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ADMINISTRATIVE
POLICIES AND PROCEDURES MANUAL

RECORDS MANAGEMENT & RETENTION

POLICY ON RECORDS MANAGEMENT AND RETENTION

STATEMENT RELATED TO AN INSTITUTIONAL RECORDS AND INFORMATION
MANAGEMENT AND RETENTION POLICY:

The University of Texas at Dallas recognizes the need for orderly management and retrieval of all official records and a documented records retention and destruction schedule congruent with all state and federal laws and related regulations. All official records (paper, microform, electronic, or any other media) will be retained for the minimum periods stated in the institutional 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, 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 non-record convenience copies should be destroyed when they cease to be useful and should never be kept longer than the official record copy.

RECORDS RETENTION SCHEDULE

The institutional Records Retention Schedule (Exhibit A1) 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.

All records are to kept for the minimum periods listed in the Records Retention Schedule. Notwithstanding such minimum retention periods, all records must be maintained until all required audits are completed and should be retained beyond the listed retention periods where there is a probability of litigation either involving records or requiring their use.

Documents may be maintained 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. State law defines a vital state record as 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.

Archival documents should be identified in the Retention Schedule and maintained in accordance with *Texas Government Code* Section 441.181. An archival state record is 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. Archival or historical records are to be preserved in the archives of the institution.

SUB. TOPIC

DESTRUCTION OF STATE 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 (See Exhibit A1) may be destroyed after receiving approval by officials at the Texas State Library. Form RMD 102, Request for Authority to Dispose of State Records, (Exhibit A2), must be completed and submitted to the Office of the Assistant Vice President for Business Affairs, Mail Station AD24. The forms will be 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 Assistant Vice President for Business Affairs and a copy is forwarded to the requestor.

SUB. TOPIC**RELEASE OF RECORDS (Texas Public Information Act)**

Under provisions of the Texas Public Information Act (*Texas Government Code, Chapter 552*), the Chancellor and the President of each U.T. System component institution may delegate their authority as the custodians of records to Public Information Officers. The Chancellor has designated the Executive Vice Chancellor for Business Affairs as the Public Information Officer at System Administration. The Public Information Officer at The University of Texas at Dallas, as designated by the President, is the Senior Vice President for Business Affairs.

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 U.T. System BPM 32-09-99. See Section A2-100.0 for more information.

SUB. TOPIC**COORDINATION WITH SYSTEM ADMINISTRATION RECORDS MANAGEMENT OFFICER**

State law requires each state agency 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 Assistant Vice President for Business Affairs (Mail Station AD24) serves as the RMO at The University of Texas at Dallas.

The RMO at System Administration serves as the liaison between the Texas State Library and the U.T. System component institutions and provides a clearinghouse for collection of institutional Records Retention Schedules to be submitted 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. In addition to coordinating the U.T. System records retention programs, the RMO is available to assist component staff members who are assigned records and information management responsibilities.

SUB. TOPIC
TEXAS PUBLIC INFORMATION ACT

OVERVIEW

It is the policy of the state of Texas that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees in accordance with the Texas Public Information Act ("the Act"), *Government Code, Chapter 552*. This procedure shall be liberally construed in favor of granting a request for information.

A subpoena duces tecum or a request for discovery that is issued in compliance with a statute or a rule of civil or criminal procedures is not considered to be a request for information under the Act and is not subject to this procedure. A request for documents pursuant to an institutional hearing is considered to be a request for information under the Act.

PROCEDURES

The following sets forth procedures to be followed by The University of Texas System ("U.T. System") for complying with the Act. For purposes of this procedure, U.T. System includes U.T. System Administration ("System Administration") and the component institutions. The term "component institutions" refers to the general academic and health related institutions that comprise U.T. System. The generic term "institution" referenced throughout this procedure refers to System Administration and the component institutions. It is the responsibility of System Administration and the component institutions to properly instruct its employees regarding compliance with these procedures and the Act.

OFFICERS FOR PUBLIC INFORMATION AND DESIGNATED AGENTS

The Texas Public Information Act designates the chief administrative officer of a governmental body as the officer for public information. The Chancellor of The University of Texas System is the officer for public information for System Administration. The chief administrative officer of each component institution is the officer for public information for his or her component institution. The Chancellor and the chief administrative officer of each component institution delegate their authority under the Act to the appropriate Public Information Officer as defined below.

SUB. TOPIC

TEXAS PUBLIC INFORMATION ACT

OFFICERS FOR PUBLIC INFORMATION AND DESIGNATED AGENTS (Continued)

Pursuant to the Act's designation of chief administrative officers as officers for public information, the Chancellor of The University of Texas System is the officer for public information for the U.T. System and its component institutions. The Chancellor delegates authority under the Public Information Act with respect to information held at each of the component institutions in the following manner.

BUSINESS OFFICERS DESIGNATED COORDINATING AGENTS

The "Public Information Officer" of System Administration is the Executive Vice Chancellor for Business Affairs or his designee; the "Public Information Officer" of each component institution is the component's chief business officer or another component officer designated in writing by the component's chief administrative officer. If an individual other than the chief business officer is designated by a component institution, the component chief administrative officer will notify the Executive Vice Chancellor for Business Affairs with a copy as appropriate to the Executive Vice Chancellor for Academic Affairs or the Executive Vice Chancellor for Health Affairs. The Public Information Officer ("officer") is the designated agent for coordinating responses to requests for public information appropriately submitted to his or her respective institution.

GENERAL DUTIES OF PUBLIC INFORMATION OFFICER

The Public Information Officer shall make public information available for public inspection and copying; carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal; and repair, renovate, or rebind public information as necessary to maintain it properly.

The officer may not inquire into the purpose for which the information will be used or make other inquiry of a requestor except to establish proper identification or as follows:

1. If information requested is unclear, the requestor may be asked to clarify the request;
2. If a large amount of information has been requested, the requestor may be asked how the scope of a request might be narrowed.

SUB. TOPIC
TEXAS PUBLIC INFORMATION ACT

GENERAL DUTIES OF PUBLIC INFORMATION OFFICER, Continued

The Public Information Officer shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media. The Act provides that U.T. System is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility.

The Public Information Officer shall give to the requestor all reasonable comfort and facility for the full exercise of the right granted by the Act.

SIGN

As of January 2000, the Public Information Officer shall prominently display a sign in the form prescribed by the General Services Commission that contains basic information about the rights of a requestor, the responsibilities of a governmental body, and the procedures for inspecting or obtaining a copy of public information. The officer shall display the sign at one or more places in administrative offices of the institution where it is plainly visible to:

1. Members of the public who request public information in person; and
2. Employees whose duties include receiving or responding to public information requests.

RECEIVING AND REFERRING REQUESTS

All requests for public information should be received in writing. For the purposes of this Act, a written request includes a request made in writing that is sent to the chief administrative officer, the Public Information Officer, or the person designated by the Public Information Officer, by electronic mail or facsimile transmission. Any official or other employee receiving a written request for information, other than e-mail or a facsimile transmission which are ineffective unless they are sent to the Public Information Officer, should forward it immediately to the Public Information Officer.

Individuals contacting System Administration with written or verbal inquiries regarding public information held by a component institution will be advised to submit their

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TEXAS PUBLIC INFORMATION ACT

RECEIVING AND REFERRING REQUESTS, Continued

requests in writing directly to the Public Information Officer of the appropriate component institution.

ROUTINE REQUESTS

When it is unquestionably clear that requested information is not excepted from required disclosure, the Public Information Officer should respond or coordinate responses to the request, notifying the chief administrative officer as appropriate. The Public Information Officer should promptly produce public information for inspection, duplication, or both on application by any person.

Public Information Officers comply with routine requests by:

1. providing the public information for inspection or duplication in the offices of the System Administration or component institution; or
2. sending copies of the public information by first class United States mail if the person requesting the information requests that copies be provided by mail and agrees to pay the postage and any other charges that the requestor has accrued.

Charges for providing a copy of public information are considered to accrue at the time the requestor is advised that the copy is available on payment of applicable charges.

If the requested information is unavailable at the time of the request to examine because it is in active use or in storage, the Public Information Officer shall certify this fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

If the requested information can not be produced for inspection or duplication within 10 business days after the date the information is requested, the Public Information Officer shall certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

A requestor must complete the examination of the information not later than the 10th day after the date the information is made available. The Public Information Officer

SUB. TOPIC

TEXAS PUBLIC INFORMATION ACT

ROUTINE REQUESTS, Continued

shall extend the initial examination period by an additional 10 days if, within the initial period, the requestor files a written request for additional time. The period must be extended by another 10 days if, within the additional period, the requestor files a written request for more additional time.

If public information exists in an electronic or magnetic medium, the requestor may request a copy either on paper or in an electronic medium, such as on diskette or on magnetic tape. The Public Information Officer shall provide a copy in the requested medium if:

1. the institution has the technological ability to produce a copy of the requested information in the requested medium;
2. the institution is not required to purchase any software or hardware to accommodate the request; and
3. provision of a copy of the information in the requested medium will not violate the terms of any copyright agreement between the institution and a third party.

If the institution is unable to comply with the request to produce a copy of information in a requested medium, for any of the reasons described above, the institution must provide a paper copy of the requested information or a copy in another medium that is acceptable to the requestor. The institution is not required to copy information onto a diskette or other material provided by the requestor but may use its own supplies.

The Public Information Officer must provide the written statement to a requestor described below if the institution determines:

1. that responding to a request for public information will require programming or manipulation of data; and
2. that:
 - a. compliance with the request is not feasible or will result in substantial interference with its ongoing operations; or
 - b. the information could be made available in the requested form only at a cost that covers the programming and manipulation of data.

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TEXAS PUBLIC INFORMATION ACT

ROUTINE REQUESTS, Continued

The written statement must include:

1. a statement that the information is not available in the requested form;
2. a description of the form in which the information is available;
3. a description of any contract or services that would be required to provide the information in the requested form;
4. a statement of the estimated cost of providing the information in the requested form, as determined in accordance with the guidelines for specifying charges for access to public information;
5. a statement of the anticipated time required to provide the information in the requested form.

The institution must provide this written statement to the requestor within 20 days after the date of the institution's receipt of the request. The institution has an additional 10 days to provide the statement if written notice is given to the requestor, within 20 days after the date of receipt of the request, that the additional time is needed.

After providing the written statement to the requestor as required above, the institution does not have any further obligation to provide the information in the requested form or in the form in which it is available until the requestor states in writing to the institution that the requestor:

1. wants the governmental body to provide the information in the requested form according to the cost and time parameters set out in the statement or according to other terms to which the requestor and the governmental body agree; or
2. wants the information in the form in which it is available.

The Public Information Officer must maintain a file containing all written statements issued pursuant to instructions above in a readily accessible location.

NON-ROUTINE REQUESTS

When it is not clear whether the requested information is excepted from required disclosure by the Public Information Act, the Public Information Officer shall consult with the Office of General Counsel within the time frames outlined below to determine whether the records in question should be withheld or released.

SUB. TOPIC
TEXAS PUBLIC INFORMATION ACT

NON-ROUTINE REQUESTS, Continued

Subchapter C of the Public Information Act excepts a number of categories of information from required disclosure. On determination by the Office of General Counsel that the requested record falls within one of these excepted categories, The Office of General Counsel shall forward a request for a decision to the Attorney General to confirm that such information shall be withheld from public disclosure. On determination by the Office of General Counsel that the requested information does not fall within one of the excepted categories, the request shall be processed following procedures specified above for a routine request.

RESPONDING TO REPETITIOUS OR REDUNDANT REQUESTS

If the Public Information Officer determines that a requestor has made a request for information for which the institution has previously furnished copies to the requestor or made copies available to the requestor on payment of applicable charges, the Public Information Officer may respond to the request by certifying to the requestor that copies of all or part of the requested information, as applicable, were previously furnished to the requestor or made available. The certification must include:

1. A description of the information for which copies have been previously furnished or made available to the requestor;
2. The date that the institution received the requestor's original request for that information;
3. The date that the institution previously furnished copies of or made available copies of the information to the requestor;
4. A certification that no subsequent additions, deletions, or corrections have been made to that information; and
5. The name, title, and signature of the Public Information Officer or the officer's agent making the certification.

A charge may not be imposed for making and furnishing the certification. Information not furnished in the previous request must be furnished for the new request.

ITEMIZED ESTIMATE OF CHARGES

If a request for a copy of public information will result in the imposition of a charge that exceeds \$40, or a request to inspect a paper record will result in the imposition

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TEXAS PUBLIC INFORMATION ACT

ITEMIZED ESTIMATE OF CHARGES, Continued

of a charge that exceeds \$40, the institution shall provide the requestor with a written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If an alternative less costly method of viewing the records is available, the statement must include a notice that the requestor may contact the institution regarding the alternative method. The institution must inform the requestor of the duties imposed on the requestor and give the requestor the information needed to respond, including:

1. that the requestor must provide the institution with a mailing, facsimile transmission, or electronic mail address to receive the itemized statement and that it is the requestor's choice which type of address to provide;
2. that the request is considered automatically withdrawn if the requestor does not respond in writing to the itemized statement and any updated itemized statement in the appropriate time and manner; and
3. that the requestor may respond to the statement by delivering the written response to the institution by mail, in person, by facsimile transmission, or by electronic mail.

A request is considered to have been withdrawn by the requestor if the requestor does not respond in writing to the itemized statement by informing the institution within 10 days after the date the statement is sent to the requestor that:

1. the requestor will accept the estimated charges; or
2. the requestor is modifying the request in response to the itemized statement.

If the institution later determines, but before it makes the copy or the paper record available, that the estimated charges will exceed the charges detailed in the written itemized statement by 20 percent or more, the institution shall send to the requestor a written updated itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If the requestor does not respond in writing to the updated estimate in the time and manner described above, the request is considered to have been withdrawn by the requestor.

If the actual charges that an institution imposes for a copy of public information, or for inspecting a paper record exceeds \$40, the charges may not exceed:

SUB. TOPIC

TEXAS PUBLIC INFORMATION ACTITEMIZED ESTIMATE OF CHARGES, Continued

1. the amount estimated in the updated itemized statement;
2. If an updated itemized statement is not sent to the requestor, an amount that exceeds by 20 percent or more the amount estimated in the itemized statement.

An itemized statement or updated itemized statement is considered to have been sent by the institution to the requestor on the date that:

1. the statement is delivered to the requestor in person;
2. the institution deposits the properly addressed statement in the United States mail;
3. the institution transmits the properly addressed statement by electronic mail or facsimile transmission, if the requestor agrees to receive the statement by electronic mail or facsimile transmission, as applicable.

A requestor is considered to have responded to the itemized statement or the updated itemized statement on the date that:

1. the response is delivered to the institution in person;
2. the requestor deposits the properly addressed response in the United States mail;
or
3. the requestor transmits the properly addressed response to the institution by electronic mail or facsimile transmission.

These time lines do not affect the deadlines required for requesting an Attorney General's decision.

TIME OF THE ESSENCE

If an institution wishes to withhold requested information based upon a Subchapter C exception and the Office of General Counsel determines there has been no prior controlling determination by the courts or the Attorney General that the records are clearly of the type that fall within the exception to be relied upon, the Public Information Act provides that a decision regarding applicability of the specified exception must be requested from the Attorney General within ten business days from the date the request is received. Further, the requestor must be provided the following information within the same time frame:

A written statement that the institution wishes to withhold the requested

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TEXAS PUBLIC INFORMATION ACT

TIME OF THE ESSENCE, Continued

information and has asked for a decision from the Attorney General about whether the information is within an exception to public disclosure; and

2. A copy of the institution's written communication to the Attorney General asking for the decision or, if the written communication disclosed the requested information, a redacted copy of that written communication.

If a decision of the Attorney General is not requested within ten business days and the requestor is not provided with the information described in the paragraph above, the information is subject to required public disclosure and must be released unless there is a compelling reason to withhold the information. All related supplementary information required by the Attorney General must be provided within 15 business days from the date that the request is received.

These deadlines make it imperative that the Office of General Counsel be given as much time as possible to deal with requests to which the legal response is not immediately apparent. Unless the Public Information Officer determines that the requested information is unquestionably disclosable and routinely fills the request, the Office of General Counsel should have at least five business days of the ten-day decision deadline to review the request. In many cases, it may be necessary to compile the requested material, or representative material if filling the entire request is difficult and time consuming, and present it to the Office of General Counsel in order for counsel to make this determination. In all cases where an Attorney General's decision is deemed necessary by the Office of General Counsel, the requested information or representative material must be compiled and provided to the Office of General Counsel for forwarding to the Attorney General along with the request for decision. To facilitate the timely review by the Office of General Counsel, the Public Information Officer should begin compiling the requested information at the same time the Office of General Counsel is first contacted concerning the request.

All possible exceptions must be communicated to the Office of General Counsel. If an exception is not raised before the Attorney General, it is waived. The only exceptions to waiver are exceptions based on a requirement of federal law or exceptions involving third party property or privacy interests.

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PROPRIETARY INFORMATION OF A THIRD PARTY

If a request is made for information pertaining to a person's proprietary information that may be subject to exception under the Act and a request for Attorney General decision is made by the institution, the Public Information Officer shall make a good faith attempt to notify that person of the request for the Attorney General decision.

Notice must:

1. Be in writing and sent within a reasonable time not later than the 10th business day after the date the institution receives the request for the information; and
2. Include:
 - a. A copy of the written request for the information received by the institution; and
 - b. A statement, in the form prescribed by the Attorney General, that the person is entitled to submit in writing to the Attorney General within a reasonable time not later than the 10th business day after the date the person receives the notice:
 - i. Each reason the person has as to why the information should be withheld; and
 - ii. A letter, memorandum, or brief in support of that reason.

NEWS MEDIA REQUESTS

The Vice Chancellor for Development and External Relations will inform a component chief administrative officer about media requests affecting a component.

At the direction of the chief administrative officer, Public Information Officers are strongly encouraged to coordinate responses to news media requests with other Public Information Officers who have received the same or similar requests and, as appropriate, the Vice Chancellor for Development and External Relations.

REQUESTS FROM LEGISLATORS AND OTHER GOVERNMENTAL OFFICES

At the direction of the chief administrative officer, the Public Information Officer shall notify the Vice Chancellor for Governmental Relations when the component receives requests for public information from members of the Legislative or other governmental offices

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TEXAS PUBLIC INFORMATION ACT

FORM AND APPROVAL OF RESPONSES

Except for routine responses, requested information should be reviewed and approved by the chief administrative officer or designee and the Public Information Officer or designee following appropriate consultation with the Office of General Counsel and the Executive Vice Chancellor for Business Affairs or designee, in the case of multiple component responses.

As a general rule, cover letters responding to requests for public information should be signed by the Public Information Officer or designee.

RESOLUTION OF QUESTIONS

Questions regarding the procedure for answering requests for public information should be directed to the Office of the Vice President for Business Affairs. That Office will direct any questions that need further clarification to the U.T. System Office of the Executive Vice Chancellor for Business Affairs.

RECOVERY OF COSTS AND GUIDELINES

In accordance with Subchapter F of the Act and Title 1 of the Texas Administrative Code, it is the policy of The University of Texas System to recover the full costs for retrieving and copying public records. Officers filling requests for public information should account for all costs in fulfilling these requests using the following guidelines.

1. The Public Information Officer shall make a preliminary estimate of the cost of retrieving and copying public records under these guidelines and notify the requestor, giving the requestor the option to agree to the cost and submit necessary prepayment (for charges which exceed \$100), and alter, or withdraw the request. If charges are in excess of \$40, the Public Information Officer should follow the procedures outlined in "Itemized Estimate of Charges."
2. Definitions:
 - a. Public Information means information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body or for a governmental body and the governmental body owns the information or has a right of access to it.

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RECOVERY OF COSTS AND GUIDELINES, Continued

- b. Full Cost means the sum of all direct costs plus a proportional share of overhead, or indirect costs.
 - c. Standard-size copy means a printed impression on one side of a piece of paper that measures up to 8-1/2" X 14". Each side of a piece of paper on which an impression is made is counted as a single copy. A piece of paper that is printed on both sides is counted as two copies.
 - d. Nonstandard-size copy means a copy of public information that is made available to a requestor in any format other than a standard-size paper copy. Microfiche, microfilm, diskettes, magnetic tapes, CD-ROM, and nonstandard-size paper copies are examples of nonstandard-size copies.
 - e. Readily available information means information that already exists in printed form, or information that is stored electronically and is ready to be printed or copied without requiring any programming, or information that already exists on microfiche or microfilm. Information that requires a substantial amount of time to locate or prepare for release is not readily available information.
3. The U.T. System adopts the rules for establishing charges to be made for public records set out in the Texas Administrative Code, Title 1 §§ 111.61 - 111.70 as summarized below:
- a. Inspection of Information: Where only inspection of paper documents is requested (i.e., no copies made), no charge may be assessed except when:
 - 1. A requested page contains confidential information that must be edited from the document before the information can be released. The cost of making a copy of the edited page may be imposed.
 - 2. The public information specifically requested for inspection by the requestor:
 - Is older than five years; or completely fills, or when assembled will completely fill, six or more archival boxes; and
 - The Public Information Officer or designee estimates that more than five hours will be required to make the public information available for inspection.
- The Public Information Officer or designee may require the requestor

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RECOVERY OF COSTS AND GUIDELINES, Continued

pay, or to make a deposit or post a bond for the payment of anticipated personnel costs for making available for inspection such public information.

Where only inspection of information that exists in an electronic medium is requested, no charge may be assessed for access to the information, unless complying with the request will require programming or manipulation of data. In such a case, the requestor must be notified of estimated charges to be imposed before assembling the information.

- b. Waiver or Reduction: Costs shall be waived or reduced if it is determined that waiver or reduction is in the public interest.
- c. Prepayment: A bond or deposit for payment of anticipated costs for the preparation of a copy of public records shall be required if the charges for providing the copy of the public information is estimated to exceed \$100 and if the Public Information Officer or designee has provided the requestor with the required written itemized statement detailing the estimated charge for providing the copy.

The Public Information Officer or designee may require a deposit or bond for payment of unpaid amounts owing to the institution before preparing a copy of public information in response to a new request if those unpaid amounts exceed \$100. A request for an Attorney General's opinion must still be made within 10 days necessitating a review of the public information requested, even though the requestor's copy may not be prepared. The institution must fully document the existence and amount of those unpaid amounts or the amount of any anticipated costs, as applicable, before requiring a deposit or bond under this section. The documentation is subject to required public disclosure under this chapter.

A request for a copy of public information is considered to have been received by an institution on the date the institution receives the deposit

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RECOVERY OF COSTS AND GUIDELINES, Continued

or bond for payment of anticipated costs or unpaid amounts if the institution's Public Information Officer or the officer's agent requires a deposit or bond in accordance with this section.

- d. Charge Schedule: The following is a summary of charges for copies of public information that have been adopted by the General Services Commission. System Administration and component institutions shall maintain a record of charges for public information requests:

<u>Service Rendered</u>	<u>Charge</u>
Standard-size paper copy	\$.10 per page
Nonstandard-size copy	
Diskette	\$ 1.00 each
Magnetic tape	
4 mm.	\$13.50 each
8 mm.	12.00 each
9-track	11.00 each
Data cartridge	
2000 Series	\$17.50 each
3000 Series	20.00 each
6000 Series	25.00 each
9000 Series	35.00 each
600A	20.00 each
Tape cartridge	
250 MB	\$38.00 each
525 MB	45.00 each
VHS video cassette	\$ 2.50 each
Audio cassette	\$ 1.00 each
Oversized paper copy	\$.50 each
Mylar (36", 42", and 48")	
3 mil.	\$.85/linear foot
4 mil.	1.10/linear foot
5 mil.	1.35/linear foot
Blueline/blueprint paper (all widths)	\$.20/linear foot
Other	Actual cost
Personnel Charges: (See notes 1 & 2)	
Programming personnel (See note 3)	\$26.00 per hour
Other personnel	\$15.00 per hour
Overhead charge(20% of Total Personnel Charges)	X \$.20
Microfiche or microfilm charge	
Paper copy	\$.10 per page
Fiche or film copy	Actual cost
Remote document retrieval charge (See note 4)	Actual cost

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RECOVERY OF COSTS AND GUIDELINES, Continued

Computer resource charge (See note 5)	
Mainframe	\$10.00 per minute
Midsize	1.50 per minute
Client/Server	2.20 per hour
PC or LAN	1.00 per hour
Miscellaneous supplies (See note 6)	Actual cost
Postage and shipping charge (See note 6)	Actual cost
Photographs	Actual cost
Other costs	Actual cost
Outsourced/Contracted services	Actual cost
No Sales Tax	No Sales Tax shall be applied to copies of Public Information

Charge Schedule Notes

- 1.) A personnel, overhead or document retrieval charge should not be made for requests that are for 50 or fewer pages of readily available information in standard-size form, unless the pages to be copied are located in two or more separate buildings that are not physically connected with each other, or are in a remote storage facility. Buildings are not separate if they are connected by a covered or open sidewalk, an elevated or underground passageway, or a similar facility.

- 2.) Personnel time should not be charged for the time spent by an attorney, legal assistant or other person to determine whether the requested information is excepted from disclosure.

- 3.) A charge for programming time is made if the request requires a programmer to enter data in order to execute an existing program or to create a new program in order to access the information.

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TEXAS PUBLIC INFORMATION ACT

RECOVERY OF COSTS AND GUIDELINES, Continued

- 4.) Where a charge is made for remote document retrieval, no additional personnel charge should be factored in for time spent locating documents.
- 5.) A charge made to recover computer utilization cost is the actual time the computer uses to execute a particular program times the applicable rate. It does not include programming or printing time. No charge should be made for computer print-out time.
- 6.) Actual costs of supplies - labels, boxes, etc.- necessary to produce the requested information and all postal and shipping charges necessary to transmit the information should be added to the total charge.
- e. Examples of Charges for Copies of Public Information: The following tables present a few examples of the calculation of charges for information.

TABLE 1

Readily Available Information (fewer than 50 pages):
 \$.10 per copy X number of copies (standard-size paper copies)
 or cost of nonstandard copy (e.g., diskette)
 + Postage and shipping (if applicable)

\$ TOTAL CHARGE

TABLE 2

Readily Available Information (more than 50 pages):
 \$.10 per copy x number of copies (standard-size copies)
 or cost of nonstandard copy (e.g., diskette)
 + Personnel charge (if applicable)
 + Overhead charge (if applicable)
 + Document retrieval charge (if applicable)
 + Actual cost of miscellaneous supplies (if applicable)
 + Postage and shipping (if applicable)

\$ TOTAL CHARGE

SUB. TOPIC
TEXAS PUBLIC INFORMATION ACT

RECOVERY OF COSTS AND GUIDELINES, Continued

TABLE 3

Information that is Not Readily Available:
Cost of copy (standard-size or nonstandard-size, whichever applies)
+ Personnel charge (if applicable)
+ Overhead charge (if applicable)
+ Computer resource charge (if applicable)
+ Programming time (if applicable)
+ Document retrieval charge (if applicable)
+ Actual cost of miscellaneous supplies (if applicable)
+ Postage and shipping (if applicable)

\$ TOTAL CHARGE

f. Billing Form: Exhibits A3 and A4 are the billing forms to be used for the invoicing of requests for public records.

4. The entire amount of fees collected pursuant to policies outlined herein should be deposited back to the appropriate fund from which costs were incurred.

REGISTER OF REQUESTS FOR PUBLIC INFORMATION RECEIVED

U.T. System Administration and component institutions shall maintain a register which records receipt and processing of requests for public information.

The Register of Public Information Requests for The University of Texas at Dallas is maintained by the Office of the Senior Vice President for Business Affairs. Each University area that has obtained the approval of the Senior Vice President for Business Affairs to process routine requests for records, such as mailing addresses or labels, should complete a register page (Exhibit A5) and forward it to the Office of the Senior Vice President for Business Affairs on a monthly basis.

SUB. TOPIC

POLICY ON RELATIONS WITH EXTERNAL NON-PROFIT CORPORATIONS

I. PURPOSE

The purpose of this document is to describe the relationship between external non-profit corporations and The University of Texas at Dallas.

II. ADMINISTRATION AND INVESTMENT OF FUNDS HELD BY PRIVATE SUPPORT ORGANIZATIONS

Funds and property received directly by a private support organization from a donor with the intent of benefitting UTD are not subject to control by the Board of Regents until such organization relinquishes control of the funds to the Board. Gifts of funds or property to The University of Texas at Dallas from an external non-profit corporation may be accepted under the same conditions as a gift from any other donor.

III. CONTRACTS WITH PRIVATE SUPPORT ORGANIZATIONS

Any contract with a Private Support Organization must be approved by the Board of Regents and must:

1. Provide adequate consideration to the University;
2. Serve a University purpose; and
3. Enable the Board of Regents to maintain sufficient control over any University resources provided by the contract to ensure the governmental purpose is met.

IV. REVIEW

This policy document shall be reviewed and updated periodically by the Vice President for University Advancement in consultation with the President.

SUB. TOPIC

POLICY ON SOLICITING, ACCEPTING AND PROCESSING GIFTS AND GRANTS FROM PRIVATE
PHILANTHROPIC SOURCESI. PURPOSE

- A. The basic purpose of this section is to set forth University policies, in accordance with the Board of Regents Rules and Regulations, and procedures related to soliciting, accepting, and processing of all gifts, including grants and gifts-in-kind, from private philanthropic sources (individuals, partnerships, foundations and corporations).
- B. Another purpose is to set forth clearly the responsibilities related to the above subject, of University employees, administrative heads, the University Advancement Office, and the Business Affairs Office.

II. DEFINITION OF GIFTS

- A. For purposes of this document, gifts are defined as follows: Gratuitous transfers of any kind of property, real or personal, which may be contributed to UTD for any restricted or unrestricted purpose by donors from the private sector (individuals, partnerships, foundations and corporations).
- B. Included in the above definition would be such gifts as cash, securities, and gifts-in-kind (real estate, books, automobiles, equipment, etc.). Gifts will be categorized according to the most recent edition of the Management Reporting Standards for Educational Institutions, published by the Council for Advancement and Support of Education and National Association of College and University Business Officers.
- C. Not included in the definition are grants from public entities (local, state and federal).

III. GENERAL DIVISIONAL RESPONSIBILITIES

- A. The University Advancement Office has the general responsibility of soliciting, coordinating and reporting all fund raising from the private sector. This includes both projects and proposals initiated by that office and those initiated elsewhere in the University. To fulfill this mission, the University Advancement Office must be in a position to know who is giving how much and for what purpose. The Vice President for University Advancement has the responsibility of reconciling records with official University records maintained by the Business Affairs Office.

SUB. TOPIC

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PHILANTHROPIC SOURCES, CONTINUED

B. The Business Affairs Office has the primary responsibility of maintaining official University fiscal records, assuring that all cash is receipted by the University in a manner consistent with the requirements of state law, and assuring donors, the Board of Regents, the President, U.T. System officials and the State Auditor's Office, that all University funds are expended as required by the stipulations imposed by the donor, Board of Regents, The University of Texas System and the University administration, and the laws of the State of Texas

IV. SOLICITATION OF GIFTS

- A. All solicitation of gifts from private sources by any University administrator, dean, faculty or staff member will be coordinated before-the-fact with the Vice President for University Advancement. This coordination will occur through prospect coordination meetings. The Vice President, or an appropriate University Advancement Office staff member, may work with the administrators, deans, faculty or staff members on approved fund-raising initiatives.
- B. Regarding unsolicited gifts inquiries which might be forthcoming from prospective donors, the appropriate university employee will notify the Vice President as soon as possible after the contact.

V. ACCEPTANCE OF GIFTS

- A. Unrestricted cash gifts to the University may be accepted by the President if they are \$500,000 or less. Gifts in an amount that exceeds \$500,000 must be submitted to the Board of Regents for acceptance via the Component Docket.
- B. Gifts-in-kind to the University must be approved by the Vice President for University Advancement and the appropriate U.T. System Office prior to submission for acceptance.

The Vice President for University Advancement will confer with the President's Cabinet when major gifts are involved. (Note: The University of Texas System Office of Estates and Trusts must approve the acceptance of gifts restricted to establish an endowment or charitable remainder trust or

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given for addition to the U.T. System Pooled Income Fund, or to amend an existing endowment, regardless of value.) Gifts of real estate or minerals and gifts of remainder interests in personal residences or farms must be reviewed by the U.T. System Real Estate office and Office of General Counsel and processed by the Real Estate Office prior to acceptance. Closely held securities and partnership interests must be reviewed by the U.T. System Office of Estates and Trusts and the Office of General Counsel and processed by the Office of Estates and Trusts prior to acceptance.

The following steps will be followed to obtain official approval:

1. If requested by the donor, the Vice President will sign IRS Form 8283 to acknowledge receipt of gifts other than those processed and approved by the U.T. System Office of Estates and Trusts. If requested by the donor, the Executive Director, Estates and Trusts, will sign IRS Form 8283 for gifts processed and approved by the Office of Estates and Trusts
2. The Vice President for University Advancement will evaluate the proposed gift and forward it for appropriate approval and acceptance.
3. The Vice President for University Advancement will notify all parties that the gift will or will not be accepted.
4. If approval to accept personal property is granted, the Vice President will sign and return IRS Form 8283 if requested by the donor, for gifts other than those processed and approved by the U.T. System Office of Estates and Trusts. If requested by the donor, the Executive Director, Estates and Trusts, will sign IRS Form 8283 for personal property gifts processed and approved by the Office of Estates and Trusts. A copy of the form will be forwarded by the Vice President to the fiscal official so that the appropriate accounting entries may be made. The Property Manager will be notified that the gift has been capitalized, and it should be tagged. If approval to accept real property is granted, appropriate legal counsel within The University of Texas System will be consulted regarding required documentation.

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PHILANTHROPIC SOURCES, CONTINUED

5. If approval is granted, the originator will, in coordination with his or her dean and the Vice President, arrange with the donor(s) for the actual acceptance with the desires of the donor(s). See Subsection IX below for procedures related to publicity.

C. No university personnel will delay the processing of cash, stocks, or other security documents. These documents will be processed within one business day. Gifts of marketable securities must be transferred and sold through the Office of Estates and Trusts.

VI. PROCESSING OF GIFTS

A. Gifts to the University, other than gifts-in-kind, will be forwarded immediately to the Vice President for University Advancement together with written restrictions from the donor (if any). The Vice President is responsible for processing the gift.

B. Immediately upon receipt of the gift from a donor, the two-part Gift Receipt Form (GRF) should be processed by the University Advancement Office.

1. Purpose: The designated use of the gift as expressed by the donor; i.e., Scholarship, Purchase of Goods, or other.
2. Account Number: The appropriate account to which the gift is to be credited. If there is a question concerning the account to which the gift is to be credited, contact the Academic Unit.
3. Amount: The total amount of the gift.
4. Date:
5. Donor: The name and complete mailing address of the donor.

C. Gifts-in-kind will be processed in accordance with Subsection V, A and B.

VII. DEFERRED GIFTS

A. The Vice President is responsible for maintaining records regarding any known gifts that will accrue to the University at some time in the future (wills, trusts, etc.). Immediately upon receipt of information regarding a deferred gift, the Vice President shall notify The University of Texas System Office of Estates and Trusts. With the advice and assistance of

ADMINISTRATIVE
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SUBJECT

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the Office of Estates and Trusts, the Vice President will work with the donor as appropriate.

- B. To assist the Vice President in this effort, it is the responsibility of any dean, faculty or staff member who comes into possession of such knowledge to forward the information immediately to the Vice President.
- C. Bequests and interests in or distributions from trusts must be reviewed, processed and approved in the Office of Estates and Trusts.

VIII. ACKNOWLEDGMENT LETTERS

- A. When a gift has been made to the University, the Vice President is responsible for generating the acknowledgment letter from the President to the donor, including a receipt for income tax purposes when appropriate.
- B. In addition to the above, gifts restricted to a given department or program will be acknowledged in writing by an appropriate person (Program Director, Department Chair, Dean, Director, etc.). Such acknowledgment letters will be done within 48 hours of receipt of the gift and copies of such letters will be sent to the University Advancement Office within 72 hours.

IX. PUBLICITY

- A. The Vice President, the donor, the News and Publications Office, and the administration of the unit or function named in the gift are responsible for coordinating publicity related to gifts. In all cases, the interests and wishes of the donors will be respected.
- B. Depending on the size of the gift, appropriate publicity could include one or more of the following (list not exhaustive):
 1. Picture-taking session in the President's Office;
 2. News release;
 3. Publicity in University publications;
 4. Membership in appropriate giving club;
 5. Recognition at special events;
 6. No publicity (if requested by donor).

C. REVIEW

This and all other policy and procedure documents concerning gifts to the University shall be reviewed periodically by the Vice President for University Advancement in consultation with the President.