

**UNIVERSITY OF MASSACHUSETTS**  
**RECORD MANAGEMENT, RETENTION AND DISPOSITION POLICY**

The President of the University shall adopt guidelines to require that each campus institute records management, retention and disposition procedures for the proper management of University records. The President may, from time to time, amend the guidelines as appropriate or as required by law.

Such guidelines shall be consistent with Massachusetts General Laws, c. 66 and other applicable state statutes governing retention of public and official records and disposition of obsolete records, as well as with any contractual commitments or federal law or regulation which may apply. The guidelines shall provide for the proper maintenance and protection of archived records, and for the adoption of schedules for disposition of obsolete records, which schedules shall to the extent practicable given University needs and requirements be consistent with schedules adopted by the State Records Conservation Board.

Compliance with and implementation of the guidelines and any supplementary procedures shall be the responsibility of all University employees.

Upon approval of the guidelines or any amendment thereto, the President shall forward the guidelines to the Secretary of the Board of Trustees. The President, together with the Chancellors or their designees, shall also establish specifications and timetables for the development of supplementary records, management, retention and disposition procedures and data retention/disposition schedules on the campuses. Campus procedures must adhere to this policy and the President's guidelines.

**UNIVERSITY OF MASSACHUSETTS  
RECORDS MANAGEMENT, RETENTION AND DISPOSITION  
(Doc. T99-061)**

**RECORD MANAGEMENT GUIDELINES**

**Effective: January 21, 2013**

To comply with applicable legal and regulatory standards and the University's Record Management Policy, to meet good business practices, and to minimize the cost of record retention, the President has issued the following Guidelines for record management pursuant to Trustee Policy T99-061. These guidelines apply to each campus and the President's Office and supersede any Guidelines or Standards related to record retention issued prior to the effective date of these Guidelines.

**I. Purpose of Guidelines**

To establish the standards governing the retention and destruction of all Records, as defined herein, produced or received by the University, identify the appropriate custodians of University Records and establish a method for preserving University Records. All University employees are responsible for ensuring that University Records are generated, used, maintained, stored and retained in accordance with these Guidelines. University employees are also responsible for ensuring that all Records are destroyed in accordance with these Guidelines. Records management is the responsibility of both the record creator and user(s). All University employees who handle University Records are also responsible for knowing and following the specific state or federal laws relating to the substantive areas in which they work, e.g., Financial Aid, Grants and Research, Human Resources.

**II. Scope**

These Guidelines:

- A. Are based on the regulations and laws of the Commonwealth of Massachusetts and the United States, and other accrediting or regulatory bodies [e.g., IRS, NCAA, Equal Employment Opportunity Commission (EEOC)]. If these Guidelines conflict with any applicable law, the law takes precedence and will apply. University policies may impose certain restrictions that are not specifically covered by state and federal law, or other regulations.
- B. Apply to all Records generated or received by the University however or wherever located: in University offices or in the possession of employees, on University servers or on computers, laptops, cell phones, tablets, readers, usb drives, or any other devices, peripherals, or storage units, whether owned or used by the University or owned or used by an employee.

- C. Apply to all employees of the University of Massachusetts whether employed full or part-time, or on a seasonal or temporary basis.

### **III. Definitions**

- A. Record. Any item containing recorded information, generated or received, in any medium and regardless of form or characteristic. Records include: emails, voice mails, text messages, documents, letters, memoranda, reports, cards, books, maps, photographs, blueprints, sound or video recordings (e.g., vinyl records, CD's, DVD's, audiotape, videotape), microfilm, magnetic tape, and any other media that records information.
- B. University Records. Records generated or received by or on behalf of the University, which include information pertaining to University business or resources, or the functions, policies, decisions, procedures, operations, or other activities of any University department or business unit. This definition is to be interpreted broadly.
- C. Non-Records. Documents which are not essential are considered Non-Records, and do not need to be kept for any period of time. In general, when reviewing a document to determine whether it is a University Record or a Non-Record, employees need to think about the reasons why the University might want to preserve the information, and how the University uses the document and its contents. As a general rule, correspondence or communications merely forwarding other documents, or communications merely scheduling or confirming meetings, are Non-Records and should not be retained. It is the responsibility of University employees to determine whether a record is a University Record or a Non-Record.

Examples of Non-Records include:

- Duplicate copies of documents, unless the duplicate contains information not on the original about some administrative action taken by the University; for example, a copy of a letter which contains notes about the proposed response;
- Publications, forms, manuals or other printed documents which become obsolete, outdated, or do not have any administrative retention requirements;
- Requests from the general public for basic information such as brochures, and forms;
- Transmittal documents containing no additional information relative to the transmitted material;

- Reproduced or published material that requires no administrative action and which serves no documentary purpose; for example, copies of newspaper articles provided as “FYI”.
- Working papers, preliminary drafts, or other material which has been summarized in final or other form and which have no value once an action has been taken; and
- Transitory correspondence, voicemails or emails, such as confirming meeting dates.

If there is any doubt as to whether an item is a Non-Record, it should be considered a University Record.

- D. Legal Hold. A directive by the University’s Office of General Counsel, which alerts some segment of the University that an investigation, litigation, or other legal action has been, or may be, filed against the University. Once a Legal Hold is in place, the University is under a duty to preserve every existing document covered by the Legal Hold, including University Records and Non-Records, until the obligation has been met. Records subject to a Legal Hold may have to be retained for a longer period than required by these Guidelines.
- E. Confidential Records. Any University Record containing personal information or other information, the disclosure of which would harm the privacy of individuals or the security of the University, or that has been designated as confidential by federal or state law. Confidential Records include, but are not limited to, patient or medical records, student educational records, security plans, and trade secrets.
- F. Records of Historic Value. Under state law, all Records created prior to 1870 are of Historic Value. The University may deem certain Records created after 1870 to be of Historic Value for the University’s own purposes. Records of Historic Value may not be destroyed and should be archived.

#### **IV. Retention of Records**

- A. Retention Periods. In general, the University treats the time periods set forth in the [Massachusetts Statewide Records Retention Schedule](#) (“State Schedule”), promulgated by the Secretary of State of the Commonwealth of Massachusetts, as an excellent guide to establish the time periods for which the University should maintain various categories of University Records. Since the State Schedule is a guide, the time limits in that document are not binding on the University. Campus and System Office business units may use the time periods set forth in the State Schedule, or portions thereof, if deemed appropriate for University Records. In the absence of a Legal Hold, only one copy, preferably the original fully executed version of the University Record, should be maintained. To the extent practicable,

Records of the same type (e.g. financial aid records, personnel records, etc.) shall have the same retention period at all campuses and the system office.

- B. Record Administrator. The Chancellor of each campus shall designate an individual (“Records Administrator”) who will have primary authority for compliance with these Guidelines; the President shall designate the individual responsible for compliance by the system office.

The Records Administrator shall:

- i. maintain a copy of all Retention Schedules created by the Records Administrator’s campus/system office’s business units (e.g., Provost Office, Financial Aid, Athletics, Human Resources, etc.);
  - ii. create and maintain a master list of all Retention Schedules for the Records Administrator’s campus/system office;
  - iii. post a copy of the master list on the Records Administrator’s campus/system office’s website; and
  - iv. maintain a list of all Legal Holds in place at the Record Administrator’s campus/system office and will assure coordination among business units to comply with Legal Holds.
- C. Retention Schedules. Each business unit shall determine the retention schedule that best addresses its unit’s Records. Campus and System Office business units may use the time periods set forth in the State Schedule, or portions thereof, if deemed appropriate for University Records.
- i. may choose to use the State Schedule in its entirety, portions of the State Schedule, or create its own schedule;
  - ii. ensure that such schedules list all types of Records generated or received by the department and the time period for which each type of record shall be retained;
  - iii. shall provide a copy of its Retention Schedule to its Records Administrator and the Office of General Counsel;
  - iv. shall notify the Records Administrator and General Counsel of any changes made to its Retention Schedule by filing an amended Retention Schedule.
- D. Records Covered by More Than One Retention Period. University Records falling under several retention periods shall be retained for the longest applicable retention period.

- E. University Records Not Covered by a Record Schedule. If a University Record is not covered by the applicable State Schedule, a department or business unit head, in consultation with the relevant campus or system office Records Administrator, should determine the retention period for the record.
- F. Beginning of Retention Period. The Retention period begins when the document is created by an employee or when an employee receives a document from any source, e.g., another campus or department, vendor, contractor, etc.
- G. Contractual Retention Period. If an agreement provides that certain Records will be kept for a period that is longer than the established retention period, the period specified in the agreement controls.
- H. Record Substitution. To the extent not prohibited by law or regulation, a Record in paper form may be digitally scanned, placed on microfilm or micro-fiche, and substituted for an original paper document. The applicable retention period for a Record does not change when a properly substituted image of a Record is created. A Record's mandatory minimum retention period is counted from the creation or receipt of the original Record, not the date on which the substitute image was created. When University employees examine the Records kept by an office, they may find that some information is kept in machine-readable format as well as hard copy. In such circumstances the Record maintained in the machine-readable format should be preserved to comply with retention requirements and the paper copy destroyed.
- I. Inappropriate Treatment of Records. Any University employee who becomes aware of the inappropriate removal, modification or destruction of any Record must promptly notify their immediate supervisor, or, if necessary, the Office of General Counsel or University Internal Audit, about any such activity.
- J. Notice of Legal Holds. A copy of every Legal Hold notice shall be sent to all relevant Records Administrators.
- K. Departure of University Employees. Records created or maintained by an employee are still University Records which must be preserved pursuant to these Guidelines after an employee leaves the University. Every manager must take steps to preserve the University Records kept by the employee including email and other electronic records, and should contact the Human Resources and Information Technology departments for assistance. A University manager should also assure that University Records maintained by the departing employee will be destroyed at the expiration of the Retention Period.

## **V. University Record Retention and Destruction Responsibilities**

- A. Retention:

- i. Employees are responsible for determining what Records used in the employee's own work are University Records and assure they are retained for the appropriate time. Employees should periodically review their Records to determine if they are appropriately retaining Records.
- ii. University Records must be maintained on University property or storage facilities, or on University servers and e-mail systems; any Records in the possession of an employee or stored on an employee's personal devices must be moved to University storage.
- iii. Employees should appropriately manage email messages to assure they are kept in accordance with the applicable retention periods.

B. Deletion and Destruction of Documents.

- i. Employees should destroy all University Records, with the exception of any Records subject to a Legal Hold, as soon as practicable after the relevant record retention expiration date.
- ii. Each business unit shall set an annual date by which all Records whose retention period has expired in the preceding 12 months have been destroyed. Managers must keep an annual record of the types of Records destroyed and the manner in which such Records were destroyed. A copy of the annual report must be provided to the Records Administrator.
- iii. Employees should delete and/or destroy Non-Records as soon as practicable. Employees should limit the amount of Non-Records maintained on University computers or servers; maintaining Non-Records beyond the necessary time reduces employee efficiency, creates potential legal risk for the employee and the University, and results in increased time and effort to appropriately manage University Records.
- iv. The appropriate method of destruction depends on the record's physical form or medium and subject matter or content. Records that include Protected Health Information, patient-specific identifiers, other personal or confidential information or employee information (e.g., employee social security numbers, information about health issues handled by Human Resources, personnel evaluations) must be destroyed or disposed of in accordance with M.G.L. c. 93I, which currently requires that paper records must be redacted, burned, pulverized or shredded, and electronic records destroyed or erased so that personal data cannot be read or reconstructed. Confidential Records as defined by these Guidelines should not be placed in unsecured trash or recycling receptacles unless first rendered unrecognizable. Paper records should be redacted, burned, pulverized or shredded and electronic records should be destroyed or erased.

## **VI. Administration and Interpretation**

Questions about the administration or interpretation of these Guidelines should be directed to the Office of General Counsel.