



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

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), as that term is defined by the Federal Rules of Civil Procedure.

The Vice Chancellor of Business and Fiscal Services or designee shall supervise the classification and destruction of records and ESI. The District must preserve ESI and ESI that is relevant to actual or potential litigation pursuant to the Federal Rules of Civil Procedure. The District 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. An annual report shall be made to the Board of Trustees regarding the classification and destruction of records and ESI.

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

Records shall annually be reviewed to determine whether they should be classified as Class 1 (Permanent), Class 2 (Optional), or Class 3 (Disposable), as defined in Title 5.

As an exception to the provision above, records that are active and useful for administrative, fiscal, legal, or other purposes for a number of years shall not be classified until such usefulness has ceased.

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 event in which they were originally created.

All records that are subject to destruction shall be labeled when boxed for storage as to the originating department, fiscal year in which the records originated, type of records, classification, and destruction date. All records and documents that are permanent records shall be labeled as such.

Prior to the destruction of a record under any classification, the District or the College, as applicable, shall list all records considered for destruction on a "Records Destruction Log" form provided by the District. The Records Destruction Log shall set forth a brief description of the originating department, fiscal year in which the records originated, type of records, classification, and destruction date.

The Records Destruction Log shall be submitted to the office of the Vice Chancellor of Business and Fiscal Services, who shall certify that no records are included on the list which are in conflict with Title 5 records retention and destruction regulations. The log

shall then be submitted to the Board of Trustees for consideration under the consent agenda (Title 5, Section 59027 and 59028).

The Board may approve or disapprove the destruction recommendations, order a reclassification of some or all records, and shall attach the list of records to be destroyed (Records Destruction Log) to its minutes (Title 5, Section 59028).

Destruction is by any method that assures the record is permanently destroyed (i.e. shredding; burning; pulping).

Records Classification

- Class 1 – Permanent Records (Title 5, Section 59023)

Class 1 records are retained indefinitely unless copied or reproduced in accordance with Title 5, Section 59022(e). Examples of types of Class 1 records include, but are not limited to, the following:

A. Annual Reports

- i. Official budget
- ii. Financial reports of all funds, including cafeteria and student body funds
- iii. Audit reports of all funds
- iv. Full Time Equivalent Student (FTES), including Period 1 and Period 2 reports
- v. Other major annual reports, including:
 1. Those relating to property, activities, financial conditions or transactions;
 2. Those declared by Board minutes to be permanent.

B. Official Actions

- i. Minutes of the Board of Trustees or committees thereof, including the text of a rule, regulation, policy, or resolution not set forth verbatim in the minutes but included therein by reference only.
- ii. Elections, including the call, if any, for and the result (but not including detail documents such as ballots) of an election called, conducted, or cancelled 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.
- iii. Records transmitted by another agency that pertain to that agency's action with respect to District organization.

C. Personnel Records of Employees

All detail records relating to employment, assignment, employee evaluations, amounts and dates of service rendered, termination or dismissal of employee in any position, sick leave records, other absence records (such as vacation cards and other absence cards), retirement records, time worked, rate of compensation, salaries or wages paid, deductions or withholdings made and the person or agency to whom such amounts were paid.

D. Student Records

- i. The records of enrollment and scholarship for each student including, but not limited to:
 1. Name of student
 2. Date of Birth
 3. Place of Birth
 4. Name and address of a parent having custody or a guardian, if the student is a minor
 5. Entering and leaving date for each academic year and for any summer session or other extra session
 6. Subjects taken during each year, half-year, summer session or quarter
 7. If grades or credits are given, the grades and number of credits toward graduation allowed for work taken.
- ii. 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 records one year after the claim has been settled or applicable statute of limitations has run.

E. Property Records

- i. All detail property records relating to land, buildings, and equipment. In lieu of such detail records, a complete property ledger, may be classified as Class 1 and the detail records may then be classified as Class 3, if the property ledger includes:
 1. All fixed assets
 2. An equipment inventory
 3. For each unit of property, the date of acquisition or augmentation, the person from whom acquired, an adequate description or identification, the amount paid, and comparable data if the unit is disposed of by sale, loss, or otherwise.

F. Archival Records

- i. Not required by law to be kept permanently, but a District policy to retain documents related to historical events of the District (i.e. yearbooks, plaques, awards, photographs, etc.)

G. Foundation Records

- i. All documents of incorporation, governing bylaws and amendments, and all state and federal exemption designations and corresponding regulations governing operation of Title 26, USCA, Section 501(c)(3) tax exempt not-for-profit organizations.

- Class 2 – Optional Records (Title 5 Section 59024)

Not required by law to be retained permanently, but deemed worthy of further preservation as specified in Title 5, Section 59024. Any record not classified as Class 1 may be classified as Class 2 and shall be retained until reclassified as Class 3.

- Class 3 – Disposable Records (Title 5 Section 59025)

Required retention periods and procedures for destruction or transfer of records as specified in Title 5, Section 59026 and 59029. All records other than continuing records, not classified as Class 1 or Class 2 shall be classified as Class 3 including, but not limited to:

- A. Records basic to audit including those related to attendance, full-time equivalent student (FTES), 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.
- B. Periodic reports including daily, weekly, and monthly reports, bulletins, and instructions.

See Appendix A, Records Responsibility and Length of Retention

Records Destroyed by Calamity

Whenever in any academic year the register of any instructor, or other records of the District are destroyed by conflagration or public calamity, preventing the instructor and college officers from making their annual reports in the usual manner and with accuracy, affidavits of the instructor, the College President, or other officers of the District, certifying as to the contents of the destroyed register or other records, shall be accepted by all college authorities for all purposes pertaining to the District, except that of calculations of full-time equivalent students (FTES).

Whenever the FTES of the District has been materially affected in any academic year by conflagration, public calamity, or epidemic of unusual duration and prevalence, the regular annual reports of the instructor, the College President, or officers of the District, shall be accepted by all college officers for all matters pertaining to the district, except that of FTES.

Whenever any attendance records of the District have been lost or destroyed by conflagration or public calamity, making it impossible for an accurate report on FTES for the District for any fiscal year to be rendered, which fact shall be shown to the satisfaction of the Board of Governors by the affidavits of the members of the governing board, the Board of Governors shall estimate the FTES of the District. The estimated FTES shall be deemed to be the actual FTES for that fiscal year for the making of apportionments to the District from the State School Fund.

Microfilm, Microfiche, Optical Disks, or Other Electronic or Digital Reproduction

Microfilm, microfiche, optical disks, or other electronic or digital reproductions which do not permit additions, deletions, or changes to the original document as defined in Commercial Code 9407.1 Section 13, and Title 5 California Code of Regulations, Section 59022, are microphotographic images of record material which may be retained in lieu of the record itself. The following requirements apply to microphotographic images of any class of records and then the original may be destroyed:

- A. The reproduction must be accurate in detail.
- B. 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 and the American National Standards Institute. Education Code Section 35254 allows the District to destroy original records when provision is made to permanently maintain photographic or electronic copies for the District, except that no original record that is basic to any required audit shall be destroyed prior to completion of the audit.
- C. The copy must incorporate the Chancellor or designee signed and dated certification of compliance with the provisions of the Evidence Code Section 1531, stating that the copy is a correct copy of the original.
- D. The copy must be conveniently accessible and provisions made for preserving permanently, examining, and using same.

Email Retention

Email messages are automatically purged from employee mailboxes after a period of two years. Understanding that email is a transitory transportation mechanism and is not designed for long-term information storage, it is the responsibility of employees to create Class 1 and Class 2 records to ensure that they are stored in an appropriate mechanism in order to comply with the retention and destruction requirements of this Administrative Procedure. Examples include, but are not limited to, electronic document management systems, network share drives, SharePoint, Microsoft Teams, or paper.

Nothing in this section of this Administrative Procedure shall be interpreted to require the District, or any District employee, to retain emails that otherwise are not required to be retained.

Retention of Records (Title 5 Section 59027)

Records responsibility and length of retention is contained in the Business Office Manual.

Each fiscal year, and before January 1, the Chancellor or designee shall classify and review every record originated during the prior fiscal school year. The retention period for Class 3 records should be designated and such records should be physically segregated by the fiscal year in which they are scheduled for destruction. In the inventory process, copies which are no longer useful to the District (except one copy of an original required by law to be filed with another agency) may be destroyed without making an inventory record.

With respect to school records, the Vice Chancellor of Business and Fiscal Services or designee shall:

- A. Personally supervise the classification of records.

- B. Label storage boxes as to the originating department, fiscal year in which the records originated, type of records, classification, and destruction date. Designees shall not mix different years and Class 1, Class 2, and Class 3 records in the same box as the entire box of records will be destroyed.
- C. Supervise the destruction of records.

Retention Period (Title 5 Section 59026)

Generally, a Class 3 record, unless otherwise specified, should be destroyed during the third school year after the school year in which it originated (e.g. 2016-2017 plus three years = 2019-20). Federal programs including various student aid programs may require longer retention periods and such program requirements shall take precedence over the requirements contained herein.

With respect to records basic to an audit, a Class 3 record shall not be destroyed until after the third July 1 succeeding the completion of the audit required by Education Code Section 84040 or of any other legally required audit, or that period specified by Section 59118 of this part, or after the ending date of any retention period required by any agency other than the State of California, whichever date is later.

With respect to Class 2 records, a continuing record shall not be destroyed until the third year after it has been classified as Class 3.

Records Retention Related to Federal Programs

All records related to federal and state grants including financial and programmatic records required by program regulations, grant agreements, or documents reasonably considered pertinent to program regulations or grant agreement must be kept for five (5) years after submission of the final expenditure report. This applies to all supporting documentation, statistical records, and all records that pertain to the grant award.

If any litigation, claims, or audits are initiated before the expiration of the three year period, all applicable records shall be retained until all of the findings have been resolved and final action has been taken.

Destruction of Records (Title 5 Section 59021)

- Class 1 – Permanent Records. Hard copy records can be destroyed only if originals have been microfilmed, microfiched, or similarly preserved by digital or electronic means. (Refer to the section titled “Microfilm, Microfiche, and Optical Disks, or Other Digital or Electronic Reproduction”). After verification, hard copy records can be destroyed.
- Class 2 – Optional Records, and Class 3 – Disposable Records. Records can be destroyed after termination according to the retention period. Disposal of records should be supervised and accomplished by burning, shredding, pulping, or other means to assure destruction, and to prevent reconstruction of the records to any degree.

Electronic Documents and Voicemail Purging

Electronic documents and voicemail messages have the same status as paper files in litigation-related cases. If an official investigation is underway or even suspected, employees must stop any document purging, including electronic documents and voicemail, in order to avoid criminal obstruction charges.

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