

## Suffolk University Records Management Policy

### I. Overview

The purpose of the Records Management Policy is to ensure that University:

- maintains Records in accordance with legal, regulatory and operational requirements;
- achieves continuous, efficient and uninterrupted business operations;
- reduces the retention of non-essential Records that no longer serve a business purpose
- ensure the orderly and appropriate destruction of records (other than historically significant records appropriate for archiving) as appropriate

### II. Applicability

The Records Management Policy applies to all faculty or staff members, whether full-time or part-time, paid or unpaid, temporary or permanent, as well as all agents and representatives of the University, including any third party service provider providing services to the University who create, use or otherwise access or interact with any University Records.

### III. Definitions

**Records** means any and all written or recorded matter (including papers, documents, forms, account ledgers, email messages, electronic files, data and information in computer files or systems, machine readable materials, photographs, films, recordings, or other documentary materials, or any copies thereof) regardless of physical or electronic form or characteristics, made, produced, executed, or received by any employee or unit of the University in connection with University business. The term does not include personal documents or other material personal to employees, and not related to University business.

**Non-essential Records** means Records that are not required by law or University policy to be maintained are not needed for the conduct of University business or the University-related activities of a University department or employee, and are not relevant to the fulfillment of another purpose or goal identified by the University. The term includes: preliminary drafts of letters, worksheets, and informal notes which do not represent significant basic steps in the preparation of the record document; materials not filed or maintained as evidence of department operations and which have no independent informational value, such as post-it notes, scratch paper, and routing slips. Duplicates should be considered non-essential records in cases where a specific department has multiple copies of the same document and does not need the extra copy(ies) for the conduct of its business.

### IV. Roles and Responsibilities

#### **Assistant Provost for Information Management**

The Assistant Provost for Information Management is directly or through delegation and oversight, responsible for:

- Developing, reviewing and maintaining the University Records Retention Policy and Record Retention Schedule (RRS) and overseeing compliance with both the Policy and Schedule
- Providing support and subject matter expertise related to Records Retention
- Providing oversight and maintenance of the RRS and responding to requests for changes and modifications to the RRS by working with the Department Records Resources
- Developing appropriate training for personnel responsible for record storage and maintenance;
- Monitoring compliance with this Policy and the Record Retention Schedule, and taking appropriate steps to ensure compliance in the event of any instances of non-compliance.

### **General Counsel**

The General Counsel is directly or through delegation and oversight, responsible for:

- Reviewing retention periods in the Records Retention Schedule for compliance with legal and regulatory requirements
- Issuing a Legal Hold Notice when applicable in accordance with the “Legal Hold Policy and Procedures”

### **Department Records Resource (DRR)**

The Department Records Resource (DRR) is identified by the appropriate Dean or Vice President and is responsible for:

- Assisting with the development and maintenance of University Records within the DRR’s individual department in accordance with this Policy and the RRS
- Ensuring the DRR’s individual department complies with this Policy and the RRS
- Representing their assigned departments in reviewing and recommending changes to the RRS periodically to identify any modifications required due to operational needs or industry recordkeeping requirements
- Establishing appropriate physical and electronic repositories for the management of University Records in accordance with this Policy and the RRS
- Developing procedures to support and implement this Policy and the RRS
- Monitoring their department’s vendor storage inventories to confirm compliance with the RRS
- Ensuring (in consultation with, and with the assistance when necessary of, the General Counsel’s Office) that vendors and other third party service providers that receive, store, maintain, process, or otherwise are permitted access to Confidential Information, as defined in the University’s “Written Information Security Program” (WISP) are capable of maintaining appropriate security measures to protect that information in the manner required by law and University policy, and requiring (to the extent required by law) such vendors and service providers to implement and maintain such security measures,
- Facilitating the destruction of departmental Records in accordance with the WISP and the RRS

## V. Policy

### A. General Policy

It is the policy of the University that all Records created or maintained by the University or any of its constituent departments, units, offices, or employees in the course of institutional business are:

1. Retained in accordance with the requirements of applicable law, and for as long as needed by the University for any legitimate business purpose (e.g. to conduct business, to effectively serve its students or other constituencies, to protect and defend the University's interests, to preserve Records potentially relevant to legal or regulatory proceedings or internal or external audits, investigations or administrative proceedings, or to preserve the archival history of the University or its programs or activities). Retention as required by this section shall be deemed satisfied when Records are retained for the periods specified in the Records Retention Schedule (RRS), and for any such extended period as may be specified in accordance with the following Subsection (2).
2. Under certain circumstances and in accordance with the "Legal Hold Policy and Procedures," the General Counsel's Office may extend the record retention period to comply with legal requirements, contracts, or other University policy or administrative requirement. In addition, DRRs may request, and the Assistant Provost for Information Management may grant an extension of a record retention period for certain Records beyond the period specified in the RSS.
3. Maintained by designated institutional officials in a condition and format that ensures their integrity and allows for their efficient retrieval and appropriate future use during the retention period, and
4. Appropriately disposed of in accordance with this Policy and the Record Retention Schedule.
5. Third party service providers or vendors engaged to store Records shall be made aware of and required to follow this Policy and the RRS.

### C. Legal Hold Notices

From time to time, the General Counsel's Office may suspend the scheduled disposition of Records and direct employees to preserve Records and other information by issuing a legal hold notice as defined under the "Legal Hold Policy and Procedures." When in receipt of a legal hold notice, employees must immediately take action to preserve such information and suspend any disposition of Records and other information covered under the legal hold notice.

By way of illustration, the General Counsel's Office may issue a legal hold notice under the following circumstances:

- In the event of reasonably anticipated or actual litigation
- In connection with an internal or external audit

- In the event of a government investigation

Record custodians must comply with all Record preservation directives in a legal hold notice. No employee who has been formally notified of a Record preservation directive in a legal hold notice may discard, destroy, alter, or delete a Record that falls within the scope of that legal hold notice. Premature or improper disposal or destruction of Records subject to a legal hold notice may have serious legal consequences. Violation of a directive in a legal hold notice may subject the individual to disciplinary action, up to and including dismissal, as well as personal liability for civil or criminal sanctions by courts or law enforcement agencies.

#### **D. Record Retention Schedule Maintenance**

On an annual basis, the Assistant Provost for Information Management will review the Record Retention Schedule in conjunction with the General Counsel's Office. The Records Retention Schedule must be maintained and updated to reflect changes in University operations, recordkeeping practices and legal and regulatory requirements.

In connection with the annual review, each Department Records Resource will submit to the Provost's Office any Records Retention Schedule change request on behalf of their individual department.

Examples of Record Retention Schedule change requests are:

- **Additions:** New Record categories that should be created
- **Modifications:** Existing Record categories that should be modified (e.g. shorten/lengthen stated retention periods, change to Record category name, change to Record category description or change to examples list).
- **Deletions:** Record categories no longer created or received by the University. NOTE: a category shall not be deleted until all Records in the possession of the University in that category have been retained for the full duration of the retention specified in the RRS.

#### **E. Record Disposition**

Records that have (i) passed their business retention period identified in the Record Retention Schedule and (ii) are not subject to a legal hold notice must be destroyed or disposed of in a timely manner in accordance with the WISP.

If a third-party provider is engaged to perform Records destruction activities, they must comply with the applicable provisions of law (i.e. M.G.L.c. 93I), and the WISP, which provides that all paper records containing Confidential Information (as that term is defined in the WISP) shall be burned or shredded, and electronic records (including records stored on hard drives or other electronic media) shall be destroyed or erased, so that personal data cannot practicably be read or reconstructed. Records not containing any Confidential Information shall be disposed of appropriately.

Non-essential Records may be disposed of at any time, and should be disposed of as soon as possible, **except** in cases where those Records are subject to a legal hold as described above.

**F. University Archives**

Records that are important to Suffolk University history may be kept permanently for archival purposes once they have reached the end of their retention period. For questions regarding archives, contact the University Archivist.

**VI. Violation of Policy**

Any violations of this Policy will be enforced by the Provost's Office. Any individual that detects or suspects violations of this Policy should immediately report such actual or suspected violations to the Provost's Office.

Policy violations may result in disciplinary actions by the University, up to and including dismissal and in some cases, may subject an individual to civil or criminal liability.

Any questions about this Policy or about the applicability of this Policy to a particular situation should contact the Provost's Office.

Version	Date	Responsible University Office	Approved By
1.0	9/14/10	Provost Office	Provost Barry Brown