

## **Records Retention and Archival Policy BU-PP 038**

### **Objective**

Federal and state laws and regulations require Baylor University to adhere to numerous record retention guidelines or mandates. In addition to legally mandated retention requirements, the University's membership in outside organizations (such as the Southern Association of Colleges and Schools or the National Collegiate Athletic Association) may require certain records of the University to be maintained. Finally, various departments of the University have also determined that certain records should be maintained for certain periods of time in order to allow the University to conduct its affairs efficiently and consistently or to retain records and other documents for historic purposes. Therefore, each department should develop its own records management plan in cooperation with its Vice President, the Office of General Counsel, the ITS Information Security Officer, and the University Archivist (the Texas Collection).

### **Criminal Sanctions and Other Penalties**

This Policy is intended to facilitate Baylor's compliance with all applicable laws and regulations governing the retention and destruction of Baylor records.

Federal, State and other laws and regulations require Baylor University to maintain certain types of records for particular periods. Failure to maintain such records may subject the organization and/or individuals to penalties and fines and may compromise Baylor's position in litigation.

It is a federal crime, punishable by a fine and up to twenty years in prison, for anyone to knowingly alter, destroy, mutilate, conceal, cover up, falsify, or make a false entry in any record with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of a federal department or agency or any bankruptcy case. The same penalty applies to anyone who alters, destroys, mutilates, or conceals a record, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding, regardless of whether such proceeding is pending or about to be instituted at the time of the offense.

### **Definition of Record**

A "record" is any recorded information in any format (including without limitation paper, electronic and audiovisual materials), wherever such information is stored, that has been created by or for Baylor University, or received by Baylor University in connection with the transaction of the organization's affairs.

### **Retention and Maintenance of Records**

The University requires that its records be maintained in a consistent and logical manner and be managed so that the University:

1. Meets legal standards for protection, storage, and retrieval;
2. Protects the privacy of faculty, staff, students, and patients of the University;
3. Optimizes the use of space;
4. Minimizes the cost of record retention; and
5. Destroys outdated records in a timely and appropriate manner.

Baylor University's records include essentially all records produced by an employee, whether paper or electronic. A record may be as obvious as a memorandum, an e-mail, a contract, or a case study, or something not as obvious, such as a computerized desk calendar, an appointment book, or an expense record.

Departments that maintain University records are responsible for establishing appropriate records management procedures and practices. Each department's administrative manager or a designee must:

1. Be familiar with this Policy;
2. Develop the department's and/or office's record management procedures and practices, consistent with this Policy;
3. Educate staff within the department in understanding sound record management practices;
4. Restrict access to confidential records and information; and
5. Coordinate the destruction of certain records and destroy as provided in the applicable procedures.

## **Retention Schedules**

Several categories of documents that bear special consideration are identified in Appendix A. While minimum retention periods are suggested, the retention of the documents identified in Appendix A and of documents not included in the identified categories should be determined primarily by the application of the general guidelines affecting document retention identified above, as well as any other pertinent factors.

The Office of General Counsel, Internal Audit, Tax Compliance, Grants and Contract Accounting Services, and the Associate Vice President for Financial Service and Treasurer are available to work with individual departments to implement these requirements. Faculty and staff members should feel free to address questions about retention and destruction schedules to any of these offices.

## **University Archives**

Officially established in 2008, The Texas Collection (Carroll Library) is the archives for Baylor University. Its mission is to collect, organize, preserve, and make available university records and documents of enduring historical value to the institution. These records and documents are generally legal, fiscal, historic, and administrative in nature and are made available upon request in accordance with university policy and in consideration of privacy issues and agreements. Contact The Texas Collection to discuss a records transfer from your department to the archives.

## **Confidentiality Requirement**

Many records subject to record retention requirements contain non-public confidential data. Such records are protected by federal, state, and local statutes, including the Family Educational Rights and Privacy Act (FERPA), the Gramm-Leach-Bliley (GLB) Act, the Texas Identity Theft Enforcement and Protection Act, and the Health Insurance Portability and Accountability Act (HIPAA). In addition to the statutory requirements, any record that contains confidential data should be treated in accordance with the University's privacy and security policies.

## **Electronically Stored Information**

Recent years have witnessed a tremendous growth in the use of electronically stored information ("ESI") by the University. The ease with which ESI may be created, the number of places where ESI may be stored, and new rules regarding the use of ESI in litigation, all require that the University manage its ESI effectively, efficiently and consistent with its legal obligations. Accordingly, departments must include ESI in the development of their records management plans.

## **Preservation of Records Relevant to Legal Matters**

Any record that is relevant to any pending or anticipated litigation, claim, audit, agency charge, investigation or enforcement action shall be retained at least until final resolution of the matter. In these circumstances, the Office of General Counsel will notify relevant departments and work with staff to identify and preserve any records (including electronic records) and other information that could be relevant to the matter. This will include a directive that the relevant unit's normal document destruction policies or protocols temporarily be suspended. Employees who become aware that an investigation or legal proceeding has commenced or is anticipated against the University must notify the Office of General Counsel so that all records with potential relevance to the investigation or legal proceeding can be preserved as necessary. This exception supersedes any previously or subsequently established destruction schedule for those records. If you believe that exception may apply, or have any question regarding the possible applicability of that exception, please contact the Office of General Counsel.

## **Disposal and Destruction of Records**

If you have determined that, consistent with this Policy, and with the records management practices and procedures applicable to your department, it is appropriate to dispose of any records, they can be destroyed in one of the following ways:

1. Recycle non-confidential paper records;
2. Shred or otherwise render unreadable confidential paper records; or
3. Erase or destroy electronically stored data. (ITS can assist you in effectively disposing of this data.)

For additional assistance please contact the Office of General Counsel. The Office of General Counsel will work with you to understand your document retention issues and to provide guidance on this Policy.

## **Policy Enforcement**

Failure to comply with this Policy may result in punitive action against the employee, including suspension or termination. Questions about enforcement of this policy should be referred to the divisional Vice President who possesses or maintains the records, or the Office of General Counsel.

## APPENDIX A RETENTION SCHEDULE

Record Category	Record Type	Minimum Retention Requirement
I. Corporate/Organizing Documents	A. Organizational <ul style="list-style-type: none"> <li>• Bylaws (including all amendments)</li> <li>• Corporate Charter (including all amendments)</li> <li>• Corporate Seal</li> <li>• Qualifications to do Business</li> <li>• State Licenses and Registrations</li> <li>• Taxpayer ID Number</li> </ul>	Permanent
	B. Board of Directors	
	<ul style="list-style-type: none"> <li>• Agendas</li> <li>• Audit Reports (internal)</li> <li>• Board Books</li> <li>• Board Presentations</li> <li>• Board Resolutions/Minutes</li> <li>• Committee Charters</li> <li>• Committee Resolutions/Minutes</li> <li>• Committee Reports</li> <li>• Conflict of Interest and other Board Policies</li> </ul>	Permanent
	<ul style="list-style-type: none"> <li>• Compensation Consultant Reports/Compensation Studies Relating to Compensation of Directors, Officers and Key Employees</li> <li>• Conflict of Interest Disclosure Forms</li> <li>• Correspondence with Directors</li> <li>• Determinations Relating to Compensation of Directors, Officers and Key Employees</li> <li>• Determinations Relating to Transactions with Related Parties</li> <li>• Investment Reports/Briefings</li> </ul>	Seven Years
	C. Tax-Exemption	
	<ul style="list-style-type: none"> <li>• Application for Tax Exemption (including all related correspondence with IRS)</li> <li>• IRS Determination Letter</li> <li>• Post-Determination Letter Correspondence with IRS Regarding Tax-Exempt Status</li> <li>• State Tax Exemption (application and related materials)</li> </ul>	Permanent
	D. Tax and Tax Accounting State Reporting	
	<ul style="list-style-type: none"> <li>• Correspondence with State Tax Authorities</li> </ul>	Permanent
	<ul style="list-style-type: none"> <li>• Federal Tax Returns (Form 990, Form 990-T, etc.)</li> <li>• State Tax Filings</li> <li>• Annual/Periodic State Reports</li> <li>• Backup Tax Workpapers and Related Documentation</li> <li>• Internal Determinations Relating to Income and Excise Tax Liability</li> </ul>	Seven Years
	E. IRS Audit-Related Materials	
	<ul style="list-style-type: none"> <li>• Closing Agreements</li> <li>• Revenue Agent Reports</li> </ul>	Permanent
	<ul style="list-style-type: none"> <li>• IDRs and Responses thereto</li> </ul>	Seven Years

II. General Records	<ul style="list-style-type: none"> <li>Annual Reports</li> </ul>	Permanent
	<ul style="list-style-type: none"> <li>Correspondence and Letters</li> <li>Documentation of Exempt Function Activities</li> <li>Press Releases</li> <li>Promotional and Sponsorship Materials</li> </ul>	Seven Years
III. Grants/Donations/Awards	A. Grant Proposals	
	<ul style="list-style-type: none"> <li>Awarded Grants</li> </ul>	Seven Years (from date of final grant report)
	<ul style="list-style-type: none"> <li>Rejected Grants</li> </ul>	One Year (from date of rejection)
	B. Grant Award Letters/Agreements (including all exhibits)	Seven Years (from date of final grant report)
	C. Grant Rejection Letters	One Year (from date of rejection)
	D. Grant Reports	Seven Years (from date of final grant report)
IV. Administration	A. General	
	<ul style="list-style-type: none"> <li>Insurance Policies</li> </ul>	Permanent
	<ul style="list-style-type: none"> <li>Building &amp; Equipment Leases and Related Agreements</li> </ul>	Seven Years (after termination of lease)
	B. Policies and Procedures <ul style="list-style-type: none"> <li>Accounting</li> <li>Internal Controls</li> <li>Personnel Policies</li> <li>Other Related Materials</li> </ul>	Seven Years (from expiration or termination of policy)
	C. Procurement <ul style="list-style-type: none"> <li>Contracts</li> <li>Purchase Orders</li> </ul>	Seven Years (from termination of contract) Seven Years
V. Benefit and Retirement Plans	<ul style="list-style-type: none"> <li>Employee Benefit Plan Documents-Plan Documents, Summary Plan Descriptions, Superseded Plan Documents and summary Plan Descriptions, Notices, IRS Letter of Determination, Insurance Contracts, and Third Party Administrator Contracts (including medical, dental, life, and disability plans)</li> <li>Employee Benefit Files-Benefit Information Filed by Employee Name (including benefit statement, benefit elections, beneficiary designations, annuity contracts, benefit calculations, and compensation and service histories)</li> <li>Minutes-Employee Benefit Plan's Board of Directors Meetings (including investment committee meetings, etc.)</li> <li>Employee Benefit Plans' Board of Directors Reports-monthly financial statements</li> <li>Investment Reports (summary)</li> <li>Outside Investment Managers (contracts and investment performance reports)</li> </ul>	Permanent
	<ul style="list-style-type: none"> <li>Monthly Premium Bills and Census</li> </ul>	Seven Years
	<ul style="list-style-type: none"> <li>Qualified Domestic Relations Orders</li> </ul>	Six Years (from the date participant or beneficiary no longer

		has an accrued benefit under the plan)
	<ul style="list-style-type: none"> <li>Summary Annual Reports</li> </ul>	Six Years (from the date participant/alternate payee no longer has an accrued benefit under the plan)
	<ul style="list-style-type: none"> <li>Claims Files</li> </ul>	Six Years (from the date the approved or denied claim is final)
	<ul style="list-style-type: none"> <li>Plan's Annual Reports on Form 5500 (and all supporting documents)</li> </ul>	Six Years (from the date the Form is filed)
	<ul style="list-style-type: none"> <li>Plan's Annual Financial Statements</li> </ul>	Six Years (from the end of the year to which the audit applies)
	<ul style="list-style-type: none"> <li>Plan Testing Records-Discrimination Tests</li> </ul>	Six Years (from the end of the year in which the testing records are used)
	<ul style="list-style-type: none"> <li>Investment Records (detail)</li> </ul>	Six Years (from the date of the transaction)
	<ul style="list-style-type: none"> <li>Tax Deduction Records (records sufficient to justify employer deductions for plan contributions)</li> </ul>	Six Years (from later of date of filing or payment of tax)
	<ul style="list-style-type: none"> <li>Payroll Records</li> </ul>	Six Years (after the later of return due date or date tax is paid)
VI. Finance	A. General Accounting <ul style="list-style-type: none"> <li>Audited Financial Statements</li> <li>Auditors Reports; Management Letters</li> <li>General Ledger (one copy for each calendar year)</li> </ul>	Permanent
	<ul style="list-style-type: none"> <li>Accounts Payable Ledgers and Schedules</li> <li>Accounts Receivable Ledgers and Schedules</li> <li>Accruals</li> <li>Budgets; Related Reports</li> <li>Cash Receipts and Disbursements</li> <li>Employee Benefits Paid</li> <li>Expense Reports</li> <li>Fees and Commitment</li> <li>Investment Account Statements</li> <li>Journal Entries</li> <li>Notes Receivable Ledgers and Schedules</li> <li>Other Financial Reports</li> <li>Payment Files</li> <li>Payroll Records (including computer service company records)</li> <li>Petty Cash Vouchers</li> <li>Prepaid Items</li> <li>Reconciliation</li> <li>Time Sheets/Leave Reports</li> <li>Travel Vouchers</li> </ul>	Seven Years

	<ul style="list-style-type: none"> <li>• Wire Transfers</li> <li>• Year End Adjusting Entries</li> <li>• Year End Trial Balances</li> </ul>	
	<ul style="list-style-type: none"> <li>• Capital Assets Schedule</li> <li>• Depreciation Schedules</li> </ul>	Seven Years (after item is fully depreciated)
	B. Banking and Related Materials	
	<ul style="list-style-type: none"> <li>• Bank Statements</li> <li>• Canceled Checks</li> <li>• Cash Receipts</li> <li>• Chart of Accounts</li> <li>• Check Register</li> <li>• Check Requests and Expense Reports</li> <li>• Checks and Check Stubs</li> <li>• Delegation of Authority</li> <li>• Deposit Slips</li> <li>• Interest Statements</li> </ul>	Seven Years
	C. Tax-Related Material	
	<ul style="list-style-type: none"> <li>• Cost or other Proof of Substantiation for Tax Basis of Property</li> <li>• IRS Forms 940, 941, 945, 1096, 1099, W-2 &amp; W-3 &amp; Other Employment Tax Forms</li> </ul>	Seven Years
	<p>D. Interim Financial Information</p> <p>Interim financial information having a relatively short useful life may be generated and circulated. Such information should be retained only so long as it is actively being used. Once superseded, or once the information is incorporated into a quarterly or yearly report, most interim summaries and reports have no further value. Consequently, interim reports and similar items containing information within the categories outlined above generally do not need to be retained if they are superseded or their data is incorporated into a more comprehensive report. Please check with the Records Management Officer before disposing of such materials.</p>	Check with Records Management Officer
VII. Personnel Records	A. Personnel Files	
	<ul style="list-style-type: none"> <li>• Official Personnel Files of Active Employees</li> </ul>	Retained During Active Employment
	<ul style="list-style-type: none"> <li>• Information Relating to Charges or Complaints of Discrimination (pending or reasonably foreseeable)</li> </ul>	Retained Until Final Disposition of All Legal Proceedings Relating Thereto
	<ul style="list-style-type: none"> <li>• Records Used to Compile EEO-1 or Similar Reports</li> </ul>	Six Years (from date of report)
	<ul style="list-style-type: none"> <li>• Official Personnel Files of Inactive Employees (Including staff employment agreements and annual evaluations; security clearance information)</li> </ul>	Six Years (after employment period ends except as otherwise indicated in this section and as applicable for benefits-related records above)
	<ul style="list-style-type: none"> <li>• Personnel Records-other (Personnel records relating to recruitment and hiring (including records pertaining to a decision not to hire particular individuals, job orders submitted to employment agencies for recruitment; and advertisements or notices relating to job openings);</li> </ul>	Three Years (from the date of the personnel action)



	employment termination and resignations; and other personnel actions)	
	<ul style="list-style-type: none"> <li>Immigration and Nationality Documents (I-9 Forms)</li> </ul>	Six Years (from hire date or one year after termination, whichever is later)
	B. Wage and Hour (Payroll) Records	
	<ul style="list-style-type: none"> <li>Staff Salary Summaries</li> <li>Payroll Records including name, employee identification number, home address, date of birth, gender, occupation, time of day and day of week on which employee's work week begins, total wages for each pay period, and date of payment</li> <li>For Non-Exempt Employees records reflecting regular hourly rate of pay; amount/nature of any payment excluded from the employee's "regular rate" of pay; hours worked each workday, total hours worked each work week; straight-time earnings, overtime pay, any additions/deductions to wages; schedule of hours normally worked</li> <li>For Exempt Employees records providing detailed explanation of basis on which wages are paid to permit calculation for each pay period of the employee's total remuneration for employment, including fringe benefits</li> </ul>	Three Years
	C. Medical Records <ul style="list-style-type: none"> <li>Material Related to Claims under Workers Compensation Laws</li> <li>Material Related to Claims under State/District Disability Laws</li> </ul>	Seven Years (after completion)
	<ul style="list-style-type: none"> <li>Family and Medical Leave Act Leave Request (Forms, Medical Certifications, Correspondence and Related Documentation)</li> <li>Material Evidencing Compliance with Occupational Safety and Health Administration Requirements</li> </ul>	Six Years
	<ul style="list-style-type: none"> <li>Accommodation Requests and Related Documentation Generated in Compliance with the Americans With Disabilities Act</li> </ul>	Six Years (from date record was made or from date of personnel action, whichever is later. If accommodation ongoing, maintain records through period of employment and thereafter as noted above)
VIII. Legal	<ul style="list-style-type: none"> <li>Property Records</li> <li>Property Appraisals</li> <li>Documents Related to the Acquisition and Sale of Real Property</li> <li>Records of Efforts not to Infringe any Patent, Trademark, Copyright, or Trade Secret</li> <li>Records related to development of intellectual property, including Patent, Trademark, Copyright, or Trade Secret</li> <li>Confidentiality and Nondisclosure Agreements</li> <li>Copyright Registrations</li> </ul>	Permanent

	<ul style="list-style-type: none"> <li>• Copyright Permissions for Use of Others' Copyrighted Material</li> </ul>	
	<ul style="list-style-type: none"> <li>• Regulatory Affairs</li> </ul>	Seven Years
	<ul style="list-style-type: none"> <li>• Contracts/Agreements (unless specifically addressed elsewhere in this policy)</li> <li>• Deeds/Titles Certification Letters</li> <li>• Licenses</li> </ul>	Seven Years (after date of expiration)
	<ul style="list-style-type: none"> <li>• Litigation</li> </ul>	Seven Years (after final decision)
	<ul style="list-style-type: none"> <li>• Computer Software Licenses</li> </ul>	Seven Years (after use of software)
	<ul style="list-style-type: none"> <li>• Construction contracts</li> </ul>	Ten Years (after acceptance of completed project)