

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

SUBJECT: Records Retention Policy

REFERENCE: West Virginia Code §5A-8; SCP-7720, *Security of Information Technology*; Applicable state or federal laws, rules or regulations.

ORIGINATION: April 19, 2011

EFFECTIVE: July 21, 2016

REVIEWED: February 23, 2016

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 (the 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 Documents – Documents 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.
- 3.4.1 Unless these records (both active and inactive) have been defined as permanent or archival records they should be destroyed according to the time period shown on the retention schedule. Inactive records should be securely stored until the end of the retention period.
- 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. Unit administrators are responsible for ensuring that the College identifies these records and that they are stored appropriately once they become inactive.
- 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. The General Records Retention Schedule (SCP-1001.A) lists the most common records at the College and provides a retention period along with any special instructions related to disposal.
- 3.11 Retention Period – Minimum required length of time for which a college office or department is responsible for maintaining records. Custodians may hold records longer than the retention period if feasible and space allows.

SECTION 4. POLICY

- 4.1 It is the policy of Southern West Virginia Community and Technical 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.
 - 4.1.1 Before actually disposing of records, the unit administrator shall contact the Vice President for Finance and Administration and complete the Records Retention and Disposal Schedule Form required by the West Virginia Department of Administration. The Vice President for Finance and Administration is authorized to act on behalf of the College in the destruction of its records and must request authorization from the West Virginia Department of Administration for the destruction of the College's records in accordance with the West Virginia Code and all applicable records retention and disposal schedules. Units are encouraged to conduct a records purge on an annual basis.
- 4.2 E-mail sent or received over the College's computer system shall constitute a form of College records. While not all e-mails are business records, all college e-mails 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 e-mail of all members of the college community. (For more information, please reference SCP-7720, *Security of Information Technology*).
- 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 of investigation. The College will take steps to preserve all files that may contain documents or e-mails, and will notify members of the college community to preserve such documents indefinitely. If an employee receives such a preservation notice, it does not necessarily mean that the employee is involved in the litigation or investigation. Rather, it means that the evidence that the College is required to preserve may be in the employee's possession or control, and that the employee has an obligation to preserve such information effective immediately. 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.
- 4.7 Personnel Records
 - 4.7.1 The "official copy" of all records related to an employee is 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 President's Office.
 - 4.7.2 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, most students are paid to do jobs as a result of a financial aid award or as an integral part of their Southern West Virginia Community and Technical College education. In that case, their employment information is maintained as a student record with the unique obligations associated with student records.
- 4.8 Employment Screening Committee Records
 - 4.8.1 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.
- 4.9 Records Related to Web Sites
 - 4.9.1 Because web sites have replaced many publications, they are a significant archival record of the College 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.

4.10 Electronic File Storage

- 4.10.1 Southern West Virginia Community and Technical College shall strive to maintain systems and data operations to allow for access to the maximum extent possible.
- 4.10.2 The College performs periodic full and incremental backups of its server and shared file storage systems on a schedule that enables recovery from hardware failure.
- 4.10.3 Data restoration operations shall only be performed when senior college management deems such operations necessary. A senior college administrator and the Chief Information Officer must concur that a data restoration from backup is the best option before such operations may commence.

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 e-mails indefinitely; such a policy would impose an impossible burden both on the college community and the College's computer network. Individual employees are expected to exercise judgment regarding the content and purpose of the e-mail in determining whether it needs to be retained as a College record, and if so, the length of the retention.

- 5.2.1 E-mails can be retained in the following ways:
 - 5.2.1.1 Printed out and saved as paper documents in a file;
 - 5.2.1.2 Saved into electronic archive folders;
 - 5.2.1.3 Saved on removable storage devices.
- 5.2.2 Regardless of the format in which the e-mails are saved, the Records Custodian for each unit or division has an obligation to preserve and safeguard the information in the e-mail as if it were a paper document. Once the e-mail is saved in another format, however, there is no obligation additionally to retain the e-mail in an active e-mail folder.

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 records 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 records retention schedule. Such records must be added on a case-by-case basis as needed.

SECTION 7. RESPONSIBILITIES

- 7.1 A position within each office, department, division and/or administrative unit shall be designated as “Records Custodian” by the responsible administrator. The duties associated with this responsibility shall be included in the job description of the designated position. The responsible administrator will ensure that the Records Custodian understands and is following the records retention requirements applicable to that particular unit.
- 7.2 The Records Custodian is expected to
 - 7.2.1 Oversee day-to-day transactions pertaining to the unit’s records-related functions and ~~shall~~ manage the maintenance, storage, and disposition of such records;
 - 7.2.2 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;
 - 7.2.3 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; and
 - 7.2.4 Ensure that other employees within the office are aware of and abide by the requirements of this policy.
- 7.3 Accessibility and Safekeeping of Records
 - 7.3.1 Records, especially financial records, must be easily retrievable for examination by authorized individuals, including auditors. Access to electronic records is subject to college rules regarding information security. Records Custodians should work with the IT department to ensure that electronic documents are maintained in a format that preserves accessibility.
 - 7.3.2 The Records Custodian is responsible for ensuring that active and inactive records are secured in a way to provide appropriate confidentiality and protection from unauthorized inspection, theft, and/or physical damage.
- 7.4 Disposition of Records
 - 7.4.1 The Records Custodian is responsible for periodically determining which records in their particular office or department have reached the end of their retention period and should be destroyed or transferred to storage.
 - 7.4.2 The Records Custodian should consult with the Information Technology (IT) department regarding the destruction of electronic documents. (For more information, please refer to SCP-7720, *Security of Information Technology*, 4.23 Data/Information Assets).
 - 7.4.3 Non-confidential paper records may be placed in containers for recycling. Confidential paper records must be shredded or other arrangements must be made for the documents to be destroyed.
 - 7.4.4 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.
- 7.5 When there is a doubt about whether a record may be destroyed, the Records Custodian shall review the retention schedule or consult with the unit administrator and/or the custodian of the official copy of the record if one exists.
- 7.6 The Records Custodian’s supervisor should provide guidance regarding any federal or state rules when developing a retention schedule for records not mentioned here.

7.7 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: SCP-1001.A, *General Records Retention Schedule* (New)

Distribution: Board of Governors (12 members)
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Revision Notes: February 2016 – Revisions establish standards for the review, maintenance, retention, and disposal of documents in the transaction of business by the College as required by West Virginia Code §5A-8. Developed SCP-1001.A, *General Records Retention Schedule*.