

## **COLLEGE RECORDS**

ADMINISTRATIVE RULE NUMBER: B016

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RELATED TO POLICY SERIES NUMBER: 216

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### MANAGEMENT POLICY AND PROCEDURE: B016.1

All Tillamook Bay Community College employees have an important role in keeping the information and records we receive from students, customers, and employees safe and protected. Each employee shall take steps to protect records within their control and shall dispose of records in the appropriate manner, whether by recycling or destruction, and in accordance with college record retention requirements. The Oregon State Archivist grants authorization to Oregon government agencies, in the form of records retention schedules, for the retention or disposition of public records in their custody. General Records Retention Schedules published as Oregon Administrative Rule 166-450-0000 provide community colleges with the lawful authority to destroy or otherwise dispose of commonly occurring public records. Tillamook Bay Community College adopts Oregon Administrative Rule 166-450-0000 through 166-450-0125 as its records retention limits.

### OREGON PUBLIC RECORDS – DEFINITIONS AND POLICIES: B016.2

Tillamook Bay Community College is a public institution and its records are governed by the public records laws of Oregon.

Definition of a Public Record:

- A. [Oregon Revised Statute](#) - [ORS 192.005](#)
- B. "**Public record**" includes, but is not limited to, a document, book, paper, photograph, file, sound recording, machine readable electronic record, or other material regardless of physical form or characteristics, made, received, filed, or recorded in the pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use." [ORS 192.005 (5)]
- C. "**Public record**" includes any writing containing information relating to the conduct of the public's business ... prepared, owned, used or retained by a public body regardless of physical form or characteristics. [ORS 192.410 (4)]
- D. "**Writing**" means handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings. [ORS 192.410 (6)]

State Records Policy:

- E. [Oregon Administrative Rule](#) - (link is external) [OAR 166-005-0000](#)
- F. "It is the policy of the State of Oregon to assure the preservation of records essential to meet the needs of the state, its political subdivisions, and its citizens, and to assure the prompt destruction of records without continuing value."

Public Access Policy:

- G. (link is external) [ORS 192.430](#) requires the custodian of public records to provide access to public records, including those maintained in electronic form.
- H. Records which are **exempt from public disclosure** are listed in either the Oregon Revised Statutes (mainly ORS 192) or in the Oregon Administrative Rules.

Authorization for Records Retention or Disposition:

- I. (link is external) [ORS 192.105](#) allows the State Archivist to authorize the retention or disposition of public records based upon the value of the public records for legal, administrative or research purposes and directs the State Archivist to establish rules for the retention or disposition of public records.
- J. (link is external) [OAR 166-005-0005](#) provides procedures for the orderly retention and destruction of public records, including procedures for obtaining lawful authority to destroy, or otherwise dispose of, public records.
- K. (link is external) [OAR 166-450](#) contains the records retention schedule for community colleges which gives Tillamook Bay Community College the authority to lawfully dispose of records.

### USE, CARE AND CONTROL OF PAPER AND ELECTRONIC RECORDS CONTAINING PII OR CONFIDENTIAL INFORMATION: B016.3

Records in a TBCC employee's possession should be kept in a secure place at all times. Paperwork in process should be protected so that visitors, students, or other customers cannot view or access information. Once processed, paperwork should be kept in locked filing cabinets or drawers until properly archived or destroyed according to College guidelines. Close programs containing student information when leaving your work station.

Monitor access to offices. All offices should be secured outside of normal business hours and offices where students', customers', or employees' information is kept should not be left unsecured.

Do not release Records with personally identifiable information to any individual or company except TBCC employees with a business or educational purpose relating to the information on the record as permitted by the Family Education Rights and Privacy Act (FERPA) and public information laws. These include but are not limited to student, financial, contract, personnel and public safety records. Public Records Requests: For legal purposes, subpoenas for production of records should be served on the Associate Vice President of Student Services who is the college's designated custodian of records.

Know the college's FERPA, Privacy, Confidentiality and Non-Disclosure" Administrative Procedure. Know the college's policies and guidelines related to records and access to records.

Following guidelines related to safeguarding private student information also include the following:

- A. Do not post students' grades or classroom notes and communications by using names, social security numbers, or alphabetical listings. Use a neutral identifier.
- B. Do not provide student information to any requestor unless the student provides written authorization for the release of the information. The written release should be presented to the Associate Vice President of Student Services for approval and retention.
- C. Keep lists of students and sensitive information such as grades and social security numbers in locked filing cabinets or drawers.
- D. Do not discuss student situations outside of the classroom unless it is with an employee of the College who has a legitimate educational interest.
- E. Personal notes regarding students' progress are considered personal property – not part of College records, and should be treated as personal memory aids and not used in public or shared with anyone. Once shared, they are no longer personal, but college records.
- F. Refer persons who request student information to the Associate Vice President of Student Services.

It is college administrative procedure that requests for directory information for groups or categories of students may be released only to (1) student organizations, (2) other educational institutions, or (3) local, state, and federal agencies in the performance of their functions (4) local newspapers for honor rolls and graduation information. This information may not be further released by any of these agencies. The Associate Vice President of Student Services must approve releases and exceptions to this policy.

#### USE, CARE, CONTROL, RETENTION AND DISPOSAL OF RECORDS: B016.4

Records can be separated into two general categories: those containing protected or personally identifiable information (PII) and those that do not. Records that **do not** contain personally identifiable information or other confidential information do not require special use, care, control and disposal measures. However, most records are subject to the records retention requirements established by the Oregon State Archives Division. Records that **do** contain personally identifiable information require responsible use, care, control, retention and disposal measures.

#### ACCESS AND CONFIDENTIALITY: B016.5

Records stored in the Archive Repository are in the physical care of the Executive Support Specialist; however, legal custody of the records remains with the department, office, program, or person who created and maintained the records. The department,

office, program or person and Executive Support Specialist have access to the records. However, the department controls access to the records and the Executive Support Specialist refers any requests for access to records stored by the Executive Support Specialist to the department(s), office, program or person.

Access to public records, especially to student records and fiscal personnel records, may be limited because of privacy concerns. The confidentiality of records, access to public records, and the handling of requests for information are governed by several state and federal statutes and administrative rules.

- A. Governs the exemption from disclosure of public records. [ORS 192.501-505](#).
- B. OAR 581-041-0410--0530 (link is external) governs privacy rights and information reporting in community colleges.
- C. [FERPA \(link is external\)](#), the Family Educational Rights and Privacy Act (Buckley Amendment) 20 USCA Section 1232g, governs access to information in student records. (also known as 34CFR99)

Procedures:

- A. For policies and procedures concerning access to personnel information, contact the Director of Human Resources.
- B. For policies and procedures concerning access to student records, contact the Associate Vice President of Student Services.
- C. Other questions about access and confidentiality issues should be referred to the Executive Support Specialist.

#### DISASTER PREPAREDNESS, RESPONSE AND RECOVERY: B016.6

Damage to records from water, fire and other natural and man-made disasters is inevitable. The Director of Facilities and Safety is trained to handle damaged records on a limited basis.

Procedures:

- A. Contact the Director of Facilities and Safety for advice and assistance in responding to an emergency and to recover records that have suffered water or other damage.
- B. Contact the Director of Facilities and Safety to set up vital records programs to insure the preservation of records that are needed to continue or re-establish operations following a disaster.

#### RETENTION AND DISPOSAL OF PAPER AND ELECTRONIC RECORDS: B016.7

Appropriate disposal methods for each medium in which records have been retained are listed below.

Disposal of records that are confidential by law (contain personally identifiable information (PII)) or that are negotiable instruments:

Hard copy, including paper, microfiche, film and CD ROMs must be disposed of by shredding or incineration. The College provides a commercial crosscut shredder for use in destruction of PII records. The shredder is located on the loading dock behind the store. Employees are responsible for shredding their PII records.

Records that do not contain confidential information, in any format:

May be donated for recycling of the fiber or chemical they contain provided that the recycling agreement includes provisions to insure that the public records are promptly converted into a form which precludes use of the information they contain. Other records which have continuing local historical value, although destruction is authorized, may be donated to a library, museum or historical society with the permission of the State Archivist.

College areas, departments, and personnel responsibilities:

All college areas, departments, and personnel are responsible for all records in their possession. All appropriate federal, state, and professional guidelines will be used to determine and follow the appropriate retention schedule for all records.

Web Archives

The Archives maintains a Web Archives for preservation of web sites that contain official college records and publications.

Definitions

- A. Web-based Records: These are records that have traditionally been created and preserved in paper format and that are listed in record retention schedules with permanent or long-term retentions. These types of records are now often posted on web sites and the web-based record may be considered the official copy of that record. Examples of these records are audits, budgets, committee minutes and reports, and policy and procedure statements.
- B. Web-based Publications: Electronic versions of published information that are posted on web sites. Examples of these types of publications are annual reports, directories, brochures, newsletters, college catalogs, class schedules, and syllabi.

#### CRITERIA FOR SELECTING WEBSITES FOR PRESERVATION: D016.8

Web sites contain records with administrative, legal, financial, or historical value.

- A. Web-based records have long-term retentions as specified by the Records Retention Schedule.
- B. Web sites contain records or publications that are official copies of those records.

- C. Web sites contain records or publications that are not captured or preserved by traditional record-keeping systems.
- D. The records and publications on a web site may be useful in serving the current or future informational needs of the college.
- E. The records and publications on a web site may be the best source or preferred format for those records because they are searchable and provide efficient access to that information.
- F. If the record or official copy of records or publications is available and accessible in paper format, the paper format becomes the official copy for preservation purposes and the web-based version is not preserved.

#### PROCEDURES FOR PRESERVING WEBSITES: D016.9

- A. Websites/servers are to be backed up in accordance with normal back up procedures set up for all electronic media.
- B. Websites are archived annually.