

GENERAL INSTITUTION

AP 3310 RECORDS RETENTION AND DESTRUCTION

References:

- Title 5 Sections 59020, 59026 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
- 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):

Annual Reports:

- Official budget
- Financial report of all funds, including cafeteria and student body funds
- Audit of all funds
- Full-time equivalent student, including Period 1 and Period 2 reports and
- Other major annual reports, including those relating to property, activities, financial condition, or transactions; and those declared by Board minutes to be permanent

Official Actions:

- Minutes of the Board or committees thereof, including the text of a rule, regulation, policy, or resolution not set forth verbatim in minutes but included therein by reference only
- Elections, including the call, if any, for and the result (but not including detail documents, such as ballots) of an election called, conducted or canvassed by the Governing Board for a Board member, the Board member's recall, issuance of bonds, incurring any long-term liability, change in maximum tax rates, reorganization, or any other purpose and
- Records transmitted by another agency that pertain to that agency's action with respect to District reorganization

Personnel Records of Employees:

- All detail records relating to employment, assignment, employee evaluations, amounts and dates of service rendered, termination or dismissal of an employee in any position, sick leave record, rate of compensation, salaries or wages paid, deductions or withholdings made and the person or agency to whom such amounts were paid
 - In lieu of the detail records, a complete proven summary payroll record for every employee of the District containing the same data may be classified as Class 1 - Permanent, and the detail records may then be classified as Class 3 - Disposable

Student Records:

- Records of enrollment and scholarship for each student, including but not limited to: Name of student; place of birth; name and address of a parent having custody

or a guardian (if the student is a minor); entering and leaving date for each academic year and for any summer or other extra sessions; subjects taken during each year, half year, summer session or semester; if grades or credits are given, the grades and number of credits toward graduation allowed for work taken

- All records pertaining to any accident or injury involving a student for which a claim for damages has been filed as required by law, including any policy of liability insurance relating thereto (except that these records cease to be Class 1 - Permanent records, one year after the claims has been settled or after the applicable statute of limitations has run)

Exceptions:

Property Records: All detail records relating to land, buildings, and equipment.

In lieu of such detail records, a complete property ledger may be classified as Class 1 - Permanent, and the detail records may then be classified as Class 3 - Disposable, if the property ledger includes:

- ✓ All fixed assets
- ✓ An equipment inventory and
- ✓ For each unit of property, the date of acquisition or augmentation, the person from whom acquired, an adequate description of identification, and the amount paid, and comparable data if the unit is disposed of by sale, loss or otherwise

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

Primary Responsibility for Maintenance and Retention	Documents
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, blueprints 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.
	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

Approved: 4/5/11; Revised: 4/6/21.
 (Replaces all previous versions of AP 6345.)

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.

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

Disposable records include, but are not limited to:

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

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

Records Reproduction

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

- The reproduction is accurate in detail
- The Superintendent/President or designee has attached to or incorporated in the copy or system a signed and dated certification of compliance with the provisions of California Evidence Code Section 1531, stating in substance that the copy is a

correct copy of the original, or a specified part thereof, as the case may be

- The copy was placed in an accessible location and provision was made for preserving permanently, examining and using same
- If the record is photographed or microfilmed, the reproduction must be on film of a type approved for permanent, photographic records by the United States Bureau of Standards

Records Classification and Retention Process and Timeframes

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

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

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

Destruction of Records

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

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

Storage and Retrieval of Stored Records

To preserve available campus space, wherever practical and feasible, storage of Class 1 - Permanent documents shall be via approved electronic reproduction techniques that satisfy title 5, Section 59022 requirements as outlined in the records reproduction section above. Barring significant space and/or accessibility considerations or other practical necessities, Class 2 - Optional and Class 3 - Disposable records shall not be converted to electronic formats.

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

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

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

Also see BP 5040 titled Student Records and Directory Information, and BP/AP 3300 titled Public Records.

Office of Primary Responsibility: Superintendent/President