

WEST VIRGINIA STATE UNIVERSITY BOARD OF GOVERNORS

West Virginia State University

BOG Policy #63

TITLE: Record Retention Policy

Section 1. General

- 1.1. Scope: This policy provides guidelines for retention of business records of West Virginia State University as outlined in a certain schedule of documents published on the University's website. This policy applies to all University departments and offices as defined herein who create, receive, or maintain such records. Finally, this policy also provides guidance for the destruction of documents that have met their retention schedule.
- 1.2. Authority: W.Va. Code §18B-1-6 and §5A-8-1
- 1.3. Adopted: April 6, 2018
- 1.4. Effective: April 6, 2018

Section 2. Statement of General Policy

- 2.1. West Virginia State University requires that university records, as defined herein, regardless of format, be retained for specific periods of time in accordance with legal or other institutional requirements, or for historical value, and at the expiration of that time, be destroyed as specified herein. The University has designated official repositories to manage the retention and disposal of these records according to procedures outlined in this document. Federal and State laws, regulations and best practices require that the University adhere to certain record retention requirements and periods of retention. West Virginia State University requires that records be maintained in a consistent and logical manner and be retained in such a manner so that West Virginia State University can:
 - 2.1.1. Meet legal standards for protection, storage, and retrieval;
 - 2.1.2. Protect the privacy of students and employees of the University;
 - 2.1.3. Make the most efficient use of limited space;
 - 2.1.4. Minimize the cost of record retention;
 - 2.1.5. Ensure that no record is destroyed unless authorized;
 - 2.1.6. Ensure that the means of destruction is appropriate for the type of record;

- 2.1.7. Ensure the preservation of records of permanent value; and
- 2.1.8. Ensure that record retention policies, schedules and procedures are reviewed and modified as necessary to respond to changes in technology or regulations.
- 2.2. Retention periods adopted in this policy may be amended from time to time due to various considerations, including but not limited to: Federal or State statute or regulation; Judicial interpretation or case law; Judicial or Administrative Consent, Decree or Order; private or governmental contract requirements; agency investigation; pending litigation, or audit requirements. Such modifications supersede the retention period for the applicable record stated in the General Retention Schedule and should be kept until final resolution of the action.
- 2.3. The Vice President of Business & Finance or designee shall notify the various administrative departments to preserve potential relevant documents until final resolution of any action above.

Section 3. Definitions

- 3.1. Active Records: records that are generally referred to once a month or that are needed to support the current business activity of an office or division.
- 3.2. Administrative Unit: the department, office, college, division, or other University area acting as an entity within the institution with a chair or official-in-charge that may have other administrative units reporting to said unit. This term is sometimes used synonymously with the generic term “department.”
- 3.3. Business Record: a financial or operational record that is currently being used, or will be used, by the administrative unit that received or generated the record. Records may remain active for varying numbers of years, depending on the purposes for which they were created. The unit has the responsibility of determining the access required and the security needed for the records. Business records can be electronic records.
- 3.4. Confidential Record: any information that is received or created that includes protected health information (PHI) under the Health Insurance Portability and Accountability Act (HIPAA), personal and educational information under the Family Educational Rights and Privacy Act (FERPA), or any personal financial information under the Gramm-Leach-Bliley Act (GLB). This includes, but is not limited to, name, address, social security number, bank account numbers, financial or financial aid information, student numbers, and medical information. Such records should have access limited to “need-to-know” individuals and should be protected from inadvertent access or disclosure.
- 3.5. Disposition of Records: the terminal treatment of records, through either destruction or permanent storage.
- 3.6. Electronic Mail (E-Mail) (electronic mail, E-mail, Instant Messaging etc.): any communication that requires an electronic device for storage and/or transmission. E-

mail often refers to a package of services designed to automate office communications. E-Mail may be found on desktop computers, laptop computers, tablets and smart phones that are issued by and are property of the University.

- 3.7. Electronic Records: records created or stored by electronic means, including, but not limited to, digital files, images, objects, files on tape, disks, or internal memory.
- 3.8. Electronic Record Management System (also known as Record-keeping Systems): any electronic system that manages the storage, location and retrieval of records, either paper or electronic.
- 3.9. Inactive Records: records that have not been needed for at least one year or for which the active period has passed. The period determining whether a record is inactive begins on the date that the record is executed or published.
- 3.10. Litigation Hold: a communication issued as the result of current or anticipated litigation, audit, government investigation, or other similar matter that suspends the normal process regarding the retention and disposition of University records.
- 3.11. Metadata: structured data about data. It is information about a record and which describes a record. It is descriptive information about an object or resource whether it is physical or electronic. For example, in an e-mail, the “to:”, “from:”, “date:”, “subject:” etc., would be the metadata. In a word processing document the summary portion of properties would be the metadata. When electronic records are collected or transferred to other media, the appropriate metadata needs to follow the electronic records. Metadata can be manually created or derived automatically using software.
- 3.12. Permanent Records: also known as archival records, permanent records have historical, administrative, or research value to the University, which the University keeps indefinitely. Area administrators are responsible for ensuring that the University identifies these records and that they are stored appropriately once they become inactive.
- 3.13. Record: any information, regardless of physical form or characteristics, made or received in connection with the transaction of university business in accordance with law or regulation. A record may include a document, correspondence, recordings, reports, studies, data maps, drawings, photographs, or e-mail, whether in paper, electronic or other form. Typical records include official publications, fiscal data, and incoming/outgoing correspondence including meeting minutes, reports and student files, with the exception of “confidential records.”
- 3.14. [General Retention Schedule](#): an internal document describing categories of records, providing a length of time they should be kept and including instructions for disposition. State or Federal law may determine the period that certain records must be kept. The General Retention Schedule referred to in this policy and published on the University’s website lists the most common records at the University and provides a retention period along with any special instructions related to disposal. Almost every office or department will have records requiring retention that are not on the

General Retention Schedule. Records that are not on this schedule should be added on a case-by-case basis.

- 3.15. Records Destruction: the physical or electronic destruction of a record after it has become obsolete or otherwise in accordance with these guidelines.
- 3.16. Responsible Department: the department or other administrative unit designated as having the responsibility for retention and timely destruction of the particular types of University records in their control.
- 3.17. Retention Period: minimum required length of time for which a university office or department is responsible for maintaining records. Departments may hold records longer than the retention period if feasible and space allows.
- 3.18. The “official copy” of all records related to an employee are retained and maintained by the Human Resources Office, with one exception: The official copy of all records pertaining to faculty promotion, tenure and evaluation are retained and maintained by the Vice President for Academic Affairs.
- 3.19. Students who work in jobs that are NOT part of their educational experience are treated as all other employees for the purposes of record keeping. However, some students are paid to do jobs as a result of a financial aid award or as an integral part of their college education. In that case, their employment information is maintained as a student record with the unique obligations associated with student records.
- 3.20. At the end of a search, the chair of a search committee should collect from each member of the committee all files, notes, applications, recommendations and other material related to that search. This material should be reduced to one “official copy” of each record with the rest destroyed. All e-mail and other electronic records should be printed and kept with other print documents and the e-copy deleted from the e-mail system. All search committee members should delete all electronic files related to the search from their computers, e-mail programs and hard drives.

Section 4. Electronic Records

- 4.1. Information maintained in electronic format has the same status as paper records. Issues concerning the Freedom of Information Act, privacy protection, legal discovery, retention and disposition apply to information in electronic format.
- 4.2. If official business is conducted via e-mail, even if over privately-owned equipment, it is subject to the same rules and regulations as hard copy records.
- 4.3. E-mail sent or received over the University’s computer system may constitute a form of university record. While not all e-mails are business records, all university e-mails are property of the University and are subject to discovery in the event of litigation against the University or any of its faculty, staff, or students. These records may also be responsive to a Freedom of Information Act request. Consequently, the administration has the ability and the right to view the e-mail of all members of the University community.

- 4.4. Individual faculty and staff are not obligated to retain e-mails. E-mails addressed to @wvstateu.edu are automatically archived upon receipt or transmission.

Section 5. Litigation Holds

- 5.1. Where the University has actual notice of litigation or of a government investigation or audit, or has reason to believe that such events are likely to occur, or a formal request to retain records has been received, it has the obligation to take steps to preserve documents that might be implicated in such litigation or investigation. In such event, the University will take steps to identify all paper and digitally maintained files that may contain documents relevant to the case, including e-mails, and will notify members of the University community to preserve such documents indefinitely. If any employee of the University receives a notice to preserve records, the employee is obligated to forward the notice to the Vice President of Business & Finance, or designee, and obtain further instruction.
- 5.2. In the event of a litigation hold, all policies for the disposition of documents must be suspended with respect to those matters that are the subject of the hold. Electronic information should be preserved in its original electronic form on the media on which it is stored. Electronic information should not be transferred from the media on which it is stored to a different media for the duration of the litigation hold unless such transfer is necessary to preserve the integrity of the information for the duration of the hold, and such transfers should be made only after consultation with the IT department to preserve the integrity of the electronic data. In addition, the faculty and/or staff member that receives the notice shall similarly preserve any new information that is generated that may be relevant to the litigation or investigation by saving it in a segregated file. Any employee who fails to adhere to this policy and promptly forward any notice to preserve records, or having received such a notice fails to preserve such records, will be subject to discipline, up to and including termination.

Section 6. Department Responsibilities

- 6.1. Vice presidents and/or their designee(s) are responsible for creating administrative procedures for establishing appropriate record retention management practices in their administrative units. Each vice president or designee must:
 - 6.1.1. Publish electronically, the unit's record management policies so that it is accessible to unit personnel;
 - 6.1.2. Implement the unit's record management practices and conduct periodic in-services for unit personnel and information sessions for new employees;
 - 6.1.3. Ensure that these management practices are consistent with this policy;
 - 6.1.4. Educate staff within the unit in understanding sound record management practices;
 - 6.1.5. Ensure that access to confidential records and information is restricted;

- 6.1.6. Destroy inactive records upon passage of the applicable retention period; and
- 6.1.7. Ensure that records are destroyed in a manner that is appropriate for the type of records and information involved.
- 6.2. Vice presidents shall have latitude with respect to which types of records shall have specific retention periods, except that respective vice presidents shall include retention periods for the following types in their administrative procedures:
 - 6.2.1. Financial Records;
 - 6.2.2. Human Resources Records;
 - 6.2.3. Administrative Records (procurement, real property and other assets, etc.);
 - 6.2.4. Research-related Records;
 - 6.2.5. Student Affairs Records;
 - 6.2.6. Financial Aid Records; and
 - 6.2.7. Information Technology including Archives
- 6.3. If records are not listed, it does not mean that they can or should be destroyed without first considering the general requirements in this policy.

Section 7. Confidentiality Requirement

- 7.1. Many records subject to record retention requirements contain confidential information. In addition to the retention requirements, any record that contains confidential information should be considered confidential, stored, and secured accordingly.

Section 8. Disposal and Destruction of Records

- 8.1. Following the established retention schedule, records should be securely maintained for the period of retention in either the office or department where they were created or used. Records that have been identified as archival records must be permanently retained in a designated storage area.
- 8.2. If a determination has been made, pursuant to this policy, authorizing the disposal of certain records, they must be destroyed in one of the following ways:
 - 8.2.1. Recycle or shred non-confidential paper records;
 - 8.2.2. Shred or otherwise render unreadable confidential paper records; or
 - 8.2.3. Permanently erase or destroy electronically stored data in a manner that renders it unrecoverable. Such a manner shall be determined by the University's Information Technology Department.

- 8.3. Each Vice President or designee is required to sign off on the destruction of documents or transfer to storage.
- 8.4. Periodic reviews are required of records generated and maintained electronically in the University's information systems or equipment (including all computer and data storage systems) to ensure that these requirements are met.
- 8.5. Records that will not be listed on a retention schedule and therefore may be destroyed at any time include:
 - 8.5.1. material that is not considered a "record" (see definition of record);
 - 8.5.2. duplicates of an official copy which is stored and retained by another office, such as personnel records, financial and budget information, and copies of information used in an employee search;
 - 8.5.3. records that have served their purpose and are no longer needed, such as drafts of reports; or
 - 8.5.4. notes that have been turned into meeting minutes.

Section 9. General Retention Schedule

- 9.1. The General Retention Schedule (hereinafter "the schedule") will NOT include all records that are to be on a schedule. The Vice President or designee shall provide guidance regarding any Federal or State statutes when developing a retention schedule for records not mentioned in this policy.
- 9.2. Not all records must be retained. The list below describes items in a typical office that are not classified as records and therefore do not need to be categorized or maintained. These materials may be destroyed at any time if they are no longer needed by the office in which they are held. These items will not appear on a retention schedule:
 - 9.2.1. large quantities of duplicate materials and all duplicates of "official copies";
 - 9.2.2. magazines and newspapers not published by the University;
 - 9.2.3. published reports produced by other entities;
 - 9.2.4. purchased data from other sources;
 - 9.2.5. catalogues, journals or other printed matter created by other entities used for informational purposes; or
 - 9.2.6. notes or working papers once a project is complete, unless they provide more complete information than the final report.
- 9.3. Web sites have replaced many publications and are a significant archival record of the University and its operation. Web masters and others creating web page content

should capture copies of their web site's content as electronic files and archive them for permanent retention.

- 9.4. The schedule applies to all types of records, regardless of media or format, including documents, e-mail, photographs, audiotapes, videotapes, CDs and DVDs. Retention periods reflect minimum time periods. Records may be retained for longer periods of time at the discretion of the department or as required by legal counsel. Do not destroy any records while they are subject to audit, investigation, or where investigation is probable. Records that are in storage areas such as basements or attics are often at risk of water damage or destruction and should be evaluated in light of this schedule.

Section 10. Review Date

- 10.1. The policy and retention schedule will be reviewed annually based on best practices.