

General

1. Does NSHE have any records retention policies or guidelines that I should follow or be aware of?

Yes. It is found in the Board of Regents Procedures and Guidelines Manual, Chapter 18.

<http://system.nevada.edu/tasks/sites/Nshe/assets/File/BoardOfRegents/Procedures/PGMCH18RECORDSRETENTIONANDDISPOSITIONSCHEDULE.pdf>. Each NSHE institution and unit must follow the policy for retention, disposal, and appropriate transfer of records with research or archival value to the institution or unit archivist, or the State Archivist.

2. What is the effective date of the NSHE Records Retention and Disposition Schedule?

The Schedule is effective July 1, 2016.

3. Does the NSHE Records Retention and Disposition Schedule apply to existing records, or only on a going-forward basis?

The Schedule applies to all records existing on July 1, 2016, as well as those created thereafter.

4. To whom does the NSHE Records Retention and Disposition Schedule apply?

The Schedule is applicable to each NSHE institution and unit, and all of their employees who create, receive, use, maintain, or dispose of records.

5. Who is responsible for managing records?

Responsibility for the proper maintenance and disposition of records lies in the hands of the institution, unit, or individual who creates, generates, uses or possesses the record. All members of the NSHE community have an important role to play by creating, using, retrieving, and disposing of records in accordance with the NSHE policy.

6. How do I know whether my institution, unit, or department is responsible for a particular record?

Look up the NSHE Records Retention and Disposition Schedule. If your institution, unit, or department is listed on the Schedule as the "Official Repository" for the record, it must retain the record for the length of time designated under the Schedule. If not, the record should be forwarded to the designated Official Repository unless you know the document is a "nonrecord." Note that the Official Repository is responsible for retaining the original record and not copies of the record.

7. What is the role of the “Records Retention Officer”?

Each institution/unit is required to appoint at least one individual to serve as the Records Retention Officer for that institution/unit, although they may appoint more than one. The Records Retention Officer(s) shall assist the institution/unit in the management of records in accordance with the NSHE Records Retention and Disposition Schedule, and shall further assist institution/unit personnel in learning and complying with the Schedule.

8. Is the Records Retention Officer a NSHE funded position?

No. Institutions/units are required to fund the position(s) using existing allocations.

9. Who is/are the Records Retention Officer(s) for my institution/unit?

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10. Why should I be concerned about records and information management and retention?

You should be concerned about records and information management and retention because it:

- ensures federal, state, and regulatory compliance;
- safeguards valuable information;
- maintains business continuity;
- supports decision making;
- improves efficiency, productivity, and rapid retrieval of information;
- facilitates transparency;
- creates consistency across institutions and departments;
- assists in preserving the history and heritage of institutions; and
- reduces potential exposure of confidential information.

11. Are we required to create a comprehensive inventory of existing and/or future records?

No. Although the creation of a comprehensive inventory or catalog of both existing and later generated records would aid in your management and disposition of records in compliance with the Schedule, NSHE does not require such inventory or catalog.

12. If there are differences between the NSHE Records Retention and Disposition Schedule and other State or local records retention polices, which applies?

NSHE institutions/units are not subject to the records retention policies created by or applicable to other State or local governmental entities. The NSHE policy was developed pursuant to NAC 239.745, and has been approved for use by the Board of Regents and the state records committee. NSHE institutions/units must follow only the NSHE Records Retention and Disposition Schedule.

Records Defined

13. What is a “record”?

A “record” is any form of recorded information, regardless of physical characteristics or media, that is [i] created, [ii] received, [iii] recorded, [iv] maintained, or [v] legally filed in the course of the institution or unit’s [a] business activities or [b] fulfillment of its legal obligations. Records serve as evidence of the institution or unit’s organization, functions, policies, decisions, procedures, operations, transactions, or other activities. The term does not include “nonrecord” materials. (See NAC 239.705)

14. What is a “nonrecord”?

“Nonrecords” include, without limitation:

- published books and pamphlets, including published materials printed by a governmental printer;
- informal notes and “convenience copies”;
- drafts or documents that are clearly pre-decisional or deliberative;
- ad hoc reports and reference materials not relating to a specific project;
- stationary and unused blank forms, except ballots;
- brochures, newsletters, magazines, catalogs, and price lists;
- databases and backup files;
- any other documentation that does not serve as the record of an official action of a state agency; and
- work papers used to collect or compile data, or drafts developed from those work papers, unless:
 - an appraisal conducted by the institution/unit or state archivist indicates that the work papers or drafts have (i) legal, (ii) fiscal, or (iii) research or archival value. (See NAC 239.705(2))

15. What is a “transient record”?

A “transient record” can be in any medium (electronic, paper, etc.), and includes documents which serve to convey information of a temporary or very short-lived administrative, legal, and/or fiscal value.

Examples of transitory records include telephone and other routine messages, internal meeting notices, drafts, routing slips, and similar routine information used for communication, but not for the documentation of a specific institutional/unit transaction.

16. When does a record have “administrative value”?

A record has “administrative value” if it helps an agency perform its function. (See NAC 239.575)

17. When does a record have “fiscal value”?

A record has “fiscal value” if it relates to the financial transactions and the auditing, budgeting and accounting functions of a state agency. (See NAC 239.600)

18. When does a record have “legal value”?

A record has “legal value” if it contains proof of enforceable rights, obligations or other legal standing. The term includes any record establishing:

- ownership, such as in titles or deeds;
- rights or privileges, such as in marriage licenses or drivers’ licenses;
- obligations, such as in contracts, leases, and agreements;
- legal conditions, such as court rulings, approved laws and regulations; or
- action taken by a governing body (e.g., Board of Regents, student government, and foundation boards) that affects the public, such as minutes of meetings or proclamations. (See NAC 239.625)

19. When does a record have “research or archival value”?

A record has “research or archival value” if there is any long-term historical value remaining in a record in which the administrative, fiscal or legal value may have expired. (See NAC 239.675)

20. If I conduct NSHE/institutional business from my personal computer, smart phone, tablet, and/or my private email account, are those records subject to this policy?

Yes. Any recorded information relating to NSHE/institutional business is a record and is subject to the Retention Schedule, even if stored in a non-NSHE owned medium. NSHE discourages the storage of records on private machines and or networks.

21. What is a “convenience copy”?

All copies of a document that are not the official record are considered convenience copies. Convenience copies are nonrecords and may be destroyed at any time within the retention period, but must not be kept longer than the official record.

Retention Schedules and Periods

22. What should I do if the Schedule seems to have one type of record listed in two different places with two different retention periods?

Please notify the Records Officer of the discrepancy and follow the longer of the two retention periods until the discrepancy is corrected by NSHE.

23. What is a retention schedule?

There are two types of retention schedules under the NSHE policy: the general records retention schedule and any special records retention schedule.

The general retention schedule (referred to in the NSHE policy as the “Schedule”) is a comprehensive list of records created in the course of NSHE business activities, indicating for each record type the official repository, length of time the records are to be maintained, and their disposition. Each NSHE institution and unit must manage its records in accordance with the Schedule.

Special records retention schedules may be developed, if approved by the Chancellor after review by the state records committee, to address the retention of records unique to limited aspects of an institution or unit’s operation. Approved special schedules, if any, are published on the institution or unit website and in the NSHE Procedures and Guidelines Manual.

24. Who determines how long records should be kept?

Retention periods are based on state, federal, NCAA, and research sponsor requirements, and are approved by the state records committee.

25. May my institution/unit/department decide to increase or decrease the length of time records are retained?

No. The Schedule identifies the minimum time period the listed records must be retained, meaning records disposition must not occur before this retention time period expires. You should implement regular, routine disposition procedures according to the Schedule and should not “selectively retain” records beyond the applicable retention period absent a specific business need.

26. My institution/unit/department routinely keeps copies of records that are maintained elsewhere as the “official record”. Are we required to follow the record retention schedule for those copies?

Copies of official records are considered nonrecords and may be disposed of at any time when they no longer serve a business purpose, but must not be kept longer than the official record.

27. What is the retention period for my records?

To determine the applicable retention period for a record you must look up the record on the NSHE Retention Schedule. If you cannot find the record on the Schedule, check any applicable Special Schedule for your institution, unit, or department. If you still cannot locate the applicable retention period, contact your institution/unit's Records Retention Officer(s).

28. What is the retention period for coursework?

Because retention periods may be periodically updated, please review the current Schedule for confirmation. As of August 15, 2016, the retention period for coursework (student tests, examinations, quizzes, papers, projects, etc., leading to a grade and to a posting on the official student record of the registrar) is "End of class + 120 days." This means the coursework must be kept for 120 days following the end of the class.

29. What is the retention period for nonrecords?

Nonrecords may be disposed of at any time when they no longer serve a business purpose, provided further retention is not otherwise required because of a Disposition Hold. Absent such a hold, nonrecords must not be kept longer than the corresponding official record.

30. What is the retention period for transient records?

Transient records may be disposed of when their administrative, legal, or fiscal value has expired, provided further retention is not otherwise required because of a Disposition Hold. Absent such a hold, transient records must not be kept longer than the corresponding official record.

31. Do I need to keep all versions of a record or only the final version?

In the event of a Disposition Hold, all versions of the record must be kept. Absent such a hold, draft versions are generally considered nonrecords and may be disposed of at any time when they no longer serve a business purpose, unless an appraisal conducted by the institution/unit or state archivist indicates that the drafts have (i) legal, (ii) fiscal, or (iii) research or archival value. When in doubt, please contact your institution/unit's Records Retention Officer(s).

32. What if the records I have are not listed in an approved retention schedule?

Some records are unique to a unit or office and may require the creation of a Special Retention Schedule. If you cannot locate a record on any approved Schedule, please contact your institution/unit's Records Retention Officer(s), and provide information about the record, including the name/type and use made of the record. The Records Retention Officer(s) will either direct you to the applicable schedule, or they may begin the process of seeking approval for the creation of a retention schedule or period.

33. How do I calculate a retention period listed as “FY + [#]” or “FY [event] + [#]”?

“FY” stands for fiscal year, and indicates that the record must be retained for the remainder of the fiscal year in which it was created or the designated event occurs, plus the specified time or number of additional years.

If the retention period is listed as “FY + 4 years”, for example, the record must be kept through the remainder of the fiscal year in which it was created, plus an additional 4 years. Thus, if the document was created on August 1, 2016, it must be retained through the end of the fiscal year in which it was created (June 30, 2017), plus an additional 4 years (i.e., until June 30, 2021).

If the retention period is listed as “FY last date of enrollment + 7 years”, the record must be kept through the remainder of the fiscal year in which the student was last enrolled, plus an additional 7 years. Thus, if the student was last enrolled on May 6, 2016, the record must be retained through the end of that fiscal year (June 30, 2016), plus an additional 7 years (i.e., until June 30, 2023).

34. How do I calculate a retention period listed as “CY + [#]”?

“CY” stands for calendar year, and indicates that the record must be retained for the remainder of the calendar year in which it was created, plus the specified time or number of additional years.

If the retention period is listed as “CY + 4 years”, for example, the record must be kept through the remainder of the calendar year in which it was created, plus an additional 4 years. Thus, if the document was created on August 1, 2016, it must be retained through the end of the calendar year (December 31, 2016), plus an additional 4 years (i.e., until December 31, 2020).

35. If the retention period is calculated based upon “last date of employment” or “last date of enrollment”, how do I determine when the triggering event (e.g., last date of employment) occurs?

If calculating the retention period requires you to know the “last date of employment” for a given employee and you do not know that date, please contact your institution/unit’s Human Resources department.

If calculating the retention period requires you to know the “last date of enrollment” for a given student and you do not know that date, please contact your institution’s Registrar.

36. If the retention period is listed as “Required state, federal or contract retention period” and I do not know what that required period is, what do I do?

Contact your institution/unit Records Retention Officer(s).

37. The table below is an example of the types of records an academic faculty member may manage, including the page number of the policy on which the type of record is found and the retention period.

#	Type of Record	Pg #	Time Period
1	Syllabus	29	FY + 3
2	Advising Notes	28	FY + 1
3	Instructor's Powerpoint for class	5	Non-record
4	Attendance records	29	End of Term
5	Notes for class lecture	5	Non-record
6	Class roster	29	End of class + 120 days
7	Assignments	29	End of class + 120 days
8	Tests	29	End of class + 120 days
9	Final exams	29	End of class + 120 days
10	Grade book	31	FY course completion + 5 years
11	Emails to and from students (a) Regarding meetings and due dates	5	Non-record
	(b) Regarding substantive class and/or grade matters	29	End of class + 120 days
12	Written notes from students (a) Regarding meetings and due dates	5	Non-record
	(b) Regarding substantive class and/or grade matters	29	End of class + 120 days
13	Letters of recommendation (a) Regarding admission	32	FY graduation + 3 years or FY last term of attendance + 3 years
	(b) Regarding other purposes	32	FY graduation + 3 years or FY last term of attendance + 3 years

#	Type of Record	Pg #	Time Period
14	Memos from the department chair (a) Regarding meetings and due dates	5	Non-record
	(b) Regarding substantive matters	12	FY + 5 (General Files)
15	Emails from the department chair (a) Regarding meetings and due dates	5	Non-record
	(b) Regarding substantive matters	12	FY + 5 (General Files)
16	Memos from the committee chair (a) Regarding meetings and due dates	5	Non-Record
	(b) Regarding substantive matters	12	FY + 5 (General Files)
17	Emails from the committee chair (a) Regarding meetings and due dates	5	Non-record
	(b) Regarding substantive matters	12	FY + 5 (General Files)
18	Handwritten Committee Notes as Minutes	11	FY + 5 years
19	Personal handwritten committee notes	5	Non-record
20	Correspondence with publishers	12	FY + 5 years
21	Research results – animal research	26	FY + 3
	Research results - non-animal	27	FY + 5
22	Research notebooks – animal research	26	FY + 3

#	Type of Record	Pg #	Time Period
	Research notebooks - non-animal	27	FY + 5
23	Correspondence with researchers about research – animal	26	FY + 3
	Correspondence with researchers about research - non-animal	27	FY + 5
24	Reports (general non-research)	12	FY + 5
25	Releases/Waivers/Hold Harmless/Indemnification Documents & Activities	34	FY graduation + 7 years or FY last term of attendance + 7 years

Email/Electronic Records

38. Does record retention apply to emails and other electronic records?

Yes. Email and other electronic information, excluding a database, is a format, not a record type. Just as with physical records, the content, not the form, of the information determines its retention and disposition. If the electronic information meets the criteria of a record, it must be managed in accordance with the NSHE policy.

39. Is a database a “record”?

No. A database is considered a nonrecord.

40. What is the exact length of time for retention of an email?

Retention is based upon the content of the email message, not the fact that it is an email message. If the email message meets the criteria of a record, it must be managed and kept in accordance with the Schedule. If the email is a nonrecord it may be disposed of at any time when it no longer serves a business purpose.

41. Do I have to print an email to file it for the specified retention period?

No. Email and other electronic records can be retained in electronic format for the entire length of its retention period; however, you must be able to access the record during that entire period.

42. Should I maintain my records in electronic format, paper format, or both?

It depends. Records should be maintained in the most efficient cost effective format consistent with sound records management principles, and any applicable laws, rules, regulations or court decisions. You may destroy one format of the record (either paper or electronic) if you retain the other for the retention period listed in the Schedule. You must be able to access the electronic record for the entire retention period. Records that your office holds in both electronic and paper formats, which are exact duplicates, should both be destroyed once they have met the requisite retention period.

43. Can I destroy records that have been scanned?

An official record can be in the form of original paper, or may be a digital surrogate, at the discretion of the Official Repository, provided that you must be able to access the scanned version for the entire retention period.

44. Why and how do we need to organize our email?

The key to effectively managing email is to get rid of the nonrecords and any transient records that have outlived their administrative, legal, and/or fiscal value as soon as possible so only those emails that need to be managed on an on-going basis are left. NSHE recommends you approach the management of email in a manner similar to the handling of “snail mail” at work and home:

- Open the email and review its content; this may mean thoroughly reading the document, but usually, only a cursory look at the document, the subject line, and/or the sender is needed to determine whether it is a:
 - Nonrecord and should be deleted immediately, just as “snail mail” nonrecords are thrown into the trash can or recycle bin;
 - Transient record which should be disposed of as soon as the information is no longer of administrative, legal, or fiscal value; or
 - Record and therefore, should be placed in an appropriate folder by record type/series, project, retention time, or other filing schema that works for your office/organization and allows you to effectively manage the life cycle of the record.

Disposition

45. When should I dispose of records for which I am responsible?

Records may not be destroyed until their required retention period has ended, except in the event of a Disposition Hold when disposition must be suspended.

46. What is the proper way to dispose of records?

Column 4 of the Schedule states the proper disposition of records following the expiration of their retention period.

Many records may be disposed of by “regular” means, such as recycling or deleting the electronic file. Records that contain confidential or restricted information must be destroyed in a “secure” manner that will prevent reconstruction or retrieval of the information, even if the method of disposition is not listed in the Schedule as “secure.”

For paper records, “secure” destruction includes, but is not limited to, incineration, shredding, and pulping

For email and other electronic records, “secure” destruction includes, but is not limited to, overwriting, degaussing, and physical destruction of the storage media.

If you are in doubt about the sensitivity of certain documents or about an appropriate disposal method, you should contact your supervisor.

47. What am I supposed to do if the disposition for my record is “Archival Review” or “Archives”?

If the disposition for the record is listed as “Archival Review”, a determination of whether to preserve or dispose of the record must be made. In those cases, the record should be submitted to the institution/unit archives or State Archives for review.

If the disposition for the record in question is listed as “Archives”, it must be transferred to the institution/unit archives or State Archives for preservation.

48. If I have records for which the disposition is anything other than “Archival Review” or “Archives”, but I think the records have potential historical value, what do I do?

All NSHE employees are encouraged to provide records with content they believe may be of value to documenting the institution, unit or NSHE’s history, to the institution/unit archives for review prior to destruction. The institution/unit archivist has the authority to designate those records as archival.

49. May I retain for sentimental or other personal purposes records for which the applicable retention period has expired?

Yes, but only if all of the following prerequisites apply:

- the retention period has expired;
- the listed disposition for the record is “Regular”; and
- the record does not otherwise have any (i) legal, (ii) fiscal, or (iii) research or archival value.

When in doubt, please contact your institution/unit’s Records Retention Officer(s).

50. What is a “Disposition Hold”?

Certain events, called “Disposition Holds”, may occur that will require the immediate stoppage or delay of regular disposition practices of records, nonrecords, and transient records:

Audits

When an audit of your area or function is begun, all destruction of records in your custody must cease. During the audit, records should be made available to the auditors subject to confidentiality laws. Upon the completion and resolution of the audit, you may begin to dispose of records in accordance with the Schedule.

Investigations

When you are notified of an investigation involving your area or function, all relevant records, nonrecords, and transient records must be preserved until the investigation is completed. You should consult with your legal counsel for specific advice.

Litigation/Legal Holds

When you receive notification of or reasonably anticipate litigation, you must (i) suspend the destruction or other disposition of all records, nonrecords, and transient records reasonably related to the subject matter of the litigation, (ii) put in place a litigation hold to ensure the preservation of documents, and (iii) consult with your System or General Counsel.

All destruction of records, nonrecords, and transient records pertaining to the litigation hold must be stopped until the matter has been resolved. You will be notified by your System or General Counsel when the matter is resolved and advised about the proper disposition of the records.

All questions about any Disposition Holds must be directed to System or institution General Counsel.

51. Does this mean that I stop counting the retention period when a Disposition Hold has been placed on my records and start up again after the hold ends?

No. The retention clock keeps ticking through the “Disposition Hold”. If a retention period ends while the records are still on hold, do not destroy the records. The records should not be destroyed until the retention period has passed and you have been notified by System or institution General Counsel that the Disposition Hold has ended.

Storage

52. Is there a central repository where I should send my records pending expiration of the retention period?

In most cases, no. Institutions are permitted, but not required, to create central document repositories, which may include centralized electronic storage. Most institutions currently do not have repositories and no new allocations will be made to create or operate them. Therefore, you will likely need to retain your records within existing resources.

53. What if my department does not have personnel, budgetary resources, or space to comply with this policy?

Compliance with the NSHE Records Retention and Disposition Schedule is mandatory for all NSHE institutions, units, and employees. Please contact your institution/unit's Records Retention Officer(s) to discuss available resources, if any, for assistance in bringing your department into compliance.