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INTRODUCTION

RECORD RETENTION AND DISPOSAL

This series of essays is designed to educate and inform college decision makers about the critical issues surrounding document retention. Almost every college official retains documents. In many cases, the reasons for retention are unclear and are not based on any college-wide document retention and disposal policy.

This manual provides an overall analysis of document retention issues, identifies appropriate retention periods, and includes several sample policies. The manual addresses many types of documents relevant to college personnel, including the following:

- Personnel and Employment Records
- Faculty Records and Files
- Student Records
- Financial and Tax Records
- Gift Records
- Alumni Records
- Building and Facilities Records
- Compliance Records and Environmental Laws
- Campus Crime Reports
- E-Mail and Other Computerized Data
- Litigation Files

Each document category is presented in a common format: Overview, Retention Period, Reasons for Retaining, and Access and Disclosure Considerations. A Selected Bibliography is provided for each chapter.

State laws do affect records management. When developing record retention and disposal policies, colleges should review state laws. These laws govern several areas, including personnel files, tax records, and statutes of limitations. Examples of state laws may be found in Appendix 6 of this manual.

Several recent issues reinforce the need to develop and review record management policies. The issues include destruction of records when litigation is pending, privacy as related to cyberspace and data access and recent requirements on governance and documentation.

We welcome your suggestions and comments regarding this manual. The manual will be supplemented periodically, as suggestions for improvement and changes in the law warrant. Supplements may be ordered by using the form provided in this manual.

Specific comments on this manual are welcome. For further information, please write to College Legal Information, Inc., P.O. Box 150541, Nashville, Tennessee 37215 or call 615-383-3332; or contact us through our website at: www.collegelegal.com. Copies can be obtained by sending payment to College Legal Information, Inc., P.O. Box 150541, Nashville, Tennessee 37215. Copies are \$60.00 each or \$55.00 each for 2 or more.

In addition to this manual, others are available from College Legal Information, Inc., each addressing particular topics relevant to different college personnel: *Student Affairs Decisions and the Law*; *Faculty Evaluation and the Law*; *Managing Admissions, Records and the Law*; *Complying with Federal Law*; *Institutional Advancement and the Law*; *Managing Liability and Overseas Programs*; *Managing Campus Conflict Through Alternative Dispute Resolution*; *Strategic Legal Planning: The College and University Legal Audit*; and *Managing Departments: Chairpersons and the Law*.

IF LEGAL ADVICE OR OTHER EXPERT ASSISTANCE
IS REQUIRED, THE SERVICES OF A COMPETENT
PROFESSIONAL SHOULD BE SOUGHT.

THE AUTHORS

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Patricia Kussmann worked closely with Weeks in the preparation of this manual. Kussmann has written several articles and papers for publication. She graduated from the University of Alabama at Huntsville and received her law degree from Vanderbilt University Law School. She currently works in the Tennessee Attorney General's office.

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This manual is for college decision makers who make significant academic and institutional decisions that involve the maintenance of records. As a practicing attorney providing counsel to colleges and universities, I receive numerous inquiries about the maintenance and retention of records. To provide decision makers a guide to the applicable laws, regulations, and practical considerations, I decided to write this manual, *Record Retention and Disposal*. It reflects numerous contacts with both faculty and college administrators regarding the legal terrain in which they operate.

Acknowledgment must be given to my many clients who throughout the years have caused me to think about the issues and how to identify preventive ways to reduce or eliminate legal exposure.

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