-5920](#), defines such as a class A nonperson misdemeanor.

B. Education records:

- a. Family Educational Rights and Privacy Act (FERPA), [20 U.S.C. §1232g](#); [34 C.F.R. Part 99](#): FERPA is a federal law protecting the privacy of student education records. It applies to all schools that receive funds under specified programs of the U.S. Department of Education. Further information is available on the [Department of Education](#) and Kansas State University [Office of the Registrar](#) websites.

C. Financial records:

- a. Federal grant information, [2 C.F.R. Part 200.333-200.337](#), that pertains to record retention and access to Post Federal Award Requirements. Please see the Division of Financial Service's [Sponsored Programs Accounting](#) website for additional information.

D. Health Information records:

- a. Health Insurance Portability and Accountability Act (HIPAA), [110 Stat. 1936](#): HIPAA is a federal law related to continuity of health insurance that also includes rules protecting privacy of health information. One of these rules, known as the Privacy Rule, applies to health care providers who transmit health information in electronic form. Further information is available on the [U.S. Department of Health and Human Services](#) website.

E. Human Resources records:

- a. Records, Reports, Research and Evaluation of Personnel System: [K.A.R. 1-13-1a](#) defines the contents of an employee's official personnel file, and [K.A.R. 1-13-1b](#) relates to disclosure of employee information.
- b. [Federal Occupational Safety and Health Administration \(OSHA\) injury and illness recordkeeping and reporting requirements](#): Requirements for maintaining, posting and providing records of serious work-related injuries and illnesses.
- c. [Federal Department of Labor Family and Medical Leave guidance](#) (see Recordkeeping section).

F. Research and Sponsored Programs:

- a. [Institutional Review Board Records in 45 C.F.R. §46.115](#): The Institutional Review Board (IRB) is responsible for the Research with Human Subjects program, and at Kansas State University the Committee on Research Involving Human Subjects serves as the IRB. In addition to requirements found within the CFR, please view the university's [IRB](#) website.
- b. The Animal Welfare Act (AWA), [7 U.S.C. §54](#): Kansas State University's Institutional Animal Care and Use Committee (IACUC) administers an animal care and use program following requirements in the AWA. Additional recordkeeping guidance can be found on the university's [IACUC](#) website.
- c. [NIH Guidelines for Research Involving Recombinant and Synthetic Nucleic Acid Molecules](#): These guidelines provide recordkeeping rules for the [Institutional Biosafety Committee](#) (IBC), which is responsible for the Kansas State University biosafety program.
- d. [United States Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern](#) (DURC): This policy provides [DURC](#) recordkeeping guidance for the IBC.
- e. Select Agents guidance, [7 C.F.R. Part 331](#), [9 C.F.R. Part 121](#), [42 C.F.R. Part 73](#): The [University Research Compliance Office](#) uses these federal rules to manage records related to certain biological organisms and toxins, called the select agent program.
- f. Federal Acquisition Regulation, Contractor Records Retention ([F.A.R. Subpart 4.7](#)): This subpart provides recordkeeping rules for contractors to meet the records review requirements of the federal government. In this subpart, the terms "contracts" and "contractors" include "subcontracts" and "subcontractors."

Questions about this policy and its associated content, including the Records and Information Management Committee, can be directed to the Archivist at (785) 532-7456 or libsc@ksu.edu.