129 Records Retention and Disposal of Records

Approved by President

Sidney A. McPhee, President

Effective Date: June 3, 2020, 2020

Responsible Division: Business and Finance

Responsible Office: Compliance and Enterprise Risk Management

Responsible Officer: Assistant Vice President, Compliance and Enterprise Risk Management

I. Purpose

This policy sets forth the records retention schedule and procedures for the retention, management, and disposal of records for the University as approved by the State Public Records Commission (Commission). The State of Tennessee’s Records Management Division, by direction of the Commission, is the primary records management agency for the State and directs the disposition of all records.

II. Scope

The records schedule, retention, management and procedures apply to all departments and divisions of Middle Tennessee State University (MTSU or University).

III. Definitions

The following definitions comport with the definitions found in Tennessee Public Records Commission Rule and/or the definitions provided by the State Records Management Division (State RMD):

A. Records. Records shall mean all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. For the purpose of this policy, records are only those items defined as such by Commission rules and State RMD procedures and guidelines.

B. Permanent Records. Those records which have permanent, administrative, fiscal, historical, or legal value.
C. Temporary Records. Those records or materials which can be disposed of in a short period of time as being without value in documenting the functions of an agency and which become obsolete immediately after agency use or publication.

D. Confidential Public Records. Any public record which has been designated confidential by statute and includes information or matters or records considered to be privileged and any aspect of which access by the general public has been generally denied.

E. Records of Archival Value. Any public record which may promote or contribute toward the preservation and understanding of historical, cultural, or natural resources of the State of Tennessee.

F. Essential Records. Any public records essential to the resumption or continuation of operations, to the recreation of the legal and financial status of government in the state, or to the protection and fulfillment of obligations to citizens of the state.

G. Records Management. Records management shall mean the application of management techniques to the creation, utilization, maintenance, retention, preservation, and appropriate disposal of records in order to reduce costs and improve efficiency of record keeping. It shall include records retention schedule development, essential records protection, files management and information retrieval systems, microfilm information systems, correspondence and word processing management, records center, forms management, analysis and design, and reports and publications management.

H. Disposition. The preservation of the original records in whole or in part, preservation by photographic or other reproduction processes, or outright destruction of the records.

I. Records Disposition Authorization. Records Disposition Authorization (RDA) shall mean the official document utilized by an agency head to request authority for the disposition of records. The Public Records Commission shall determine and order the proper disposition of state records through the approval of Records Disposition Authorizations.

J. Working Papers. Those records created to serve as input for final reporting documents, with a retention of one (1) year, including electronic data.

K. Records Creation. The recording of information on paper, printed forms, punched cards, tape, disk, or in any electronic or digital media format. It shall include preparation of forms, reports, state publications, and correspondence.

IV. Disposal of Records

A. No records may be destroyed unless and until meeting the criteria of this policy and pursuant to the procedures of the State RMD and Commission rules.
B. Unless specified otherwise, or otherwise required by law, records may be imaged, microfilmed, or electronically reproduced and the paper copy appropriately destroyed in a manner compliant with this policy, with notification to, and approval from, the University’s Office of Compliance and Enterprise Risk Management upon destruction of the records. The electronic data, media, paper, microfilm, or image must be retained for the retention period prescribed by the State RMD.

C. No record shall be destroyed, however, so long as it pertains to any pending legal case, claim, or action; or to any federal or state audit until such actions have been concluded and/or until written notification is received by the Office of the University Counsel.

1. State records have been approved for disposal by the following state-approved methods:
   a. Shredding;
   b. Recycling;
   c. Purge (paper & electronic).

2. For purposes of this policy, the preferred method for University disposal of records is secure shredding. Any record designated confidential shall be so treated in the maintenance, storage, and disposition of such confidential records. These records must be destroyed in such a manner that they cannot be read, interpreted, or reconstructed.

D. Unless specifically approved by the University records officer, any records which reflect permanent retention should be maintained by electronic or digital means after verification of a quality electronic reproduction. After verification, the paper copies may be destroyed with notification to, and approval from, the records officer for documentation of the destroyed records on the State Certificate of Records Destruction as required by the State RMD.

E. In consultation with the records officer, University departments and divisions may also retain certain records of historical value for safe-keeping and preservation purposes with the University archivist. University departments and divisions may also utilize the University archivist to retain State records that are not converted to an archival quality electronic reproduction, with notification to the University records officer.

V. Records Officer

The records officer for the University shall provide the following duties in compliance with State RMD requirements:
A. Coordinate annual records destruction days for the University.

B. Manage information provided by the records coordinators for each University division/department regarding the volume, location, type, retention, and destruction of records held.

C. Assess, review, and approve requests for records destruction by division/department records coordinators.

D. Compile, and submit for approval, the Records Holding Report required by the State RMD and Commission by, or before, June 30 annually.

E. Provide consultation and training to divisions/departments on records retention, destruction, and management.

F. Review requests for new records classification disposition numbers for submission to the State RMD and review and approval by the Public Records Commission.

VI. Records Coordinators

Each University department and division must designate a records coordinator who will have the responsibility to retain and dispose of records in accordance with State of Tennessee approved records disposition authorizations and the procedures and requirements under this policy.

A. Prior to the destruction of any records, the records coordinator must:

1. determine if the action should be delayed due to audit or litigation requirements;

2. complete all applicable information and required fields within the proprietary MTSU Records Retention Database concerning the record that will be destroyed; and

3. submit the records destruction information and records destruction request within the MTSU Records Retention Database to the records officer for review and approval.

Designated records coordinators should ensure they have access to the MTSU Records Retention Database by contacting the University’s records officer at RDARetention@mtsu.edu. Instructions for utilization of the University’s proprietary Records Retention Database (Database) can be provided by the records officer and are available within the Database upon sign-on. Records coordinators must have an MTSU FSA account username and password.
The University’s records officer reviews and approves requests for records destruction prior to the destruction date (see Section VII. Records Destruction for additional procedures).

B. Specific records pertaining to current or pending litigation or investigation must be retained until all questions are resolved. See Policy 125 Litigation Holds. These specific records can be retained in a suspense file, while all other records not under pending investigation shall be disposed of in accordance with established statewide Records Disposition Authorization codes provided by the State RMD (RDAs). The MTSU Database provides a litigation hold designation for any legal and/or audit records under Policy 125 Litigation Holds.

C. Records coordinators should establish, and apply, retention schedules for records in their custody that may not be specifically addressed in this policy. Questions in developing additional records retention schedules outside of this policy shall be directed to the University records officer.

VII. Records Destruction

A. Prior to destroying a record, notification of the record’s destruction must be provided to the University’s records officer. The University’s records officer will review requests for records destruction from departments and divisions through the Database.

B. The University’s records officer and/or the Office of Compliance and Enterprise Risk Management shall submit one, compiled Certificate of Records Destruction to the State RMD together with any accompanying documentation. The compiled Certificate of Records Destruction shall be submitted together with the University’s annual Records Holding Report by, or before, the end of each fiscal year on June 30 and signed by the records officer.

C. Records destruction may occur during the University’s annual Records Destruction Days, or outside of the annual Records Destruction Days so long as notification of the records destruction is first provided to the University’s records officer through the MTSU Database.

D. The records destruction procedures referenced in A through C of this section do not apply to items that are not considered records, such as document copies, brochures, and pamphlets.

E. For federal or state agency grant records, the retention period for such records is five (5) years as dictated by the State RMD procedures and Records Disposition Authorization codes, unless such grants require the longer retention of grant records pursuant to the grant’s fiscal or other federal requirements including, but not limited to, the start of the
grant’s record keeping, in further compliance with the grant’s federal or state agency’s financial and/or research audit requirements. Establishing the records for audit, fiscal, government, or renewal purposes.

VIII. Records Retention Schedules

A. The State RMD’s Records Disposition and Authorization codes and retention timeframes have been condensed into a single document for MTSU use entitled, “Records Disposition Authorization Classification Guide” (Records Classification Guide). The Records Classification Guide provides a description of the record type; corresponding State classification number (RDA, SW, or SW-U number); the retention period; and a description of the ending action for the record (i.e., destroy or keep permanently). As new RDA, SW, or SW-U Records Classifications are created and/or updated by the State RMD, the Records Classification Guide will be updated.

B. Notwithstanding the stated retention period, should such period conflict with federal or state laws, regulations, government executive orders, audit requests, and/or grant requirements, the period of longer retention shall apply.

Forms: None.

Revisions: June 5, 2017 (new); August 30, 2017; July 3, 2018; January 7, 2019; August 16, 2019; June 3, 2020; ____________, 2020.

Last Reviewed: June __ 2020.

References: Executive Order 38; Family Educational Rights and Privacy Act of 1974; Policy 125 Litigation Holds; Records Management Division Records Retention Standards, State of Tennessee (June 2016); T.C.A. § 10-7-303; Statewide List (May 22, 2019) and Statewide University List (May 22, 2019).