



INSTITUTIONAL POLICY: GA-11

Category: General Administration
Subject: Record Retention
Effective Date: ~~July 1, 2019~~
Updated: N/A

GA 11-1. Authority

W. Va. Code § 18B-1-6

GA 11-2. Definitions

- 2.1 “Confidential Records” means records of the West Virginia School of Osteopathic Medicine (“WVSOM”) that contain confidential student, employee, or applicant information, or are otherwise deemed confidential by existing WVSOM policies or by any state or federal law or regulation. Such records should have access limited to “need-to-know” individuals and should be protected from inadvertent access or disclosure.
- 2.2 “Litigation Hold” means 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 WVSOM records.
- 2.3 “Record” means any information, regardless of physical form or characteristics, made or received in connection with the transaction of WVSOM business in accordance with law or regulation. A record may include a document, correspondence, recordings, reports, studies, data maps, drawings, photographs or e-mail, whether in paper, electronic (created or stored by electronic means, including, but not limited to, digital files, images, objects, and files stored on tape, disks, or internal memory) or other form.
- 2.4 “Record Retention Schedule” means an internal schedule that sets forth how records should be handled after the period of their active use.

GA 11-3. General Provisions

- 3.1 WVSOM shall maintain a Record Retention Schedule that requires that records, regardless of format, be either disposed of or retained for specific periods of time in accordance with legal or other institutional requirements, or for historical value. The appropriate time periods for record retention are record-specific and are subject to ongoing modification from time to time by statute or regulation, judicial or administrative consent order, private or governmental contract, pending litigation or audit requirements, such as Litigation Hold, and updates to this or other policies and procedures. Such modifications supersede the retention period for the applicable record stated in the Record Retention Schedule.

- 3.2 Any record that is the subject of litigation or a Litigation Hold or pertaining to a claim, audit, agency investigation, or enforcement action should be kept until final resolution of the action, including any applicable appeals or appeal deadlines. Record destruction will be delayed by any of the above reasons and shall be communicated by the Office of General Counsel to various administrative units. If WVSOM reasonably anticipates litigation or government agency investigation, the Office of General Counsel shall put a Litigation Hold in place and notify the various administrative units to preserve potentially relevant documents until final resolution of the matter.
- 3.3 If official business is conducted via e-mail, even if over privately-owned equipment, it is subject to the same rules and regulations as hard copy records.
- 3.4 The Institutional Policy Committee shall review and update the Record Retention Schedule periodically, as necessary, but at least annually. Any revisions to the Record Retention Schedule shall follow the requirements set forth in WVSOM's Procedure for the Adoption, Amendment, or Repeal of Institutional Operating Procedures.

GA 11-4. Record Retention

- 4.1 WVSOM's Record Retention Schedule accounts for the management and disposition of records that are common to many departments across campus. Departments may have additional record retention requirements for records unique to their operations that are not listed in the Record Retention Schedule. If records are not listed, it does not mean that they can or should be destroyed without first considering the general requirements in this policy.
- 4.2 Vice Presidents and/or their designee(s) are responsible for establishing appropriate record retention management practices, including for records that are not listed on the Record Retention Schedule, in their respective administrative units.
- 4.3 In the event of a conflict between any state or federal law or regulation and the Record Retention Schedule or this policy, the more restrictive retention requirement shall apply.

GA 11-5. Electronic and Physical Storage of Records

- 5.1 Departments have an obligation to preserve and retain all Records as detailed in the Record Retention Schedule or as required by Vice Presidents and/or their designee.
- 5.2 Departments should make all attempts to digitize all Records to ensure proper retention.
- 5.3 Departments are responsible for ensuring that all Records are maintained in a secure manner that provides appropriate confidentiality and protects against unauthorized access, theft, and/or physical damage. Each Department shall assess the potential risks of damage or destruction to the Records within its storage areas and implement retention and protection measures as necessary.
- 5.4 All Records must be easily retrievable for examination by authorized individuals, including the Office of General Counsel.

5.5 Each Department shall comply with applicable policies, procedures, and standards governing the digital retention of Records, including those set out by the WVSOM Office of Information Technology. Departments shall work with the Office of Information Technology to ensure that electronic Records are maintained in a format that preserves accessibility and usability.

GA-11-5.GA 11-6. Disposal and Destruction of Records

If a determination has been made, pursuant to this policy, authorizing the disposal of certain records, they must be destroyed in one of the following ways:

5.16.1 Recycle or shred non-confidential paper records;

5.26.2 Shred or otherwise render unreadable confidential paper records; or

5.36.3 Permanently erase or destroy electronically stored data in a manner that renders it unrecoverable. Such a manner shall be determined by WVSOM's Executive Director of Information Technology~~Chief Technology Officer~~.

GA-11-6.GA 11-7. Implementation of Policy

This policy will be implemented using applicable WVSOM policies and procedures.