Kent State University Public Record Policy

3342-5-15.1 Administrative policy regarding public records.

(A) Purpose. It is the policy of Kent state university that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of Kent state university to adhere to the state’s Public Records Act, also called Sunshine Laws.

(B) Definitions.

(1) Record. For the purposes of this policy, a record: contains information stored on a fixed medium (paper, computer, film, e-mail, etc.); is created, received, or sent under the jurisdiction of the university; documents the organization, functions, policies, decisions, procedures, operations, or other activities of the university; and exists at the time of the request.

(2) Requestor. Any person who wishes to make a request to inspect or receive copies of records. A requestor does not have to provide his or her identity or the intended use of the requested record.

(3) Request. Although no specific language is required to make a request, the requestor must at least identify the records requested with sufficient clarity to allow the university to identify, retrieve, and review the records. The requestor does not have to put a records request in writing but it is helpful to the university to know what records are being sought.

(4) Exemption. Social security numbers and personal bank routing information are exempted from disclosure when responding to public record requests. All other exemptions to openness are to be construed in their narrowest sense.

(C) Scope.

(1) All records of Kent state university are public unless they are specifically exempt from disclosure under the Ohio Revised Code or federal law.

(D) Implementation.

(1) Record maintenance. As required by Ohio law, records will be organized and maintained as much as is practicable so that they are readily available for inspection and copying. Maintenance standards for e-mail are specifically provided for in (D)(5) of this policy. The university’s record retention schedules pursuant to policy 3342-5-15 are available online.

(2) Public record requests.

(a) All public records requests for Kent state university shall be directed to the office of university counsel.

(b) Each request for public records shall be evaluated for a response using the following guidelines:

(i) If it is not clear what records are being sought, and if the requestor has provided contact information, the office of university counsel must contact the requestor for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the university keeps its records.

(ii) Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied as soon as feasible.

(iii) If the responsive records are readily available in an electronic format that can be e-mailed or downloaded easily, responses should be made as quickly as the equipment allows.

(iv) Any denial of records in response to a valid request must be accompanied by an explanation, including statutory legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

(c) Public records are to be available for inspection during regular business hours, with the exception of university holidays.

(d) Public records must be made available for inspection promptly and copies of public records must be made available within a reasonable period of time.

(i) “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.

(e) If the requestor has provided contact information, their requests will either be satisfied or be acknowledged in writing by the office of the university counsel within three business days following the office of university counsel’s receipt of the request. If a request is deemed significantly beyond “routine,” such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

(i) An estimated number of business days it will take to satisfy the request;

(ii) An estimated cost if copies are requested; and

(iii) Any items within the request that may be exempt from disclosure.

(f) Any denial of public records requested must include an explanation, including statutory 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 statutory legal authority.

(3) Costs for public records. Those seeking public records will be charged only the actual cost of making copies:

(a) The charge for paper copies is 10 cents per page.

(b) The charge for downloaded computer files to a compact disc is $1 per disc.

(c) There is no charge for documents e-mailed.

(d) The actual charge for copy services or mediums – including but not limited to maps, color copies, hard drives, and audiotapes – will be charged to the requestor.

(4) Delivery. Requesters may ask that documents be mailed or shipped to them. They will be charged the actual cost of the postage and mailing supplies.

(5) E-mail. Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the university. E-mail is to be treated in the same manner as records in other formats and should follow the same retention schedules as provided for in (D)(1) of this policy.

(a) Records in private e-mail accounts used to conduct university business are subject to disclosure, and all employees or representatives of the university are instructed to retain e-mails that relate to university business (See (B)(1)) and make them available in response to requests.

(b) The records custodian is to treat the e-mails from private accounts as records of the university, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

(E) Failure to respond to a public records request.

(1) Kent state university recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the university’s failure to comply with a request may result in a court ordering the university to comply with the law and to pay the requester attorney’s fees and damages.

Effective Date: March 5, 2008