

September 21, 2007

MEMORANDUM

To: See Distribution List Below

From: Senior Vice Chancellor Frederick P. Schaffer *FPS*

Subject: CUNY Records Management Policy Advisory

This policy statement serves to augment CUNY's new Records Retention and Disposition Schedule, adopted in May 2007, by affirming the University's ownership of certain records related to University business and distinguishing these records from other types of recorded information maintained by CUNY entities, such as the personal papers of faculty members and other CUNY employees.

1. Definition of CUNY Records

Except as provided in Section 2 below, CUNY Records are defined to include any and all recorded information that is created, received, or maintained by the University in the course of University business and that relates in any way to the organization, functions, operations, or activities of the University, including Central Office departments and individual Colleges. This definition of CUNY Records encompasses recorded information in all formats and media, including but not necessarily limited to:

- Paper documents, such as correspondence, memoranda, meeting agendas and minutes, standardized forms associated with specific business or academic activities, reports, architectural plans, engineering drawings, charts, and diagrams
- Photographic negatives, prints, slides, and motion picture films
- Databases, word processing files, e-mail, spreadsheet files, graphic files, digital images, and other computer records stored on magnetic or optical media, including records stored by personal computers or by network servers or other shared computing resources
- Audio recordings, including voice dictation tapes and recordings of University events
- Video recordings that relate to University activities and operations

This definition of CUNY Records also encompasses notes, working papers, and drafts of documents that are created, received, or maintained by CUNY employees in the course of University business, and copies as well as original records.

2. Exclusions from CUNY Records

The following information-bearing objects should be considered non-records for the purpose of the University's record management program. As such, they are specifically excluded from the scope and authority of the University's records management policies and retention and disposition schedule:

- Books, periodicals, catalogs, and other publications or similar materials acquired by University libraries or other departments solely for reference or research purposes
- Memorabilia and museum materials acquired solely for exhibition
- Unused or undistributed stocks of University brochures, promotional materials, programmatic materials, or other publications
- Blank business forms
- Unused copies of form letters
- Unsolicited brochures, flyers, advertisements, mass mailings, e-mail messages, or other materials that are unrelated to University operations
- Personal Papers of faculty members and other CUNY employees, as defined in Section 3 below
- Research files and records considered Personal Papers in accordance with Section 4 below

3. Personal Papers

Personal Papers are defined as recorded information that is (a) private in nature and pertains solely to the private life or personal activities and interests of a CUNY employee, or (b) created or developed neither as a direct result of the employee's assigned work responsibilities nor with any substantial use of University resources. Examples of Personal Papers include but are not necessarily limited to:

- Documents or computer files that were created by a CUNY employee before he or she was hired or appointed by the University, whether or not they are used subsequently in connection with University-related activities
- Documents or computer files obtained by a CUNY employee, at no expense to the University, from sources other than the University, for use in connection with University-related activities
- Records relating to professional affiliations and activities, including editorial work for professional journals and other publications
- Diaries, journals, and calendars that relate exclusively to personal appointments, activities, or other personal matters
- Notes and correspondence unrelated in any way to University operations or activities
- Diplomas and citations unrelated to University operations or activities

In addition, Personal Papers include original works of authorship that are created by a CUNY employee in the scope of his or her employment for traditional academic purposes, such as scholarly books (including text books), instructional materials including lecture notes,

classroom presentations, research articles, research monographs, student theses and dissertations, novels, poems, films, videos, musical compositions and performances, dramatic works and performances, visual works of art including paintings, drawings, sculpture, installations and performance art, and other scholarly publications or works of artistic imagination, whether such works are disseminated in print, electronically or through some other tangible medium.

As noted in Section 2 above, Personal Papers are considered non-records for the purpose of the University's record management program. As a result, even though Personal Papers may be kept in employees' offices, the University's records management policies and retention and disposition schedule do not apply to them. However, if recorded information that would be considered a Personal Paper and recorded information that would be considered a CUNY Record are included in the same document or other record, the record is considered a CUNY Record. Moreover, Personal Papers may be subject to other University policies and guidelines, such as the University's Intellectual Property Policy.

To minimize any confusion over which records belong to whom, CUNY urges its employees who have Personal Papers in their offices or on the University's computer systems to identify and clearly label the records as such. CUNY also urges its employees not to commingle CUNY Records and Personal Papers and keep them in separate drawers, hard drive directories, or other file containers.

4. Status of Research Files and Records

CUNY faculty and certain other employees are expected to conduct research. The resulting research files and records—including research notes and drafts and final versions of research findings, reports, or publications—should be considered Personal Papers, unless (a) the files and records are associated with a research project that is funded by a sponsoring organization, agency, or individual through a grant or contract awarded to the University or the University's Research Foundation (rather than to an individual researcher or researchers), and for which the University or the Research Foundation is accountable for allocating funding and completing the work in a time frame and manner specified by the funding source; and (b) the agreement between the sponsor and the University or the Research Foundation, as the case may be, provides for ownership of the files and records other than by the individual researcher or researchers. Research files related to such sponsored projects that are not Personal Papers are considered CUNY Records. As such, they are subject to the University's records management policies and retention schedule.

5. Ownership of CUNY Records

All CUNY Records are government records (as defined by the New York State Arts and Cultural Affairs Law) and considered University property, except for research files and records related to sponsored projects where the agreement with the sponsor provides for ownership by the sponsor. No CUNY employee has, by virtue of his or her position, any personal or property right to or property interest in any CUNY Records, even though he or she may be the creator, recipient, or custodian of them.

In some circumstances, CUNY employees may be authorized to remove CUNY Records temporarily from University locations for the sole purpose of performing specific duties for the University. Such employees are required to return these records promptly when that purpose is fulfilled or at any earlier time when instructed to do so. CUNY employees are not allowed to take any CUNY Records (including copies of such records) when they retire, resign, or otherwise terminate employment. CUNY employees who have been authorized to remove records from University offices or facilities are required to return these records when they retire, resign, or otherwise terminate employment.

Ownership of records created by consultants, service companies, or other contractors hired by the University to provide specific services and that relate to the University's organization, functions, operations, or activities should be addressed during contract negotiations and will be governed by the agreed-upon contractual provisions. If the contractor requires that it own specific records relating to work performed for the University, the University should reserve the right to inspect, copy, or audit the records.

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