5.13.5 Procedures if an Individual Employee Receives a

Request for or Subpoena of University Records

5.13.5.1 Subpoena of University Records

Any subpoena of Nicholls State University records must be forwarded immediately to the

university President and university Vice President for Academic Affairs

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5.13.5.2 Request for Public Records

5.13.5.2.1 Compliance with Louisiana Records Law

In accordance with Title 44:31 of the Louisiana Public Records Law, providing access to public

records is a responsibility and duty of the appointive or elective office of a custodian and his

employees. Public Records Defined 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 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.‖

5.13.5.2.2 Custodian Defined

Louisiana Public Records Law, Title 44:1 defines ―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.

In essence, under the law, the President of Nicholls State University is deemed to be the

―custodian‖ of any records on the university campus and may designate respondents

to such requests.

5.13.5.2.3 Official response to Public Records request

Nicholls administrators must comply with a Public Records request within the requirements of

the law. When such a request is received, the recipient must notify the University President, as

official ―custodian‖ of the records, and also the Vice President for Academic Affairs. If the

recipient of the request is uncertain of the requirements of the law, the recipient should seek

immediate guidance from the university President, Vice President for Academic Affairs

or other designee and respond to the requester with the following document:

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| DATE:  TO:  FROM:  RE:  Public Records Request  I am in receipt of your request for public records information. As I am not the custodian of public  records at Nicholls State University, I have forwarded it to President (name) who, in accordance  with Louisiana Public Records Law, Title 44:1, is the public official/head of Nicholls and is  authorized to respond.  pc:President and/or President‘s Designee |