



# **Handbook of Operating Procedures**

**Section:** 4.4.1  
Originally Approved: 10/05/1990  
Last Amended: 10/23/2009  
Last Reviewed: 10/23/2009  
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## **RECORDS AND INFORMATION MANAGEMENT AND RETENTION**

### **A. Purpose**

The purpose of the Records and Information Management and Retention Policy is to establish The University of Texas-Pan American's Records Management Program and articulate the University's policy for the management and retention of University records in accordance with [Texas Administrative Code, Title 13, Part 1, Chapter 6](#), [Texas Government Code, Chapters 441 and 552](#) Texas State Records Retention Schedule, [UTS115](#), and [UTS139](#).

### **B. Persons Affected**

This policy applies to all The University of Texas-Pan American employees.

### **C. Policy**

The University of Texas-Pan American recognizes the need for orderly management and retrieval of all official records and for a documented records retention schedule in compliance with all state and federal laws and related regulations.

All official records (paper, microform, electronic, including all electronically stored information (ESI) or any other media) will be retained for the minimum periods stated in the University's Records Retention Schedule as approved by the Texas State Library and Archives Commission and the Texas State Auditor's Office in compliance with [Texas Government Code, Chapter 441](#). After a specified period of time and the satisfaction of any other legal requirements, official records must be disposed of in a manner that is consistent with, and systematically carried out in accordance with, prescribed records and information management guidelines and procedures.

Duplicate files, duplicate copies, library materials, and stocks of obsolete forms or pamphlets originally intended for distribution are not considered to be official records or record copies. Duplicates or nonrecord convenience copies should be destroyed when they cease to be useful and should never be kept longer than the official record copy.

### **D. Definitions**

1. *Archival State Record.* Any state record that is retained permanently for lasting historical value and is used for research and reference by University offices and the general public.



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2. *Confidential State Record.* Any state record to which public access is or may be restricted or denied under Chapter 552 or other state or federal law.
3. *Convenience Copy.* Copy of a document kept solely for convenience or reference.
4. *Electronic Records.* Records containing machine-readable, as opposed to human-readable or eye readable information and consisting of character-coded electronic signals that can be processed and read by computers and similar devices.
5. *Inactive Records.* A series of records with a reference rate of less than one search per file drawer or box per month.
6. *Record.* Recorded information, regardless of medium or characteristics. Any paper, email, book, microfilm, card, magnetic tape, disk, map, or any copy or printout that has been received or created by an organization and has been used by that organization or its successors as evidence of its activities or because of the information contained. In databases, such as in electronic record keeping systems, a record is a collection of related data fields.
7. *Record Copy.* The official copy of a document or record. The records retention schedule lists, by office, the holder of the record copies of various records series.
8. *Vital State Record.* Any state record necessary to the resumption or continuation of state agency operations in an emergency or disaster; the recreation of the legal and financial status of the agency; or the protection and fulfillment of obligation to the people of the state.

#### **E. Responsibilities**

1. The President, as a state agency head, is responsible for the proper management of state records as outlined in [Texas Government Code, Chapter 441](#).
2. Institutional Records Management Officer (RMO) acts as the President's representative in all issues of records management policy, responsibility, and statutory compliance. An employee of an agency must be appointed as the University's records management officer by the President and must annually report to the President or to a person with a title functionally equivalent to Vice President or Associate Vice President.



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3. Heads of University organizational units are responsible for official records in the custody of their unit(s) and for completing and submitting to Records Management, inventories of official records in their custody. Operational handling of the records may be delegated to a Records Coordinator appointed by the unit head and identified by the Records Management Officer.
4. Records Coordinators are designated by University organizational unit heads to manage the official records of the unit or department including transferring custody of inactive records to the University Records Center and authorizing destruction of records having met the retention schedule.
5. Records Management employees will be knowledgeable of and carry out their respective job duties in compliance with federal and state regulations, this policy, and established records management procedures.
6. All other University employees charged with responsibilities in the handling of University records will maintain the records in good order following established procedures in the organization, filing, and storage of official records.

#### **F. Procedures**

1. Records Retention Schedule

The institutional Records Retention Schedule provides a list of official records for each department on the campus and prescribes the periods of authorized retention. The schedule may be revised periodically to include a newly created record series, to change retention periods, or to delete a record series no longer useful. Appropriate approval procedures must be followed and completed before any revisions would become effective. The current certified Records Retention Schedule can be accessed online at [https://portal.utpa.edu/portal/page/portal/utpa\\_main/dba\\_home/dba\\_images\\_files/Final%20-%20RRSSEP2006-PageCorrection-1.pdf](https://portal.utpa.edu/portal/page/portal/utpa_main/dba_home/dba_images_files/Final%20-%20RRSSEP2006-PageCorrection-1.pdf).

All records will be kept for the minimum periods listed in the Records Retention Schedule. Notwithstanding such minimum retention periods, an official state record whose retention period has expired may not be destroyed if any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record is initiated; its destruction shall not occur until the completion of the action and the resolution of all issues that arise from it. An official state record whose retention period expires during any litigation, claim, negotiation, audit, public



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information request, administrative review, or other action involving the record may not be destroyed until the completion of the action and the resolution of all issues that arise from it.

Documents may be kept for the prescribed minimum retention periods in microform, if the microform reproduction is accomplished pursuant to a procedure that complies with [Texas Government Code Section 441.188](#); [13 Texas Administrative Code Sections 6.21-6.35](#).

**Official** records kept only in **electronic format** must be identified in the Retention Schedule and must comply with the administrative rules of the Texas State Library ([13 Texas Administrative Code Sections 6.91-6.99](#)).

**Vital records** should be identified in the Retention Schedule and protected in accordance with [Texas Government Code Section 441.183](#).

**Archival** documents should be identified in the Retention Schedule and maintained in accordance with [Texas Government Code Section 441.181](#). Archival or historical records are to be preserved in the archives of the institution.

### 2. Destruction of Records

No state records may be destroyed without permission from the Texas State Library as outlined in [Texas Government Code Section 441.187](#); [13 Texas Administrative Code Section 6.7](#). The Texas State Library has two established methods for obtaining legal authority to destroy state records. Procedures differ for records listed on an approved Records Retention Schedule and any records not listed.

A state record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of the retention period for the record set in the approved institutional Records Retention Schedule. If no action as described above has been taken, records may be destroyed in accordance with the approved retention periods shown in the Records Retention Schedule. Prior to disposal of official records, all state and institutional records and information management regulations and policies must be followed.

State records not listed on the approved Records Retention Schedule may be destroyed after receiving approval by officials at the Texas State Library. Form RMD



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102, Request for Authority to Dispose of State Records must be completed and submitted to the Records Services Department of the Texas State Library to obtain approval for the destruction of public or official records. Unlisted records must not be destroyed until the State Library administrator approves and returns the form to the appropriate University officials.

#### **3. Release of Records (Texas Public Information Act)**

Records may be released under provisions of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C Section 1232g and Texas Public Information Act (*Texas Government Code*, Chapter 552). The University *Handbook of Operating Procedures (HOP)* Section 4.5.1 Public Information Policy and Section 5.2.3 Family Educational Rights and Privacy Act (FERPA) identify University officials responsible for decisions and provide the procedures to be followed for release of records.

Under provisions of the Texas Public Information Act (*Texas Government Code*, Chapter 552), the President may delegate the authority as the custodian of records to Public Information Officers.

Written requests for documents under the Texas Public Information Act should be directed to the Public Information Officer and handled immediately pursuant to the provisions of the Act and UTS139.

#### **4. Coordination with U.T. System Administration Records Management Officer**

State law requires each state agency head to appoint a Records Management Officer (RMO) to act as the agency's representative in all issues of records and information management policy, responsibility, and statutory compliance pursuant to [Texas Government Code Section 441.184](#). The RMO from System Administration and from each institution will each submit their records retention schedules directly to the Texas State Library for approval and recertification in accordance with [Texas Government Code Section 441.185](#); [13 Texas Administrative Code Sections 6.1-6.10](#).

The RMO at U.T. System Administration serves as coordinator of meetings of U.T. System and the institutions to collaborate on records and information management issues. In addition, the U.T. System RMO is available to assist institutional RMOs and any staff who are assigned records and information management responsibilities.



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### **G. Review**

The Division Head for this policy is the Vice President for Informational Technology. This policy shall be reviewed every five years or as state and federal law or UT System policies change, by the following Stakeholders:

1. Associate Vice President for Informational Technology Data Centers – Senior Reviewer
2. Director of Information Systems Services
3. Records Management Staff
4. Faculty Senate Chair
5. Staff Senate Chair
6. Student Government Association President