

**SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE
BOARD OF GOVERNORS
SCP-1001**

SUBJECT: Records Retention Policy

REFERENCE: Any applicable state or federal law, rule or regulation.

ORIGINATION: April 19, 2011

EFFECTIVE: July 1, 2011

REVIEWED: New Policy

SECTION 1. PURPOSE

- 1.1 This policy provides for the systematic review, retention, storage and destruction of documents received or created in the transaction of business by Southern West Virginia Community and Technical College (College) and is designed to ensure compliance with federal and state laws and regulation, to eliminate accidental or innocent destruction of records and to facilitate college operations by promoting efficiency and reducing unnecessary storage of documents. The College retains and preserves vital records of its business and operations to provide a historical record, to ensure current and future operations, and to comply with legal obligations.

SECTION 2. SCOPE AND APPLICABILITY

- 2.1 This policy applies to all records, both paper and electronic, of the College and to all employees of Southern West Virginia Community and Technical College.

SECTION 3. DEFINITIONS

- 3.1 Active Records – Records that are generally referred to once per month or that are needed to support the current business activity of an office, department, division or unit.
- 3.2 Disposition of Records – The terminal treatment of records, either through destruction, imaging or other permanent storage.
- 3.3 Electronic Document – A document created as or converted to an electronic image
- 3.4 Inactive Records – Records that have not been needed for at least one year or for which the active period has passed.
- 3.5 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 College records.
- 3.6 Permanent Records – Also known as archival records, permanent records have historical, administrative, or research value to the College, and are kept by the College indefinitely.

- 3.7 Record – Anything containing information reflecting College educational and business transactions regardless of format (paper, digital, photographic, recordings, etc.). Typical records include official publications, fiscal data, incoming/outgoing correspondence including email, meeting minutes, reports, and student files.
- 3.8 Records Custodians – Individuals designated by unit administrators who have supervisory authority over a particular function or business practice, and, in that capacity, have responsibility for ensuring effective implementation of the terms, conditions, and/or guidelines associated with this policy.
- 3.9 Records Destruction – The physical or electronic destruction of a record after it has become obsolete or otherwise in accordance with this policy.
- 3.10 Retention Schedule – An internal document describing categories of records, providing a length of time they should be kept and includes instructions for disposition. State or federal law may determine the period of time that certain records must be kept.

SECTION 4. POLICY

- 4.1 It is the policy of Southern West Virginia Community and Technical College (the College) to ensure that its records are preserved to provide documentation of the College’s history and to be retained for periods of time necessary to satisfy the College’s business and legal obligations. The records will be disposed of in accordance with an established records retention and disposition schedule. Certain records are permanent and may never be destroyed.
- 4.2 Email sent or received over the College’s computer system shall constitute a form of college records. While not all emails are business records, all college emails are property of the College and are subject to discovery in the event of litigation against the College or any of its employees or students. As such, the administration has the ability and right to view the email of all members of the College community.
- 4.3 Where the College has actual notice of litigation or of a government investigation or audit, or has reason to believe that such events are likely to occur, it has the obligation to take steps to place a litigation hold on documents that might be implicated in such litigation or investigation. The College will take steps to preserve all files that may contain documents or emails. In the event of a litigation hold, all policies for the disposition of relevant documents will be suspended until the investigation or litigation is concluded.
- 4.4 Records, especially financial records, must be easily retrievable for examination by authorized individuals including auditors. Access to electronic records is subject to College policy and procedures regarding information security.
- 4.5 Following the established retention schedule, active records must be securely maintained for the period of retention by the office where they are created or used. Inactive records defined as permanent or archival shall be stored in a designated storage area.
- 4.6 Destruction of records shall include:
 - 4.6.1 Recycling for all non-confidential paper documents, including public documents of other organizations, magazines, annual reports, newsletters, announcements, and drafts of policies or other memoranda, which are not confidential.
 - 4.6.2 Shredding is required for all documents that should not be read by others after they are no longer

needed or that contain personnel or confidential information. Shredding is essential for any document containing personally identifying information, information that is student-protected under FERPA, health related or financial information.

SECTION 5. BACKGROUND OR EXCLUSIONS

- 5.1 Not all records must be retained. The following describes examples of items that are not typically classified as “records” and therefore do not need to be categorized or maintained. The materials will not appear on a retention schedule and may be destroyed at any time if they are no longer needed by the unit, division, department, or office holding them:
- 5.1.1 Large quantities of duplicate materials and all duplicates of “official records”;
 - 5.1.2 Magazines and newspapers not published by the College;
 - 5.1.3 Published reports produced by other entities;
 - 5.1.4 Purchased data from other sources;
 - 5.1.5 Catalogs, journals or other printed material created by other entities used for informational purposes; and
 - 5.1.6 Notes or working papers once a project is complete, unless they provide more complete information than the final report.
- 5.2 Faculty and staff are not obligated to retain all emails indefinitely; such a policy would impose an impossible burden both on the College community and the computer network. Individual employees are expected to exercise judgment regarding the content and purpose of the email in determining whether it needs to be retained as a College record, and if so, the length of the retention.

SECTION 6. GENERAL PROVISIONS

- 6.1 Unless a record, either active or inactive, has been defined as permanent or archival, such record shall be destroyed according to the time period listed on the applicable retention schedule. All records shall be appropriately stored and secured until the end of the retention period.
- 6.2 A General Retention Schedule shall be developed that lists the most common records at the College and shall provide a retention period and any special instructions related to disposal. Every unit, division, department or office will have records requiring retention that may not be found on the General Retention Schedule. Such records must be added on a case-by-case basis as needed.

SECTION 7. RESPONSIBILITIES AND PROCEDURES

- 7.1 A position within each office, department, division and/or administrative unit shall be designated as “Records Custodian” by the responsible administrator. Duties associated with this responsibility shall be included in the job description of the designated position. These duties shall include but may not be limited to:
- 7.1.1 Oversee day-to-day transactions pertaining to the unit’s records-related functions and shall manage the maintenance, storage, and disposition of such records;

- 7.1.2 Understand the records created within the unit and to follow all applicable laws, policies, rules, regulations and/or guidelines in making decisions on retention and disposition of records;
 - 7.1.3 Ensure that active and inactive records are secured in a manner to provide appropriate confidentiality and protection from unauthorized inspection, theft, and/or physical damage;
 - 7.1.4 Determining which records have reached the end of their retention period and are to be destroyed;
 - 7.1.5 Consult with Technology Services regarding the destruction of electronic documents; and
 - 7.1.6 Ensure that other employees within the office are aware of and abide by the requirements of this policy.
- 7.2 The supervisor of the designated Records Custodian is required to sign-off on the transfer of any documents to storage or prior to the destruction of any documents.
- 7.3 The President or his/her designee is responsible for notifying all relevant members of the College community when a litigation hold is being implemented and, in consultation with appropriate College officials, determine the scope of the hold, when the hold is no longer required and will communicate such determinations to the relevant members of the College community.

SECTION 8. CANCELLATION

- 8.1 None.

SECTION 9. REVIEW STATEMENT

- 9.1 This policy shall be reviewed on a regular basis with a time frame for review to be determined by the President or the President’s designee. Upon such review, the President or President’s designee may recommend to the Board that the policy be amended or repealed.

SECTION 10. SIGNATURES

Board of Governors Chair **Date**

President **Date**

- Attachments:** None
- Distribution:** Board of Governors (12 members)
www.southernwv.edu
- Revision Notes:** New Policy