

SOUTHWEST TENNESSEE COMMUNITY COLLEGE

SUBJECT: Inspection and Copying of Public Records

EFFECTIVE DATE: July 1, 2000; Revised August 23, 2013

I. Policy

In accordance with Tennessee Code Annotated (TCA) Section 10-7-503, Records Open to Public Inspection, all records made or received in connection with the transaction of official Southwest Tennessee Community College (Southwest) business shall at all times, during business hours, be open for personal inspection by any citizen of Tennessee, unless otherwise provided by law or regulation made pursuant thereto; and the citizen shall have the right to make copies in accordance with T.C.A. Section 10-7-506.

The Vice President for Financial and Administrative Services shall be responsible for administering this policy and publishing any necessary procedures including establishing a fee for making copies.

II. Procedure

A. Purpose

The purpose of this procedure is to establish uniform procedures for handling requests under Tennessee's Open Records Law.

B. Definition

Public records are all documents, papers, letters, maps, books, photographs, microfilm, electronic data processing files and output, films, sound recordings, or other material regardless of physical form or characteristics made or received in connection with the transaction of official Southwest business.

C. Inspection of Public Records

1. Except for confidential records as prescribed by law, public records will be open for inspection by citizens of Tennessee in the office of record during regular business hours. Questions regarding records should be directed to the Office of the Vice President for Financial and Administrative Services. Persons requesting to inspect records must show identification of Tennessee citizenship (i.e. driver's license, voter's registration, etc.) and complete a Request Form to Inspect/Copy Public Records. (Attachment "A".)

2. Request to inspect records must be made for a specific record and must be made to the custodian of the record, i.e. the department head. Southwest is not required to create records or to compile information. If the record is unavailable for some reason such as being used for official business, or filed at a remote site, then the person requesting the record shall be apprised of the situation as well as when to return to inspect the record. All efforts will be made to provide the requested record(s) within a reasonable period of time.
3. Custody of the record is not to be relinquished. The person requesting to inspect the record must do so in the presence of the custodian of the record or an appropriate designee.
4. Request to inspect public records by a representative of the news media, i.e. newspaper, radio, television, magazine, etc., must be made through the Office of the Vice President for Institutional Advancement which will arrange for the inspection of the public record(s).
5. The Office of the Vice President for Financial and Administrative Services and the Vice President for Institutional Advancement should always be advised when records are requested to be inspected in order that those offices may assist in answering any questions and coordinate release of any additional information to ensure understanding of the record.
6. If it cannot be readily determine whether or not a requested record is covered by the Tennessee Open Records Law, the custodian shall refer the matter to the Office of the Vice President for Financial and Administrative Services.

D. Inspection of Personnel Records

Permanent personnel records of all employees, including former employees (faculty and staff), are subject to inspection under Tennessee's Open Records Law. Persons requesting to inspect personnel records must complete a Request Form to Inspect/Copy Public Records (Attachment A), and must show identification of Tennessee citizenship (i.e. driver's license, voter's registration, etc.). When a request is made to inspect the personnel record of a currently active employee, the concerned employee will be notified that such a request was made and who made the request.

E. Inspection of Non Public Records

1. Employee Assistance Program. In accordance with Public Chapter No. 129 of the 97th General Assembly, 1991 Session, records of any employee's identity, diagnosis, treatment, or referral for treatment that are maintained by any state or local government employee assistance program shall be confidential provided any such records are maintained separately from personnel and other records regarding such employee that are open for inspection. For purposes of the law, "employee assistance program" means any program that provides counseling, problem identification, intervention, assessment, or referral for appropriate diagnosis and treatment, and follow-up services to assist employees of such state or local government entity who are impaired by health, marriage, drug, alcohol, or mental health problems.

2. Student Records. The College complies with the Family Educational Rights and Privacy Act (also known as FERPA or the “Buckley Amendment”) and all provisions and amendments thereto. FERPA covers all records which are directly related to a student and maintained by Southwest Tennessee Community College. For further information regarding the provisions of this act, consult the current Southwest Tennessee Community College catalog.

F. Copying of Public Records

Upon request, Southwest Tennessee Community College will provide at the requestor’s expense, copies of public records. When a request for copies is received, the custodian shall not relinquish the record, but shall do as follows:

1. Photostatic Materials (letters, manuscripts, maps, books, blueprints, etc.)
 - a. Have the requesting party identify on the Request Form to Inspect/Copy Public Records the records to be copied.
 - b. The price per copy is \$1.00 per page for standard letter and legal size pages. The price per copy for larger documents is \$5.00 per page, or the actual cost to have same reproduced at a commercial copy business plus a fifty (50) percent additional charge to cover administrative costs. The copy fee must be paid to the Bursar’s Office in all cases before release of the copies.
 - c. If convenient, the custodian or a staff member should take the records to the Printing Services to make the copies for the requesting party whereupon the requestor will produce a receipt from the Bursar’s Office for the copies.
 - d. Dependent upon the records, i.e. microfiche, microfilm, etc., it may be more appropriate for the copies to be made on the department’s special copier. In those cases, the copies may be made by the department, and payment of the copy fee shall be made at the Bursar’s Office.
 - e. If it is not immediately convenient for the custodian or staff member to make the copies, the person requesting the copies shall be advised when and where the copies will be available for pickup and that payment should be made for the copies in the Bursar’s Office. All efforts will be made to make the copies within a reasonable period of time.
 - f. An extra copy of the records copied should be made and forwarded to the Office of the Vice President for Financial and Administrative Services along with a copy of the completed request form. An additional copy of the completed request form should be forwarded to the Office of the Vice President for Institutional Advancement.
2. Tape Recordings, Computer Tapes, and Other Electronic Documents
 - a. Have the requesting party identify on the Request Form to Inspect/Copy Public Records the records to be copied.

- b. Inform the requesting party that Southwest Tennessee Community College will have the record duplicated after ascertaining the cost for such duplication, and upon payment by the requesting party in advance. Also, the requesting party should be informed that an additional charge of fifty (50) percent of the cost will be assessed to cover administrative costs.
- c. The custodian of the public record should expeditiously ascertain the cost for duplication and notify the requesting party of the charge (cost plus 50%). Payment for the charge shall be made in the Bursar's Office.
- d. The requesting party should present the receipt to the custodian prior to the beginning of the duplication process. At this point arrangements should be made for pickup by the requesting party.
- e. Information on computer tapes and other electronic format should be copied in a printed format whenever possible and an actual reproduction of the computer tape, etc. should not be provided.
- f. Notify the requesting party when the public record has been duplicated and where the copies may be picked up.
- g. An extra copy of the records copied should be made and forwarded to the Office of the Vice President for Financial and Administrative Services along with a copy of the completed request form. An additional copy of the completed request form should be forwarded to the Office of the Vice President for Institutional Advancement.

3. Personnel Records

- a. The price per copy of personnel records shall be the same as specified herein depending upon the form of record.
- b. Notwithstanding the above, employees desiring copies of their own personnel file shall not be charged more than the Duplicating Services cash price per copy when the copies are made in Duplicating Services. The Office of Human Resources may, however, at its sole discretion, provide copies at no charge depending upon the number of copies to be made.
- c. For purposes of this section, personnel records are defined to mean only those employees (faculty, staff, graduate assistants, etc.) records maintained in the Office of Human Resources. This does not include records, i.e., peer reviews, tenure and promotion recommendations, departmental files on employees, etc. which may be maintained in other offices.

G. Other Provisions

1. Notwithstanding the form of the record, production (copying) of records shall be made in a form as best determined by the custodian of the record. No records shall be produced (copied) in a form to further a commercial, business, or similar purpose, i.e. mailing labels, envelopes, telephone numbers list, etc.
2. This procedure shall not apply to College departments requesting to inspect and/or receive copies of records for College business. Notwithstanding, however, the custodian of the record may require the requesting department to certify as to the purpose of its request.