



## Policy # 31001

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### PUBLIC RECORDS REQUESTS FOR OR SUBPOENA OF UNIVERSITY RECORDS

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**Effective Date: May 1, 2013**

**Revision: January 22, 2022**

**Responsible Office: President's Office**

**Division: President**

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#### I. **PURPOSE/OBJECTIVE**

To outline the public records, request for or subpoena of University records process for Grambling State University in accordance with the State of Louisiana Public Records Law found in La. R.S. 44:1-44:41 which contains the general principles and guidelines for public records.

#### II. **STATEMENT OF POLICY**

The Public Records Law is meant to ensure that public documents are preserved and open to view by the public. The Public Records Law operates in conjunction with Louisiana's Open Meetings Law to ensure that the mandate in Article XII, Section 3 of the Louisiana Constitution which states, "no person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law." The Public Records Law is designed to ensure unfettered access to documents and to implement the inherent right of the public to be reasonably informed as to what public records contain and the manner, basis, and reasons upon which governmental affairs are conducted, while at the same time balancing the right of the public against the necessity for the custodian (University President) of public records to act in the public interest by protecting and preserving public records against unreasonable dangers of loss or damage, or acts detrimental to integrity of public records.

##### A. **DEFINITIONS**

**Custodian:** Louisiana Public Records Law, Title 44:1 (3) defines the word "custodian" as the public official or head of any public body having custody or control of a public record, or a representative specifically authorized by him to respond to requests to inspect any such public records. The President (or his designee) serves as the University's custodian.

**Public Record:** Louisiana Public Records Law, Title 44:1 (2)(a) defines "public records" as all books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the

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authority of the constitution or laws of this state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of this state, are "public records", except as otherwise provided in this Chapter or the Constitution of Louisiana.

**Subpoena:** An order for a person to appear and produce at the trial, deposition, or hearing, books, papers, documents, any other tangible things, or electronically stored information, in his possession or under his control, if a reasonably accurate description thereof is given. A subpoena may specify the form or forms in which electronically stored information is to be produced.

**B. GENERAL GUIDELINES FOR REQUESTS OF UNIVERSITY RECORDS**

1. Any public request for or subpoena of Grambling State University records must be immediately hand-delivered to the University President (or his designee) for his review and assignment.
2. The request need not include specific name or type of document requested; it is sufficient that the requester gives reasonable description of information sought. The request may be made in person during regular business hours, or requested by letter. Note: The requester must be 18 years or older.
3. All requests received must be addressed by the President within three (3) days, exclusive of Saturdays, Sundays, and legal public holidays, of receipt of the request.
4. If a record is requested and the President raises a question regarding whether or not the requested record is a public record, or the record is not readily available, the President must within three (3) days, exclusive of Saturdays, Sundays, and legal public holidays, of receipt of the request, notify in writing the person making the request of the determination and reasons therefore. The written notification shall contain a reference to the basis under the law which the President has determined exempts the record, or any part of the record, from inspection, copying, or reproduction.
5. The President will require the requestor to sign a register, but will not review, examine, or scrutinize any copy, photograph, or memoranda in the possession of any person requesting public records.
6. The President will charge fees for copies according to the uniform fee schedule adopted by the Commissioner of Administration.
7. The President can require that the examination of public documents occur during regular office and working hours, but may authorize examination at other times, with any additional costs for staffing paid out of funds provided

in advance by the person examining the public records outside of regular office and working hours.

8. The President (or his designee) must be apprised prior to the release of the document(s) to the requestor. The President (or his designee) will notify the appropriate department to distribute the record(s) to the requestor.

9. If the law does not prescribe a particular period of time for the record to be retained, the public records must be preserved and maintained for a period of at least three years from the date on which the public record was made, **except when an agency as defined in R.S. 44:402, has an approved retention schedule pursuant to R.S. 44:36(B).**

**III. REVISION/REVIEW HISTORY**

Revision: **January 22, 2022**