University Conference 2017
Faculty Institute

Legal Updates
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General Counsel
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Purpose of Today’s Presentation

- Public Records - Reminder
- Public Records Request Portal – Launch!
- NCCU Policies, Regulations and Rules Website - Reminder
- Office of Legal Affairs Website – Launch!
What is the NC Public Records Law?
(NC General Statute §132-1, et. seq)

• State Law
• The public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of the people.
• **General Rule:** Public records and public information can be obtained at minimal or no cost unless otherwise specifically provided by law.

Key term
*Public record*- refers to all documents, papers, letters, maps, books, photographs, films, sound recordings, tapes, or electronic data made or received in connection with the transaction of public business by any agency of North Carolina.
Why should I be familiar with the NC Public Records Law?

• Though there are exceptions to the Public Records Law, the large majority of records that are created by state employees are subject to disclosure.

• Records must be maintained in accordance with the University General Records and Retention Schedule and made available to the public upon request.
Can emails and text messages be public records?

YES!

- The **content** of the email/text message, *not its location*, determines whether or not the email/text message is a public record.
- Key inquiry – *Was the email made or received in connection with the transaction of public business?*
  - Yes – public record, regardless of whether it was created or stored on a public or private computer, mobile device or email system.
  - Ex. An email or text message sent from your Gmail account or non-work/personal iPhone can constitute a public record and must be disclosed if requested.
- The University Record and Retention Schedule does not include a separate category for emails; again, the content of the email determines how long the record should be maintained. (Ex. An employee performance evaluation maintained via email only must be retained for 3 years in accordance with the General Records and Retention Schedule.)
Key Points

- Carefully consider whether you should send an email or text message, or whether the information should be conveyed via a telephone discussion.

- The custodian of a public record has an obligation to retain the record in accordance with the University Record and Retention Schedule and to produce the record upon request (after the proposed disclosure is reviewed by the Office of Legal Affairs).

- If the same document exists in both hardcopy and electronic form, the records custodian need only retain one document format, not both (i.e., keep the hardcopy of the email rather than both the hardcopy and the electronic copy of the email).

- Records that contain confidential information – such as student records or most personnel records – are not public records and are generally prohibited from being disclosed.

- Review the Public Records Request Regulation and the Public Records FAQs on the OLA website for more information and contact the Office of Legal Affairs with any questions.
Public Records Request Portal

North Carolina Central University - Public Records

North Carolina Central University, as a constituent institution of the University of North Carolina and agency of the State of North Carolina, is open and responsive to information requests from the public and the news media. As required by the North Carolina Public Records Law (NCGS Chapter 132), NCCU is required to make public records and public information available to members of the public free or at minimal cost. NCCU is also committed to a policy of openness, honesty and cooperation with members of the public and the news media.

Individuals who desire to request a public record of NCCU, or who seek information regarding current public records request, should submit a request using this portal. Additional information regarding the

TRUTH AND SERVICE
Policies, Regulations and Rules of North Carolina Central University

The Policies, Rules and Regulations website at North Carolina Central University is a central repository for all of the University’s policies, regulations and rules (PRRs). PRRs are organized by divisions and departments (i.e., functional categories). Please click on the menus on the left to find a PRR. You may also use the keyword search function to find a PRR.

All PRRs should be formatted consistent with the Procedure for Formatting, Adopting and Publishing Policies.
Policies, Regulations and Rules of North Carolina Central University

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All PRRs should be formatted consistent with the Procedure for Formatting, Adopting and Publishing Policies, Regulations and Rules (PPR Protocol). Please carefully review this document prior to creating any new PRR. Also, please consult with your Policy Workgroup team member prior to creating any new PRR.

If you have additional questions after reviewing the PRR Protocol and after consulting with your Policy Workgroup team member, please contact the Office of Legal Affairs at policyreview@nccu.edu or 919-530-6105.
1. PURPOSE:

The University of North Carolina has delegated various powers and duties to the boards of trustees and chancellors of its constituent institutions, including the authority to establish policies and regulations for the efficient and orderly administration of the institution. This Regulation addresses the sources of authority for Policies, Regulations, and Rules (PRRs) at North Carolina Central University and the procedures for their adoption and publication. PRRs adopted in substantial compliance with this regulation are valid and may not be grieved for procedural error.

2. DEFINITIONS AND SOURCES OF AUTHORITY:
Handbooks

This website includes policies, regulations and rules approved by the Board of Trustees or issued by administrators pursuant to their delegated authority and in accordance with NCCU_REG 01.04.8. Information included on this website may be periodically updated. Please check this website in order to receive the most up-to-date information rather than relying on a saved version of the document.

In the event that there is a conflict between information included on this website, and information that is included in a hardcopy version of a document that is subsequently approved by the NCCU Board of Trustees or an administrator, the hardcopy document shall take precedence.

If you have questions regarding any of the information included in a document, please contact the office of the administrator who issued the document. If you have general questions regarding information included on this website, please email the Office of Legal Affairs at policyreview@nccu.edu.
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About Us

The Office of Legal Affairs represents the University, which includes providing comprehensive legal advice and assistance regarding matters involving or affecting the Institution to the Board of Trustees, the Chancellor, other senior administrators of the University, faculty and staff. Staff within the Office of Legal Affairs advise the University on the legal implications of proposed policies and actions, compliance with state and federal laws and regulations, and UNC Board of Governors policies and regulations. The Office of Legal Affairs staff also draft and review University contracts and other legal documents and provide educational services and training programs on legal policy matters. In addition, the Office of Legal Affairs serves as a liaison to outside counsel, including the Office of the Attorney General, whose services are engaged to represent the University in litigation matters.

The Office of Legal Affairs' responsibilities to the University include:

- Legal advice and counsel, i.e., contract drafting, negotiation and review; interpretation of federal and state laws; handling internal and external administrative and regulatory matters and complaints; policy review and development; general legal education of the campus community.
- Litigation support, i.e., gathering factual information and assisting the Office of the Attorney General in the development and furtherance of the University's position in judicial and administrative forums.
Contracting Resources

Contracting Resources and Process for Contract Review

The OLA provides support to the University in the contracting process. To facilitate the ease of departments entering into contracts for services, the OLA and the Purchasing Department have developed several NCCU standard form contract documents. Please find below the standard form contracts as well as instructions for how to complete the standard form contracts:

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<tr>
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<td>NCCU Performer Engagement Agreement</td>
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</tr>
<tr>
<td>NCCU Hotel Contract Addendum</td>
<td>NOTE: Use the NCCU Hotel Contract Addendum when contracting with a hotel for accommodations and</td>
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</tbody>
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Contact Information
North Carolina Central University
(p) 919-530-6100
1801 Fayetteville St.
Durham, NC 27707
Resources

NC Public Records Law
NC General Statutes
http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_132.html

NCCU Public Records Request Regulation
http://www.nccu.edu/policies/retrieve.cfm?id=385

NCCU University Record Retention and Disposition Schedule Regulation
http://www.nccu.edu/policies/retrieve.cfm?id=383

NCCU Public Records FAQs
http://www.nccu.edu/legalaffairs/public-records.cfm

NCCU Public Records Request Portal
https://nccu.nextrequest.com/

Policies, Regulations and Rules Website
http://www.nccu.edu/policies/index.cfm

Office of Legal Affairs Website
http://www.nccu.edu/legalaffairs/index.cfm
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