



BOARD POLICY

No. 920

TITLE: Open Public Records Act Compliance

DATE ADOPTED: November 2, 2018

EFFECTIVE DATE: November 2, 2018

SUPERSEDES: July 16, 2002

PURPOSE AND APPLICATION

Section 1. Purpose

This policy is adopted by the College in response to the NEW JERSEY PUBLIC ACCESS TO GOVERNMENT RECORDS ACT (the "Act"), which Act became effective on July 8, 2002. This policy evidences the commitment of the College to make government records, as defined in the Act, readily accessible for inspection, copying, or examination while safeguarding from public access proprietary or personal information entrusted to the College with the reasonable expectation of the furnishing party that the College will treat the information as confidential and/or private.

Section 2. Definitions

Where used in this policy, terms defined in the Act shall have the same meaning as that set forth in the Act. Inter-agency and intra-College office advisory, consultative, or deliberative materials are not governed by this policy, as these materials are excluded under the Act from the definition of "governmental records."

Section 3. Government Records Custodian

The College has established the position of Custodian of Government Records (the "Custodian") to discharge the responsibilities and duties imposed upon such position by the Act and to assure compliance of the College with the Act. The Executive Assistant to the President shall act as Custodian of Government Records.

Any officer or employee of the College who receives a request for access to records or information falling within, or claimed to fall within, the definition of government records under



BOARD POLICY

No. 920

the Act shall forward the request to the Custodian or direct the requestor to the Custodian if an oral request is made.

The Custodian shall make the initial determination of whether access should be granted or denied. The responsibility of the Custodian to grant or deny access shall include making the initial determination whether:

- (a) the information requested is exempt from public access or excluded from the definition of government record;
- (b) disclosure would otherwise violate proprietary rights or individual privacy rights recognized by law;
- (c) the information requested pertains to an investigation in progress and disclosure would be inimical to the public interest; or
- (d) disclosure would substantially disrupt College operations.

In making these determinations, the Custodian may seek the advice of outside legal counsel for the College.

If the Custodian determines that part of a particular record is exempt from public access, the Custodian shall delete or excise from a copy of the record that portion which the Custodian determines to be exempt from access and shall permit access to the remainder of the record.

All complaints appealing the decision of the Custodian or requesting mediation shall be forwarded to the Custodian who shall participate in proceedings instituted under the Act.

Section 4. Exempt Records

Nothing in this policy is intended to require physical transfer or relocation of College documents that are excluded from the definition of government records and not the subject of a specific production request made under the Act ("Exempt Records"). The College administration shall retain the authority to determine the manner for collection, custody, maintenance, storage and release of Exempt Records generated or received by the College so that the same are readily available for appropriate College use and updating. Requests for access to the following categories of Exempt Records shall be referred to the College administrator indicated:



BOARD POLICY

No. 920

-
- (a) Request from or on behalf of a current or former student for access to his/her academic records shall be referred to Registration.
 - (b) Request from or on behalf of a current or former employee for access to personnel records of the employee shall be referred to Human Resources.
 - (c) Requests from bargaining unit representatives pertaining to grievances or collective negotiations shall be referred to Human Resources.
 - (d) Requests from federal, state, county, or local government officials or agencies shall be referred to the College administrator responsible for legal compliance with matters within the jurisdiction of the requesting governmental authority.
 - (e) Requests from College insurance underwriters or risk management consultants shall be referred to the College administrator who has custody or knowledge of the information requested by insurance underwriters or risk management consultants.
 - (f) Requests from prospective bidders, or from current or prior vendors' or contractors' information regarding the purchasing by the College of services or materials shall be referred to Administrative Services.
 - (g) Requests from professional consultants retained by the College shall be referred to the College administrator responsible for responding to the requesting consultant.

Section 5. Effective Date

This policy shall be effective immediately.

President

Date:

Chairman

Date: