

BLUE RIDGE COMMUNITY AND TECHNICAL COLLEGE BOARD OF GOVERNORS

SERIES: 1 | **General Rules**
RULE: 17.1 | **Record Retention**

Scope: The purpose of this rule is to establish the systematic review, retention and destruction of Blue Ridge Community and Technical College records.
Authority: W. Va. Code §§ 18B-1-6(c)(3), 18B-2A-4, WVCTCS §135-4
Approval Date: 4/3/15
Effective Date: 4/3/15

SECTION 1. Application

1.1 This rule provides for the systematic review, retention and destruction of documents received or created in the transaction of Blue Ridge Community & Technical College (BRCTC) business, and is designed to ensure compliance with federal and state laws and regulations, to eliminate accidental or innocent destruction of records and to facilitate college operations by promoting efficiency and reducing unnecessary storage of documents. These guidelines apply to all records of the college and to all college faculty and staff.

BRCTC retains and preserves vital records of its business and operations to preserve an historical record of the college, to ensure current and future operations, and to comply with its legal obligations.

SECTION 2. Definitions

- 2.1. **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.
- 2.2. **Disposition of Records.** The terminal treatment of records, either through destruction or permanent storage.
- 2.3. **Inactive Records.** Records that have not been needed for at least one year or for which the active period has passed.
- 2.4. **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.
- 2.5. **Permanent Records.** Also known as archival records, permanent records have historical, administrative, or research value to the college, which the college keeps indefinitely. Area administrators are responsible for ensuring that the college identifies these records and that they are stored appropriately once they become inactive.
- 2.6. **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.
- 2.7. **Records Custodians.** Individuals designated by unit administrators who have supervisory authority over a particular business practice, and, in that capacity, who have responsibility for ensuring effective implementation of these guidelines in their area of authority. See information on the responsibilities of Records Custodians in Section 4.
- 2.8. **Records Destruction.** The physical or electronic destruction of a record after it has become obsolete or otherwise in accordance with these guidelines.
- 2.9. **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.

- 2.10. Retention Schedules. 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 that certain records must be kept. The General Retention Schedule lists the most common records at the college and provides a retention period along with any special instructions related to disposal. The schedule may be amended to include records not currently included.

SECTION 3. Policy

3.1. Overview

- 3.1.1 It is the policy of BRCTC to ensure that its records are preserved to provide documentation of the college's history and to be retained for the periods of time necessary to satisfy the college's business and legal obligations. The records will be disposed in accordance with an established records retention and disposition schedule. Certain records are permanent records and may never be destroyed.
- 3.1.2 A Records Custodian will oversee the day-to-day transactions related to the office's records related functions and manage the disposition of records at the conclusion of the designated.
- 3.1.3 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.
- 3.1.4 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 holding them. These items will not appear on a retention schedule:
- large quantities of duplicate materials and all duplicates of "official copies"
 - magazines and newspapers not published by the college:
 - published reports produced by other entities
 - purchased data from other sources
 - catalogues, journals or other printed matter created by other entities used for informational purposes
 - notes or working papers once a project is complete, unless they provide more complete information than the final report

3.2. Email

- 3.2.1. Email sent or received over the college's computer system may constitute a form of college record. 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 faculty, staff, or students. Consequently, the administration has the ability and the right to view the email of all members of the college community.
- 3.2.2. Faculty and staff are not obligated to retain all emails indefinitely; such a policy would clearly impose an impossible burden both on the college community and on the college's computer network. Rather, individual employees and faculty members 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 period.
- 3.2.3. Retention periods applicable to email messages are as follows:
- Ordinary emails, including routine communications, internal meeting notices, and cover letters or transmittal memoranda, need be retained only so long as is necessary to complete the action or resolve the issue that is the subject of the email.

- Administrative documents. To the extent that email is being used to document, either internally or outside the college community, the formulation, planning, implementation, interpretation or modification of a college program, policy or service, any such email constitutes a college record and shall be retained in accordance with the retention periods set forth in the General Retention Schedule.
- Emails can be retained in the following ways:
 - Emails can be printed out and filed and saved as paper documents;
 - Emails can be saved into electronic archive folders;
 - Emails can be saved on removable storage devices.
- Regardless of the format in which the emails are saved, the Records Custodian for each office or division has an obligation to preserve and safeguard the information in the email as if it were a paper document. Once the email is saved in another format, however, there is no obligation additionally to retain the email in an active email folder.

3.3. Litigation Holds

- 3.3.1. 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 preserve documents that might be implicated in such litigation or investigation. In such event, the college will take steps to identify all paper and digitally maintained files that may contain documents relevant to the case, including emails, and will notify members of the college community to preserve such documents indefinitely. If a faculty or staff member receives such a preservation notice, it does not necessarily mean that they are involved in the litigation or investigation. Rather, it means that the evidence that the college is required to preserve may be in the faculty or staff member's possession or control, and that the employee or faculty member has an obligation to preserve such information effective immediately.
- 3.3.2. 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. A faculty or staff member's failure to preserve documents after having received a preservation notice can have extremely serious consequences for the college. Accordingly, a failure to comply with a litigation hold may subject employees to discipline, up to and including termination, and will be deemed misconduct that will subject faculty members to discipline in accordance with the faculty handbook.

SECTION 4. Procedures

4.1. Essential Functions

- 4.1.1. Records Custodians. Each supervisor in a particular office or department has the responsibility for designating a Records Custodian in their office or department and ensuring that the Custodian understands and is following the records retention requirements applicable to that particular unit. The supervisor is also required to sign off on either destruction of documents at the conclusion of their retention period or any transfer of records to storage. The Records Custodian is expected to: understand the records created within the department or office; follow these guidelines to make decisions on retention and disposition of records and provide guidance to others who are involved in preparing records for storage; be responsible for ensuring that everyone in the office is aware of

these guidelines and follows them; establish the level of confidentiality and security appropriate to specific types of records and help the department or office maintain and monitor confidentiality and security.

- 4.1.2. Litigation Holds. The Head of Human Resources is responsible for notifying all relevant members of the college community where a litigation hold is being implemented. He or she will, in consultation with the relevant members of the college community, determine the scope of the hold, will determine when the hold is no longer required, and will communicate the lifting of the hold on an as needed basis to members of the college community.
- 4.2. Accessibility and Safekeeping of Records
 - 4.2.1. 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.
 - 4.2.2. 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.
- 4.3. Disposition of Records
 - 4.3.1. The Records Custodian is responsible for periodically determining which college records in their particular office or department have reached the end of their retention period and should therefore be destroyed or transferred to storage.
 - 4.3.2. The Records Custodian's supervisor is required to sign off on the destruction of documents or transfer to storage.
 - 4.3.3. 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.
 - 4.3.4. The Records Custodian should consult with the IT department regarding the destruction of electronic documents.
- 4.4. Records Destruction
 - 4.4.1. Following the established retention schedule records should be securely maintained for the period of retention either in 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.
 - 4.4.2. Records that will not be listed on a retention schedule and therefore may be destroyed at any time include:
 - material that is not considered a "record" (see definition of record);
 - duplicates of an official copy which is stored and retained by another office, such as personnel records, financial and budget information, copies of information used in an employee search;
 - records that have served their purpose and are no longer needed, such as drafts of reports;
 - and notes that have been turned into meeting minutes.
 - 4.4.3. When there is doubt about whether a record may be destroyed, the custodian shall review the retention schedule or consult with the custodian of the official copy of the record if one exists.
 - 4.4.4. Destruction includes:
 - Recycling – generally appropriate 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.

- Shredding – using a shredder or shredding service for all documents that should not be read by others after they are no longer needed or that contain personnel or confidential information. This is essential for any document containing personal information, information that is student protected information under FERPA, health related information, or financial information.

SECTION 5. General Retention Schedule

- 5.1. This schedule will NOT include all records that should be on a schedule. The Records Custodian’s supervisor should provide guidance regarding any federal or state rules when developing a retention schedule for records not mentioned here.
- 5.2. This schedule applies to all types of records, regardless of media or format, including documents, email, 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 custodian or as required by legal counsel. Do not destroy any records while they are subject to audit, investigation, or where investigation is probable.
- 5.3. The General Retention Schedule is maintained in Administrative Procedure 1701.

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