

**BURRELL COLLEGE
OF OSTEOPATHIC MEDICINE
POLICY MANUAL**

SECTION: General Administrative

BCOM Policy 2012

TOPIC: Retention of Institutional Records

Approval Date: 7/7/17

Effective Date: 7/7/17

Approved: *Signature on File*

Page 1 of 3

I. PURPOSE

The purpose of BCOM's Records Retention Policy (the "Policy") is to provide guidance and establish principles and processes for the retention and disposal of Institutional Records (defined below), and outlines the roles and responsibilities associated with this process for each BCOM Department.

This Policy identifies certain records that must be retained for specific periods of time and designates official repositories for their maintenance. BCOM is committed to the retention of its records to meet legal requirements, optimize use of space, minimize cost, preserve the history of the Institution, and destroy outdated and useless records. This Policy does not apply to Non-Records, as defined in **Part IV**

II. SCOPE

This Policy establishes an Institution-wide records retention policy and records retention schedules to comply with federal and state law, and to align with best practices. This Policy applies to all BCOM faculty, staff, students, and employees who come into contact with Institutional Records. This Policy does not apply to Non-Records, as defined in **Part IV**.

III. RESPONSIBLE OFFICIAL(S):

Asst. VP for Administration / CIO

IV. DEFINITIONS

The capitalized terms in this Policy are defined below:

"BCOM or Institution" means the Burrell College of Osteopathic Medicine.

"Department" means any unit within the Institution that manages or generates Institutional Records.

"Institutional Records" means any form of recorded information, regardless of physical characteristics, that is created, received, maintained, or legally filed in the course of institutional business. An Institutional Record does *not* include: (1) materials preserved or appropriate for preservation because of historical value of the materials; (2) library books, pamphlets, newspapers, or museum material made, acquired, or preserved for reference, historical, or exhibition purposes; (3) private papers, manuscripts, letters, diaries, pictures, biographies, books, and maps, including materials and collections previously owned by persons other than the Institution and transferred to them by the Institution; and (3) Non-Records (defined below).

"Non-Record" means extra copies of correspondence and other documents preserved only for convenience of reference; blank forms, books, etc., which are outdated; materials neither made nor received in pursuance of statutory requirement nor in connection with the functional responsibility of the Institution; preliminary drafts of letters, reports, and memoranda which do not represent significant basic steps in preparation of record documents; shorthand notes, steno tapes, mechanical recordings which have been transcribed, where noted on agency retention schedule; routing and other interdepartmental forms which do not add any significant material to the activity concerned; stocks of publication already sent to archives and processed documents preserved for supply purposes only; form and guide letters, sample letters, form paragraphs (NMAC 1.15.3.101).

V. POLICY

- A. Policy Statement.** Statutory or other legal requirements provide that certain Institutional Records be retained for specific periods of time. Some Institutional Records and documents may have to be held in connection with regulatory directives or other business purposes; therefore, no records may be destroyed, except in accordance with applicable laws and BCOM policy and procedures. Email and other electronic communications relating to BCOM business are part of the Institution's records and shall be retained depending on the nature of the document, consistent with the retention requirements for that type of document.

In addition, BCOM's record retention policies and procedures are:

1. Governed by the need for compliance with Institutional policy as well as local, state, and federal laws.
2. Applied across Departments, regardless of type of Institutional Record.
3. Considered for long-term historical value as well as the accessibility of Institutional Records.
4. Inclusive of provisions for machine-readable records which can be accessed only with specific technology (unique computer hardware or software, etc.).
5. Reviewed periodically and modified as mandated by changing legal requirements and Institutional policy.

- B. Departmental Record Retention.** All BCOM Departments will follow the central BCOM records retention policy and schedule, attached hereto and incorporated herein by reference. BCOM will review and update this Policy as necessary in order to maintain compliance with applicable federal and state laws.

- C. Faculty and Staff Compliance.** BCOM expects all faculty, staff, and students to fully comply with any published records retention or destruction policies and schedules. It is imperative that faculty and staff understand and comply with this Policy, and any future records retention or destruction policies and schedules *unless* the faculty and staff have been otherwise notified by BCOM, or if said faculty and staff believe that:

1. Such records are or could be relevant to any current or future litigation;
2. There is a dispute that could lead to litigation; or
3. BCOM is a party to a lawsuit, in which case faculty and/or staff *must preserve* such records until BCOM's legal counsel determines that the records are no longer needed. In this case, such records should be kept in the location designated by the Responsible Official.

If faculty and/or staff believe that an exception may apply, or have any questions regarding the possible applicability of that exception, they are required to contact the Responsible Official for review and possible retention of such records.

- D. Principles Governing Records Retention and Disposal.** The goal of BCOM's Records Retention Policy and Records Retention Committee (see **Part V.G.**) is to maintain a balance between extremes or risks from the retention of everything to the disposal of the vital. This policy, therefore, describes several principles that BCOM's Records Retention Committee will follow to assure consistency, safety, and ultimately compliance with all federal, state, and local laws governing records keeping. BCOM recognizes that:

1. Records that identify a person are more subject to direct legal action than statistical or generic records; therefore, retention and disposal of these records require priority attention.
2. Records that have been legally contested should never be destroyed unless the ability to reconstruct them in legally acceptable form is preserved. The destruction of permanent records should cease once litigation commences. Documents to be maintained once litigation has ceased should be those normally maintained and all records that legal counsel indicates must be maintained.
3. Records for which there is no legally specified period for retention should be disposed of systematically in accordance with BCOM's record retention and disposal schedule.

- E. Records Management Procedures.** All Institutional Records must be managed as outlined herein.
1. All Institutional Records are the property of BCOM, regardless of their physical location, even when they are in the possession of individuals, and, as such, shall not be permanently removed from the Institution nor destroyed except in accordance with this Policy.
 2. Institutional Records shall be maintained in a medium owned or controlled by BCOM.
 3. Any BCOM business conducted, or Institutional Records stored on Institutional or outsourced IT services:
 - a. are subject to the provisions of the BCOM IT security and user responsibility policies;
 - b. may be subject to a litigation discovery request, subpoena, or court order; and
 - c. may constitute a public document subject to disclosure under applicable Federal and State laws.
- F. Records Retention Committee.**
1. Committee Membership. Members of the Records Retention Committee must include the following BCOM staff and/or faculty:
 - a. Vice President for Administration
 - b. Assistant VP for Administration/CIO
 - c. Director of Human Resources
 - d. Controller
 - e. Registrar
 - f. Director – Financial Aid
 - g. Senior Associate Dean for Academic Affairs
 - h. Senior Associate Dean for Clinical Affairs – or Designee
 - i. Assistant Dean for Student Affairs – or Designee
 - j. Assistant Dean for Learning and Outcomes – or Designee
 - k. Executive Asst. to Dean/President
 2. Records Retention Committee Meetings. The Records Retention Committee will meet yearly, and meetings will be administered by the Vice President for Administration.
 3. Record Retention Compliance. The Responsible Official will conduct an annual audit that samples documents according to this Policy and applicable record retention schedule.
- G. Duty to Report.** Employees who become aware of the possible omission, falsification, or inaccuracy of information entered into Institutional Records, or become aware of the improper destruction of records, shall report this knowledge to the Responsible Official.
- H. Policy Enforcement.** Failure to comply with this Policy may result in punitive action against the violating faculty or staff member, including suspension or termination. Questions about this Policy should be referred to the Records Retention Committee that is in charge of administering, enforcing, and updating this Policy.

VI. ATTACHMENTS

BCOM Record Retention Schedule

BCOM follows the State of New Mexico Records retention and disposition schedules as compiled in the New Mexico Administrative Code (NMAC) and as applicable to BCOM. The official rule for Functional Retention and Disposition Schedule is the 1.21.2 NMAC. <http://www.nmcpr.state.nm.us/NMAC/>