

	<p style="text-align: center;">NORTH CAROLINA A&T STATE UNIVERSITY</p> <p style="text-align: center;">CHAPTER 1100 – GENERAL POLICIES</p> <p style="text-align: center;">UNIVERSITY POLICY 1112, PUBLIC RECORDS</p>
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SECTION 1112.1 POLICY STATEMENT

North Carolina Agricultural and Technical State University (N.C. A&T or University), as a constituent institution of the University of North Carolina and instrumentality of the State of North Carolina, is open and responsive to requests for information from the public and the news media.

SECTION 1112.2 PURPOSE

This policy sets forth procedures associated with requests for the University’s release of public records, and shall be implemented and construed in accordance with the provisions of the [North Carolina Public Records Act](#) and other applicable state and federal laws.

SECTION 1112.3 SCOPE

This policy applies to all requests for public records made to the University, regardless of the requestor and to all University employees who, in the course of their employment duties, create public records, have access to public records, or receive requests for public records.

SECTION 1112.4 DEFINITIONS

“Public Records” means all records created or received in the course of University business, in whatever format, including but not limited to paper, photographs, recordings, emails, or digital images, constitute a public record unless an exception applies under federal or state law. The physical location of the records is inconsequential, and records created in the course of University business on personal devices (computers, smartphones, etc.) are still public records that are subject to the statute and this policy statement.

“Records Custodian” means the person responsible for a particular office or type of record maintained at the University (e.g., registrar for student records). Each University unit must designate an individual within the unit to serve as the unit’s Records Custodian.

SECTION 1112.5 PUBLIC RECORDS REQUESTS PROCEDURES

Section 1112.5.1 Requests from the Public

- (a) Written requests are required for the University to clearly ascertain what records are being requested, and associated costs, if any. Individuals seeking public records must submit requests in writing to the Office of Legal Affairs:
- Via email to public_records@ncat.edu;

- By mail or hand delivery to:
Public Records Officer
422 Dowdy Administration Building
1601 East Market Street, Greensboro, NC 27411.
- (b) When a request is not made in writing, the records officer should direct the requestor to this policy so that a written request can be obtained.
- (c) Administrators, faculty, and staff (records custodians) who receive requests for public records shall inform the requestor that requests must be made in writing and submitted to the Office of Legal Affairs consistent with the process outlined above.
- (d) The University must permit inspection of requested records as promptly as possible after receiving a public records request.
- Access to public records shall be given at reasonable times and under reasonable supervision.
 - The University must separate any confidential information from otherwise accessible public records.
 - Separations and redactions of confidential information must be done by the custodian in consultation with the Office of Legal Affairs, or by the Office of Legal Affairs.
- (e) Pursuant to North Carolina law, the University is not required to respond to requests for public records by creating or compiling a record that does not exist.

Section 1112.5.2 Media Requests

- (a) The Office of University Relations serves as the primary campus liaison with the news media.
- Requests for information from the news media must be directed to the Director of Media Relations.
 - The Office of University Relations shall keep a record of all requests and responses.
- (b) Requests from the news media that involve issues other than standard media requests must be directed to the Office of Legal Affairs as outlined above.

Section 1112.5.3 University Response to Records Requests

- (a) The University shall permit inspection of the requested records as promptly as possible after receiving the public records request, and upon payment of all fees due.
- Access to public records may be limited to reasonable times during regular business hours and under reasonable supervision.
 - The University must separate or redact any confidential information from otherwise accessible public records prior to public inspection or release of requested records.

- (b) The University may also provide copies of requested records in accordance with Section 1112.5.5.

Section 1112.5.4 Confidential Information

- (a) Certain information is confidential under state or federal law and not subject to disclosure. The most common exceptions to disclosure include, but are not limited to, the following types of information:
- Personnel records – Most information in an individual’s personnel record is confidential under the [North Carolina Human Resources Act](#), but certain information about each employee is open to public inspection under [N.C. Gen. Stat. § 126-23](#). The Division of Human Resources maintains separate records containing public information and provides that information upon request. Requests for confidential personnel records, other than by the actual employee, must be accompanied by a signed authorization from the employee permitting release, or a court order;
 - Students’ academic, medical, and counseling records – State law mandates that medical and counseling records are confidential. The [Family Educational Rights and Privacy Act \(FERPA\)](#), as amended, restricts disclosure of a student’s education records, but allows the release of directory information unless the student files a request with the University that it not be released. The University’s definition of “directory information” is set forth on the website of the [Office of the Registrar](#). Before releasing directory information about any student, the employee receiving the request must consult with the University Registrar to determine whether a student has requested that directory information not be released. FERPA provides other exceptions for disclosure, including disclosure with the written consent of the student;
 - Library user records – N.C. Gen. Stat. § 125-19 prohibits a library from disclosing “any library record that identifies a person as having requested or obtained specific materials, information, or services, or as otherwise having used the library, except ... (1) when necessary for the reasonable operation of the library; (2) upon written consent of the user; or (3) pursuant to subpoena, court order or where otherwise required by law;”
 - Patent applications and other documents that contain trade secrets as defined in state law;
 - Certain contracts or bid records prior to the final award of the contract;
 - Attorney-client communications and trial preparation materials;
 - Certain criminal investigations and law enforcement records;
 - Emergency response plans, including, but not limited to, the University’s Emergency Operations Plan;
 - Minutes of closed sessions of public bodies; and
 - Personal (non-work related) communications.
- (b) University Relations will consult with the Office of Legal Affairs regarding the confidentiality of records or portions of records prior to its disclosure of records in response to a request.

SECTION 1112.6 FEES AND COSTS

Section 1112.6.1 Copying Fees

- (a) The University may charge the actual costs of the copies when a requestor asks for copies of documents. When media is provided (e.g., disk or flash drive), the University may charge for the materials used.
- (b) Generally, the University will not charge for the costs of copies unless the number of pages exceeds twenty-five (25) pages. Thereafter, the charge will be ten (10) cents per page for black and white copies.
- (c) If the request requires special processing (e.g., color copies, out-sourcing of copying function, etc.), the actual cost of such handling shall be calculated on a case-by-case basis.

Section 1112.6.2 Special Service Charge for Extraordinary Public Records Requests

- (a) The University may charge, in addition to the copying fee, a special service charge when a request requires extensive use of information technology resources or extensive use of personnel for clerical or supervisory assistance, or if producing the records in the medium requested results in excessive use of information technology resources.
- (b) The special service charge shall be reasonable and no greater than the actual costs incurred. The University considers more than four (4) hours required to respond to a request as constituting an extensive use of personnel.
- (c) If preparation of the response requires the extensive use of personnel, the University shall charge a presumed rate of \$25.00 per hour for each hour, in excess of four hours, required to respond to the request.
 - The University shall provide an estimate of the costs for an extraordinary request prior to making the records available for inspection or release, and allow the requestor the option of either making the requested payment or revising the request to narrow its nature or scope. If the amount paid turns out to be higher than the actual labor, mailing, materials, and copying costs, then the University shall thereafter notify the requestor and return the difference in the amount paid to the requestor.
 - Multiple requests within a short period from the same individual shall be considered a single request for purposes of determining whether to charge under this section.
 - Periods exceeding three (3) months shall not be considered a short period.

SECTION 1112.7 RETENTION OF PUBLIC RECORDS

- (a) Public records may not be destroyed, except in accordance with the University's records retention schedule.

- (b) The University has a legal obligation to maintain all records that relate to a matter in litigation or other legal action, including pending public records requests. This obligation overrides the University's records retention schedule.
- (c) Employees shall retain records for a longer period than that required by the North Carolina Department of Cultural Resources when applicable legal, regulatory, accreditation, or other standards require a longer retention period. Upon notification from the Office of Legal Affairs, individuals may not destroy or delete any records relating to a matter in litigation or a grievance or pertaining to other legal matters.

SECTION 1112.8 COMPLIANCE

Individuals who fail to comply with this policy may be subject to disciplinary action, including termination. Under N.C. Gen. Stat. § 132-5.1, individuals who unlawfully retain public records can be ordered to return those materials to the University. Unlawful withholding of public records from the public may subject an individual to conviction of a Class 1 misdemeanor. Unlawfully altering or destroying public records may result in a Class 3 misdemeanor and a fine on conviction.

POLICY HISTORY:

Eff. October 21, 2019
Revised Eff. July 1, 2021

AUTHORITY: Board of Trustees

POLICY OWNER: Vice Chancellor for Legal Affairs, Risk and Compliance/General Counsel

RESPONSIBLE OFFICE: Office of Legal Affairs

RESOURCES:

[North Carolina Public Records Act](#), N.C. Gen. Stat. Chapter 132
[N.C. Gen. Stat. § 125-19](#)
[North Carolina Human Resources Act](#), N.C. Gen. Stat. Chapter 126
[Family Educational Rights and Privacy Act \(FERPA\)](#), 20 U.S.C. § 1232g; 34 CFR Part 99
[North Carolina Department of Cultural Resources' Office of Archives and History](#)
[UNC System Records Retention and Disposition Schedule](#)