



Washington and Lee University

Document Retention & Disposition Policy

Approved By: <u>W&L Board of Trustees</u>	Related Policies: _____
History: Issued – <u>October 20, 2007</u>	_____
Revised – <u>May 17, 2008</u>	Additional References: <u>Record Retention Schedule</u>
Responsible Office: <u>Office of General Counsel</u>	

I. INTRODUCTION

Policy Statement

This policy provides for the systematic review, retention, and disposition of documents and records received, created, or maintained by the University in connection with University business. The policy contains a schedule for how long certain documents should be retained and how they should be disposed of (unless they are under a legal or other similar investigation, or are otherwise subject to a litigation hold). This policy is designed to enhance compliance with federal and state laws and regulations, to eliminate accidental or innocent destruction of records, and to facilitate the University's operations by promoting efficiency and freeing-up valuable storage space.

Applicability

This policy applies to all departments, divisions, offices, and employees of the University and the types of records/documents in the Retention Schedule noted below.

II. DEFINITIONS

"Documents" or "Records" – when used in this policy, include any records created, received, or maintained by University departments, divisions, offices, and employees of the University in connection with University business, regardless of physical form (hard copy or electronic form, including email).

Confidential Information – when used in this policy, includes any personally-identifiable records, including, but not limited to: student, employee, financial, health, alumni, and donor records; strategic planning documents, contracts, research data, and University financial/proprietary data and information.

Financial Records – any records containing social security numbers, financial account information, tax returns, asset statements, bank or credit card account numbers, income and/or credit information, or any other records containing "personally-identifiable *financial*

information” regarding students, parents, employees, alumni, potential donors, and other third parties.

III. POLICY

A. Document Retention

The University will retain documents in accordance with the University Record Retention Schedule developed by the Office of General Counsel. The master schedule will be available online at <http://counsel.wlu.edu/policies> and department heads will be provided a schedule for their individual department. Documents not listed in the schedule that are substantially similar to those listed in the schedule, or that pertain to a particular transaction or matter documented by a record listed in the schedule, should be retained for the length of time required for the substantially similar/related document.

B. Electronic Documents and Records

Electronic documents will be retained as if they were paper documents. Therefore, any electronic files that fall into one of the document types on the schedule, or that represent a substantially similar/related document as discussed in paragraph A above, will be maintained for the scheduled length of time. E-mail messages and/or other electronic files that need to be retained under this policy should be stored in an “archive” computer file folder. Backup and recovery methods will be tested on a regular basis.

C. Disaster Planning and Preparedness

Washington and Lee University records will be stored in a safe, secure, and accessible manner. Documents and financial files that are essential to keeping the University operating in an emergency are duplicated and backed-up on a regular schedule.

D. Document Disposition

Departments are responsible for the safe and secure maintenance, storage, and disposition of their own records, with oversight by the relevant Vice President, Dean, or the Provost. The Office of General Counsel will serve as a resource for the ongoing process of identifying records that meet the required retention period. The following hardcopy records will be destroyed by shredding: 1) University financial records; 2) individually-identifiable financial, medical, student, or personnel-related records; and 3) any other documents or records containing confidential information, as defined above, and/or non-public information about the University. If in doubt as to the proper method to destroy a document, shred it. Departments should keep a log of records disposed of that are covered by the retention schedule, specifying the records disposed of (including the years covered), their retention period, the date and method of disposition (including the identity of any third party vendor handling the destruction), and the department head authorizing destruction. Departments should be specific and consistent in their descriptions of records disposed of. The Office of General Counsel will provide a blank disposition log form (and a sample completed form) on its website at <http://counsel.wlu.edu/tutorial>.

E. Litigation Hold

Document disposition will be suspended immediately and all potentially relevant records and documents, whether listed on the Retention Schedule or not, must be preserved and maintained when a lawsuit is filed or is reasonably anticipated. Documents that are subject to a “litigation hold,” as determined by the Office of General Counsel, shall be preserved and retained until such time as the Office of General Counsel specifically authorizes the documents to be disposed of.

F. Compliance

Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against the University and its employees.

G. Review and Amendment

The Office of General Counsel will periodically review this policy to see that it complies with new or revised laws and regulations and institutional policies, and will bring necessary amendments to the Board of Trustees for approval.

IV. ANNOTATED REVISION HISTORY

May 16, 2008 – Revised to: 1) add language clarifying the definition of “Confidential Information,” as well as §§ III.A, III.B, and III.G; 2) replace the word “destruction” with “disposition” where appropriate throughout the policy; and 3) add language to the end of § III.D to require documentation of document disposition.
