



## ETHICS AND RECORDS POLICIES

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**Number/Title: 604/Records Management and Retention Policy**

**Covered Individuals: All Employees**

**Covered Locations: All Locations**

**Strategic Plan:**

**Effective Date: April 13, 2022**

**HLC:**

**Consultations: VP Human Resources, AVP Student Life, AVP U.S. Centers, AVP Enrollment Management, University Registrar, Archivist, Director of Facilities, Director of Financial Aid, Controller, Senior Associate AD, etc. (for Schedule in particular)**

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### POLICY STATEMENT

Upper Iowa University (UIU or University) is committed to effective records retention to preserve its history, meet legal standards, optimize the use of space, minimize the cost of record retention, and ensure that outdated and useless records are destroyed. This policy is applicable to every division, department, and office of the University.

### PURPOSE

UIU requires that different types of records be retained for specific periods of time, and has designated official repositories for their maintenance. These records must be managed according to procedures that are outlined in this document. All records created, received, or maintained by University departments during their operations belong to the University and are retained and disposed of according to this policy. University records must be kept until the stated minimum retention period has elapsed.

### DEFINITIONS

**Active Records:** Any records that are currently in active use by an office or function of the University.

**Administrative Value:** The usefulness of records in current or future University operations.

**Archival Records:** University records which are inactive and are not required to be retained in the office in which they originated or were received. These records have permanent or historical value and therefore should be retained and preserved indefinitely.

**Data Steward:** Department head or designee charged with implementation of this policy regarding records of that person's department, program, and/or committee.

**Disposition:** The actions to be taken at the end of the active life of a record. Such dispositions may include 1) retain permanently in the office of creation; 2) transfer to inactive storage; 3) transfer to remote storage; 4) transfer to the University Archives; 5) destruction after the legal retention period.

**Electronic Record:** Any record kept in an electronic (non-tangible) format and stored on a computer, server, or storage medium. The same retention periods apply to electronic records as apply to paper and other tangible records.

**Fiscal Value:** Required for budget development, financial reporting, or audit purposes.

**Inactive Records:** Records that are no longer active records but still must be maintained in accordance with the Records Retention Schedule.

**Legal Value:** Contain or constitute evidence of the University's legally enforceable rights and obligations.

**Official Repository:** The department or office designated as having responsibility for retention and timely destruction of particular types of official University records. Such responsibility is assigned to the data steward.

**Research or Historical Value:** Document the purpose, growth, history, services, programs, and character of the Fayette campus and the centers.

**Retention Period:** The minimum time a record must be kept by law, custom, or the custodians of the record.

**University Archivist:** The individual responsible for 1) designating which official University records are archival; and 2) effecting the transfer of archival records from the office in which they originated or were received to the University Archives at such times and in the manner and form prescribed by the Archives and subject to the appropriate retention schedule referenced in this document.

## **POLICY IMPLEMENTATION**

### **Managing Official University Records**

Departments and offices that maintain University records are called "official repositories." These administrative units are responsible for establishing appropriate record retention management practices. Each department head or designee (data steward) must:

- implement the unit's and/or office's record management practices;
- ensure that those management practices are consistent with this policy;
- educate staff within the administrative unit in understanding sound record management practices, including protection of official records against misuse, misplacement, damage, destruction, or theft;

- implement safeguards against accidental or deliberate deletion or alteration of electronic records;
- preserve inactive records of historic value, and transfer those records to the University Archives;
- ensure that access to confidential files is restricted, whether in the original department or after transfer to the University Archives;
- implement appropriate access and audit controls on electronic record data; and
- destroy inactive records that have no archival value upon passage of the applicable retention period.

### **Preserving or Disposing of Official University Records**

When the prescribed retention period for official University records has passed, a determination of whether to preserve or dispose of the documents must be made. The University Archivist, who has the authority to designate which records are archival, should be consulted when deciding if a record is of historical value to the University.

If it is decided that the records are archival, they should be transferred to University Archives, located on the first floor of Henderson-Wilder Library on the Fayette campus. If it is determined that it is appropriate to dispose of the records, they should be destroyed in one of the following ways: recycle non-confidential paper records; shred or otherwise render unreadable confidential records; and erase or destroy electronically stored data.

University records (regardless of the storage medium) can be disposed of upon reaching the minimum retention period stated in the Records Retention Schedule linked to this policy, provided the department does not need the records for future administrative, legal, research, historical, or fiscal purposes.

The data steward is responsible for performing, at least annually, a review to determine the value or usefulness of departmental records. During this review, the data steward should identify and designate for disposal (destruction or transfer to an archive) the records with elapsed retention periods (time maintained in office plus time in inactive records area) that are no longer useful.

### **Electronic Records**

To help ensure that electronic records meet the retention and disposal requirements, data stewards should work with Information Technology Services (ITS) staff to determine best practices and strategies needed to support such requirements. The items listed below should be a part of any such assessment:

- provisions for guaranteeing availability and integrity of electronic records through system migration;
- mitigate the risk of data inaccessibility due to hardware obsolescence, storage medium deterioration, or software dependence; and
- include appropriate policies and procedures for data backup.

### **Confidential Records**

The purpose of these guidelines is to define confidential records, strengthen safeguards against the unauthorized or accidental disclosure of confidential records and information, and to define

appropriate measures for reasonable care in the disposal of confidential information, including its protection during storage, transportation, handling, and destruction.

The following types of records are absolutely confidential:

- individual education records of living students or living former students, as defined by the Family Educational Rights and Privacy Act of 1974, as amended (FERPA), unless the student or former student grants access in writing or unless one of the exceptions contained within FERPA applies;
- individual employment records of living current or former faculty members, administrators, or other staff members (employees), including records which concern hiring, appointment, promotion, tenure, salary, performance, termination, or other circumstances of employment, unless the employee grants access in writing;
- records that include “protected health information” as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and regulations promulgated thereunder;
- records that include “nonpublic personal information” protected under the safeguarding rules of the Gramm-Leach Bliley Act of 2000 (GLBA);
- other records where usage might constitute an invasion of privacy;
- records the use of which has been restricted by contract; and
- any other records with specific regulatory confidentiality requirements.

The following types of records generally will be treated as confidential:

- administrative records of the University for twenty-five years from the date of their creation, with certain exceptions, such as those which must be open in conformance with law;
- records of a sitting administration; and
- records the disclosure of which might expose the University to legal liability.

### **Recommended Procedures for Confidential Destruction**

1. Retention Period – Only those records retained for a period of time equal to or greater than the applicable part of the Records Retention Schedule may be disposed of in accordance with these guidelines.
2. Suspension of Records Destruction in the Event of a Claim, Lawsuit, Government Investigation, Subpoena, Summons, or Other Ongoing Matters – Upon service of legal process (subpoena, summons, or the like), or upon learning of an investigation or audit, or if a claim is made, whether formal or informal, or a dispute arises, the Records Retention Schedule shall be suspended and records related to the legal process, claim, dispute, investigation, or audit should not be destroyed.

Record retention periods may be increased by government regulation, judicial or administrative consent order, private or governmental contract, pending litigation, or audit requirements. Such modifications supersede the requirements listed in this policy. Suspension of record destruction required by any of these reasons will be accomplished by a notice sent out to affected departments by the Compliance Coordinator.

**Note:** No document list can be exhaustive. Questions regarding the retention period for any specific document or class of documents not mentioned here should be addressed to the Compliance Coordinator.

**Caution:** Departments and units that are not official repositories and that retain duplicate or multiple copies of these University records should dispose of them when they are no longer useful.

3. Destruction Authorization – Data stewards are responsible for authorizing the disposal of records. When the records to be disposed of are confidential, the services of a document destruction service with which the University has contracted should be used. No documents that contain sensitive or confidential information should be placed in the trash without being shredded.
4. Disposal of Electronic Records, Film, and Tapes – Electronic or machine-readable records containing confidential information require a two-step process for assured, confidential destruction. Deletion of the contents of digital files and emptying of the “trash” is the first step. It must be kept in mind, however, that reconstruction and restoration of deleted files are quite possible. With regard to records stored on a hard drive, it is recommended that advice from University IT employees be utilized so that all data from the storage device can be removed. Reconstruction of any data formerly stored on the hard drive should be prevented. Film, audio, and video containing confidential information should also be physically destroyed, not simply thrown away.
5. Destruction Record – A destruction record is an inventory describing and documenting those records, in all formats, authorized for destruction, as well as the date, agent, and method of destruction. The destruction record itself should not contain confidential information. It is anticipated that in most cases only one copy of the destruction record will be retained, in the office of origin. The destruction record may be retained in paper or electronic formats.

## **CONTACTS**

**Responsible Administrator**

**Policy Contact** Compliance Coordinator

**RELATED DOCUMENTS, FORMS, AND POLICIES** [Records Retention Schedule](#)

## **HISTORY**

- March 28, 2022 – University Policy Committee voted to recommend policy and schedule to President’s Council
- April 13, 2022 – President’s Council voted to recommend policy and schedule to President Duffy, and President Duffy approved both documents