

## Chapter 3 - General Institution

### AP 3310 Records Retention and Destruction

#### References:

Title 5 Sections 59020 et seq., Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, and 45

#### Definitions

“Records” means all records, maps, books, papers, data processing output, and documents of the District required by Title 5 to be retained, including but not limited to records created originally by computer and “electronically stored information” (ESI), required by the Federal Rules of Civil Procedure.

#### Period of Retention

Records shall be classified as required by Title 5 and other applicable statutes, federal and State regulations.

The College must preserve ESI that is relevant to actual or potential litigation pursuant to the Federal Rules of Civil Procedure. The College shall comply with the Federal Rules of Civil Procedure and produce relevant ESI in the form in which it is ordinarily maintained or readily usable.

Records shall annually be reviewed to determine whether they should be classified as defined in Title 5:

- Class 1 – Permanent (The original or one exact copy, unless microfilmed or otherwise permanently electronically stored, shall be retained indefinitely):
  - annual Reports;
  - official budget;
  - financial report of all funds, including food services and student body funds;
  - audit of all funds;
  - California Community College Apportionment Attendance Report (CCFS-320);
  - other major annual reports, including those containing information relating to property, activities, financial condition, or transaction; or those declared by Board minutes to be permanent;
  - official Actions (such as Board Minutes, labor agreements, legal settlement agreements, etc.);
  - minutes of the Board of Trustees, including the text of a rule, regulation, policy, or resolution not set forth verbatim in the minutes but included there in reference only;
  - elections, including the call, if any, for the result (but not including detail documents, such as ballots) of an election called, conducted, or canvassed by the Board of Trustees 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;

- records transmitted by another agency that pertain to that agency's action with respect to the community college district's reorganization;
- personnel records of employees;
- all detailed 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 College containing the same data may be classified as Class 1 – Permanent and the detailed records may then be classified as Class 3 – Disposable);
- student records: The application, enrollment, and academic records for all students will be retained and stored through secure methods to ensure an accurate accounting of all students' academic work. Related financial aid documents will also be retained pursuant to federal and State regulations;
- 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 claim has been settled or after the applicable statute of limitations has expired;
- property records: The records for capital projects including Bid Conditions (advertised), Capital Outlay Bids (successful bidder), Notice of Completion (certified by the County Assessor's Office), Construction Change Orders, and Lease Agreements; and
- 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 or identification, and the amount paid, and comparable data if the unit is disposed of by sale, loss, or otherwise.
- Class 2 – Optional (Not required by law to be retained permanently until classified as Class 3 – Disposable). If the College President/CEO, or other designee, determines that classification should not be made by the time specified in Section 59022, all records of the prior year may be classified as Class 2 – Optional, pending further review and classification within one year.
- Class 3 – Disposable (Records shall not be destroyed until the third year after it has been classified as Class 3 - Disposable) including, but not limited to, detail records relating to:
  - records basic to audit, including those relating to attendance, average daily attendance, or a business or financial transaction (purchase orders, invoices, warrants, ledger sheets, cancelled checks and stubs, student body and cafeteria fund records, etc.) and detail records used in the preparation of any other report; and
  - period reports, such as daily, weekly, and monthly reports, bulletins, and instructions.

An annual report shall be made to the Board of Trustees regarding the classification and destruction of records.

Class 3 – disposable records shall be maintained for the period required by applicable law or regulation, but in any event shall be retained for at least three college years after the year in which they were originally created.

Destruction is by any method that assures the record is permanently destroyed, e.g. shredding and burning.

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