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## To Destroy, or Not To Destroy - That Is the Question: An Overview of University Records Retention Requirements

Just as Hamlet contemplated the enduring value of his own life in the famous phrase, “To be, or not to be,” so must we contemplate from time to time the enduring value of the records of our work here at K-State. Fortunately, we don’t have to contemplate too hard. If we want to know whether a document can be disposed of or must be retained, we simply need to know where to look. Official documents and other records created or maintained by the University live and die according to prescribed retention and disposition requirements.

Kansas law provides that state agencies, including public universities, must follow certain legal requirements for the retention and disposition of government records. The Kansas Government Records Preservation Act (GRPA) codifies a longstanding principle of efficient and transparent government — that records of the government’s business are important, should be preserved according to their enduring value, and should be appropriately accessible. The requirements of the GRPA intersect with the Kansas Open Records Act (KORA), which grants to all members of the public the right to access records of a governmental agency upon request.

The GRPA broadly defines “government records” as all documents, memoranda, recordings, photographs, etc., regardless of their physical form or how they are used or stored, that are made or received in connection with the transaction of official business or that bear upon the official activities and functions of a governmental agency. Government records are considered public property, and thus may not be destroyed, transferred, removed, damaged, or disposed of in any way except as authorized by law or applicable retention and disposition schedules.

Kansas has a general retention and disposition schedule for common types of records used across all agencies. In addition, agencies have agency-specific schedules that address retention

of other, more unique types of records. All retention and disposition schedule entries must be approved by the State Records Board, and agencies may request revisions or additions to their schedules.

K-State currently has over 80 types of records that are subject to the University’s agency-specific schedule. These records range from academic transcripts to routine correspondence, from financial records to accidental injury reports. Each schedule entry contains a description of the record, the period of time for which the record must be retained, and the manner of disposition. Depending on the enduring reference value of certain records, retention periods can vary widely — some records are only required to be retained until they are no longer useful; others may need to be retained for several decades. Disposition may involve destruction or transferring the records for archival preservation.

K-State’s policy on retention of records is found in PPM Chapter 3090. This policy identifies the responsibilities of University employees regarding records preservation, provides a link to the official agency retention schedules, and contains procedures for storing or destroying records and requesting revisions to the University’s retention schedule. This policy was recently revised, and will soon be available online.

Should you find yourself pondering your records’ existential woes, sigh no more.

Contact the University Archivist at (785) 532-3420 or the Office of General Counsel at (785) 532-5730 with questions regarding records retention requirements.



## Featured FAQ

**Q: Who can sign contracts (including employment contracts, purchasing agreements, MOU's, and other agreements) on behalf of the University?**

A: Only the President of the University and those University officers designated by the President, as certified to the General Counsel for the Board of Regents, are authorized to execute contracts on behalf of the University. See the list of designated University signatories: [k-state.edu/policies/ppm/3000/3070.html#030](http://k-state.edu/policies/ppm/3000/3070.html#030).

For purchases of goods and services, the Vice President for Administration and Finance and the Director of Purchasing are the designated signatories. In addition, for contracts under \$5,000, the departments have limited signature authority. Only officially designated departmental signatories whose names are on file with the University's Purchasing Office and who have certified that they will abide by Purchasing Office requirements may sign such contracts.

For further guidance and a convenient central reference to University policies pertaining to contracts, please see PPM Chapter 3070: [k-state.edu/policies/ppm/3000/3070.html](http://k-state.edu/policies/ppm/3000/3070.html).

## Visit our website:

[k-state.edu/generalcounsel](http://k-state.edu/generalcounsel)

Our website gives an introduction to the services we provide and addresses frequently asked questions. It also houses a list of resources for easy access to laws and policies applicable to University operations.

## Dear Atty

*"Atty" receives and answers legal questions you have about conducting business on behalf of the University. Please send your questions for publication to [attys@k-state.edu](mailto:attys@k-state.edu), including Dear Atty in the subject line. We may reword questions for conciseness or clarity, and we will always publish questions anonymously.*

Dear Atty,

**I am a K-State employee, and have a good friend who is the head of another academic department with a job opening for a student employee. My son is looking for a job this semester, so I encouraged him to apply and I put in a good word for him with my department head friend. Was this OK?**

—*Didi Dewitt-Wright*

Dear Didi,

No. University employees are prohibited by state law, Board of Regents policy, and University policy from advocating for the employment or advancement in employment of a family member. It is a misconception that the law and policies only prohibit an employee from making an actual employment decision regarding a member of their family.

K-State's nepotism policy, PPM 4095, provides that "no University employee shall advocate or cause the employment, appointment, promotion, transfer or advancements to any office or position of the state, of a member of such employee's household or family." As you can see, the policy restricts advocating, which could be as

simple as "putting in a good word" for a family member. It also doesn't apply to just University employment. University employees also cannot advocate for a family member's employment at any other state government employer.

As defined in the policy, "household member" means "a person having legal residence in or living in the employee's place of residence." "Family member" means "(a) spouse, parent, child, or sibling; (b) sibling as denoted by the prefix 'half'; (c) parent, child, or sibling as denoted by the prefix 'step'; (d) foster child; (e) uncle, aunt, nephew, or niece; (f) any parent or child of a preceding or subsequent generation as denoted by the prefix 'grand' or 'great'; or (g) parent, child, or sibling related by marriage as denoted by the suffix 'in-law.'"

This does not mean that you and your son cannot both work at K-State. It simply means that you cannot advocate for his employment status or participate in employment decisions affecting him. If any supervisory relationship exists between family members at the University, this must be disclosed in writing to a responsible administrator, and a management plan must be created describing how this supervision will be managed in compliance with the policy.

### About this Publication:

This newsletter is designed to serve as a practical informational tool, bringing you topics of interest and practical tips. It should not be relied on as a substitute for legal advice. Laws, regulations and policies change frequently, and legal advice requires careful consideration and application of all relevant facts. If you have legal questions or need legal advice concerning any University matter, please contact the Office of General Counsel directly at 785-532-5730 or [attys@k-state.edu](mailto:attys@k-state.edu).