

GENERAL INSTITUTION

AP 3310 RECORDS RETENTION AND DESTRUCTION

References:

- Title 5 Sections 59020 et seq.;
- Government Code Section 14756;
- Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, and 45

The Superintendent/President or designee shall supervise the classification and destruction of records and electronically stored information (ESI). An annual report shall be made to the Governing Board regarding the classification and destruction of records and ESI.

The following documents are not "records" and may be destroyed at any time:

- Additional copies of documents beyond the original or one copy (a person receiving a duplicated copy need not retain it)
- Correspondence between district employees that does not pertain to personnel matters or constitute a student record
- Advertisements and other sales material received and
- Textbooks used for instruction, and other instructional materials, including library books, pamphlets, and magazines

Classification of Records

Except where other state or federal laws and/or regulations are controlling, records shall be reviewed annually and classified consistent with Title 5 as either Class 1—Permanent, Class 2--Optional, or Class 3—Disposable. Classification of records shall not occur during the academic year in which the record was originated. Records of a continuing nature (i.e., active and useful for administrative, legal, fiscal, or other purposes over a period of years) shall not be classified until such usefulness has ceased. Unless otherwise indicated by law, all records not classified prior to July 1, 1976 are subject to the Title 5 classifications. Reclassification of records and record destruction requests require Governing Board approval.

In the event of a conflict of laws as to record retention periods or where the prescribed retention calculations result in more than one reasonable timeframe, the District shall observe the longer retention period.

Class 1 – Permanent Records

Examples of documents in Class 1 –Permanent Records and primary responsibilities for maintenance and retention are outlined in Table 1 below. The original of each of the following records or one exact copy thereof when the original is required by law to be filed with another agency, is a Class 1 –Permanent record and shall be *retained indefinitely*, unless copied or reproduced in a manner consistent with the requirements of Title 5 Section 59022 (e):

Date Approved: SPC 4/5/2011

- 39 • Annual Reports:
 - 40 ○ Official budget
 - 41 ○ Financial report of all funds, including cafeteria and student body funds
 - 42 ○ Audit of all funds
 - 43 ○ Full-time equivalent student, including Period 1 and Period 2 reports and
 - 44 ○ Other major annual reports, including: those relating to property, activities,
 - 45 financial condition, or transactions; and those declared by Board minutes
 - 46 to be permanent
- 47 • Official Actions:
 - 48 ○ Minutes of the Board or committees thereof, including the text of a rule,
 - 49 regulation, policy, or resolution not set forth verbatim in minutes but
 - 50 included therein by reference only
 - 51 ○ Elections, including the call, if any, for and the result (but not including
 - 52 detail documents, such as ballots) of an election called, conducted or
 - 53 canvassed by the Governing Board for a Board member, the Board
 - 54 member's recall, issuance of bonds, incurring any long-term liability,
 - 55 change in maximum tax rates, reorganization, or any other purpose and
 - 56 ○ Records transmitted by another agency that pertain to that agency's action
 - 57 with respect to District reorganization
- 58 • Personnel Records of Employees:
 - 59 ○ All detail records relating to employment, assignment, employee
 - 60 evaluations, amounts and dates of service rendered, termination or
 - 61 dismissal of an employee in any position, sick leave record, rate of
 - 62 compensation, salaries or wages paid, deductions or withholdings made
 - 63 and the person or agency to whom such amounts were paid
 - 64 ▪ In lieu of the detail records, a complete proven summary payroll
 - 65 record for every employee of the District containing the same data
 - 66 may be classified as Class 1 – Permanent, and the detail records
 - 67 may then be classified as Class 3 – Disposable
- 68 • Student Records:
 - 69 ○ Records of enrollment and scholarship for each student, including but not
 - 70 limited to: name of student; place of birth; name and address of a parent
 - 71 having custody or a guardian (if the student is a minor); entering and
 - 72 leaving date for each academic year and for any summer or other extra
 - 73 sessions; subjects taken during each year, half year, summer session or
 - 74 semester; if grades or credits are given, the grades and number of credits
 - 75 toward graduation allowed for work taken
 - 76 ○ All records pertaining to any accident or injury involving a student for
 - 77 which a claim for damages has been filed as required by law, including
 - 78 any policy of liability insurance relating thereto (except that these records
 - 79 cease to be Class 1 –Permanent records, one year after the claims has
 - 80 been settled or after the applicable statute of limitations has run)
 - 81 ○ Exceptions:
- 82 • Property Records: All detail records relating to land, buildings, and equipment.
- 83 In lieu of such detail records, a complete property ledger may be classified as

- 84 Class 1 –Permanent, and the detail records may then be classified as Class 3 –
 85 Disposable, if the property ledger includes:
 86 o All fixed assets
 87 o An equipment inventory and
 88 o For each unit of property, the date of acquisition or augmentation, the
 89 person from whom acquired, an adequate description of identification, and
 90 the amount paid, and comparable data if the unit is disposed of by sale,
 91 loss or otherwise

92 **Table 1. Class 1 – Examples of Permanent Records and Responsible Parties**

Primary Responsibility for Maintenance and Retention	Documents
Superintendent/President	Board documents: Board policies and procedures, minutes, Board agendas.
	Legal counsel opinions
	Elections called by the Board and records of call and results
	District organizations
	Records relating to Board action, formation, naming, boundaries, changes in boundaries, reorganizations.
	Palomar College Foundation: All documents of incorporation, governing by-laws and amendments, and all state and federal exemption designations, financial audits and corresponding regulations governing operation of 501(c)(3) tax exempt non-profit organizations.
	Conflict of Interest Statements Form 700
Assistant Superintendent/ Vice-President of Finance and Administrative Services	Administrative affairs: budgets, financial reports (quarterly and annual), annual audit, budget allocation and planning review committee minutes, apportionment notices and worksheets, tentative budget, adopted/final budget, all worksheets and budget change forms/transfers
	Fixed assets and property records: (1) Buildings: working drawings, blue prints and specifications of all structures, additions, alternations, certificates of approval of completion and related documents, change orders, contracts for construction, contractor payment requests, and appraisals); (2) Equipment: All records relating to model numbers, quantity, type, identification number assigned, vendor, cost, date of acquisition and disposal.

Primary Responsibility for Maintenance and Retention	Documents
	Payroll records: Proven summary of payroll for every employee; salary, wages, deductions and withholdings; absence records; payroll register.
	Risk management: Certificates of insurance; Worker’s Compensation Insurance certificates from vendors; and liability claims files.
	Safety: Hazardous waste generator reports; hazardous bill of lading, hazardous waste manifests
Assistant Superintendent/Vice-President Human Resource Services	Personnel Records: Dates of service rendered; employment, assignment and reassignment records, termination and dismissal notices; evaluations; retirements; professional growth reports; employee contracts; collective bargaining agreements/employee handbooks; grievances; unfair labor practices.
	Risk Management/ Employee Health Benefits: Health and benefits contracts, District Worker’s Compensation insurance reports and claims files; insurance policies; Insurance summary of loss runs; employee benefits/fringe enrollment forms; OSHA logs; accident or injury reports.
Assistant Superintendent/Vice-President Instruction	Academic affairs: Catalog, class schedules, minutes of: advisory committee meetings and academic senate meetings; accreditation reports; faculty handbooks
Assistant Superintendent/Vice-President Student Services	Admissions and records: Attendance reports, class rosters, instructor grade sheets, permanent transcripts, reports of degrees and certificates, State 320 reports
	Student governance minutes

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Class 2 – Optional Records

Any record worthy of further preservation but not classified as Class 1 – Permanent may be classified as Class 2 – Optional and shall be retained until reclassified as Class 3 – Disposable. If the Superintendent/President or designee determines that classification should not be made at the time of annual document review, all records of the prior year may be classified as Class 2 –Optional, pending further review and classification within one year. Details regarding specific records falling within Class 2 – Optional records and associated retention periods can be found in the appropriate departmental handbooks.

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Class 3 – Disposable Records

All records, other than continuing records, not classified as Class 1 – Permanent or Class 2 – Optional shall be classified as Class 3 – Disposable. Unless otherwise

106 specified by law, Class 3 –Disposable Records shall be destroyed during the third
107 college year after the college year in which it originated.

108 Disposable records include, but are not limited to:

- 109 • **Records basic to audit**, including those related to attendance, full-time
110 equivalent student, or a business or financial transaction (purchase orders,
111 invoices, warrants, ledger sheets, cancelled checks and stubs, student body and
112 cafeteria fund records), and detail records used in the preparation of any other
113 report
- 114 • **Periodic reports**, including daily, weekly and monthly reports, bulleting and
115 instructions

116 A continuing record shall not be destroyed until the third year after it has been classified
117 as Class 3 –Disposable. Class 3 – Disposable records basic to an audit shall not be
118 destroyed until after the third July 1 succeeding the completion of an audit required by
119 Education Code Section 84040 or of any other legally required audit or that period
120 specified by Title 5 Section 59118 or after the ending date of any retention period
121 required by law, whichever date is later. Details regarding specific records falling within
122 Class 3 – Disposable records can be found in the appropriate departmental handbooks.

123 **Records Reproduction**

124 Whenever an original Class 1–Permanent record is photographed, micro-photographed
125 or otherwise reproduced on film or electronically, the copy thus made shall be classified
126 as Class 1 – Permanent. The original record may be classified as Class 3 – Disposable
127 if the following conditions have been met:

- 128 • The reproduction is accurate in detail
- 129 • The Superintendent/President or designee has attached to or incorporated in the
130 copy or system a signed and dated certification of compliance with the provisions
131 of California Evidence Code Section 1531, stating in substance that the copy is a
132 correct copy of the original, or a specified part thereof, as the case may be
- 133 • The copy was placed in an accessible location and provision was made for
134 preserving permanently, examining and using same
- 135 • If the record is photographed or microfilmed, the reproduction must be on film of
136 a type approved for permanent, photographic records by the United States
137 Bureau of Standards

138 **Records Classification and Retention Process and Timeframes**

139 Each fiscal year and before January 1, the Superintendent/President or designee shall
140 classify and review every record originated during the prior fiscal year. The retention
141 period for Class 3 – Disposable Records shall be designated and such records shall be
142 segregated according to the fiscal year in which they are to be destroyed.

143 With respect to District records, the Superintendent/President or designee shall:

- 144 • Personally supervise the classification of records

- 145 • Use District approved, standard-sized record storage boxes with attached labels
146 indicating the classification, record title, and fiscal year in which the records
147 originated. For Class 3 – Disposable Records, the label shall also indicate the
148 fiscal year in which such records are to be destroyed
- 149 • Ensure records segregation by classification to avoid accidental destruction

150 **Destruction of Records**

151 The Superintendent/President or designee shall submit to the Governing Board a list of
152 records recommended for destruction, and shall certify that no records are included in
153 the list in conflict with Title 5 or other applicable laws.

154 Upon order of the Governing Board, the Superintendent/President or designee shall
155 supervise the destruction of records, and such destruction shall be conducted by any
156 method that ensures the record is permanently destroyed, such as shredding, burning
157 or pulping.

158 **Storage and Retrieval of Stored Records**

159 To preserve available campus space, wherever practical and feasible, storage of Class
160 1 - Permanent documents shall be via approved electronic reproduction techniques that
161 satisfy title 5, Section 59022 requirements as outlined in the records reproduction
162 section above. Barring significant space and/or accessibility considerations or other
163 practical necessities, Class 2 – Optional and Class 3 - Disposable records shall not be
164 converted to electronic formats. Specific procedures for ESI are detailed in AP 3320
165 titled Electronically Stored Information.

166 Hard copy storage shall be in climate controlled locations and in District-approved
167 boxes, which shall include a standardized District records label indicating the records
168 classification, description of contents, year of document origination, and where
169 appropriate, designated destruction date.

170 All off-site storage requests shall be via District-approved vendors. Records shall be
171 stored in District approved boxes, and shall include an appropriate Records Transmittal
172 Form, indicating the records classification, description of contents, year of document
173 origination, and where appropriate, designated destruction date.

174 Any hard copy records retrieved from storage require completion of a Storage Records
175 Request Form, which shall include the authorized party retrieving the records and an
176 appropriate contact number, the name(s) of the record(s) retrieved, the date of retrieval,
177 the anticipated date of record return.

178 Also see BP 5040 titled Student Records and Directory Information, AP 3320 titled
179 Electronically Stored Information, and BP/AP 3300 titled Public Records

180 Office of Primary Responsibility: Superintendent/President