

Loyola University Maryland

Record Retention Policy

I. Preamble

Loyola University Maryland (the “University”) requires that different types of business records be retained for specific periods of time. The University is committed to effective records retention to meet legal standards, ensure privacy, optimize the use of space, minimize the cost of record retention, and ensure that outdated records are properly destroyed. Deans, Department Heads, administrative staff responsible for the maintenance of University records, and anyone accessing University records must be aware of and follow this policy.

II. Policy

A. Requirements

The University is subject to numerous record retention requirements that are required by Federal, State and local laws and regulations. The University requires that financial and operational records be maintained in a consistent and logical manner and be retained in such a manner so that the University:

- a) Meets legal standards for protection, storage and retrieval;
- b) Protects the privacy of students and employees of the University;
- c) Optimizes the use of space;
- d) Minimizes the cost of record retention; and
- e) Destroys outdated records in a proper manner.

Retention periods may increase by government regulation, judicial or administrative consent order, private or governmental contract, pending litigation or audit requirements. Such notifications or events may change the requirements listed in this policy. Notwithstanding anything herein to the contrary, any record that is the subject of litigation or pertains to a claim, audit, or agency charge, investigation or enforcement action should be kept until final resolution of the action.

B. Departmental Responsibilities

Departments that maintain University records are responsible for establishing appropriate record retention management practices. Each department's administrative manager or a designee must:

- a) Implement the department's and/or office's record management practices;
- b) Ensure that these management practices are consistent with this policy;
- c) Educate staff within the department in understanding sound record management practices;
- d) Ensure that access to confidential records and information is restricted;
- e) Destroy inactive records (including any electronically stored information) that have no value upon passage of the applicable retention period; and
- f) Ensure that records are destroyed in a manner that is appropriate for the type of records and information involved.

Some of the general categories of records subject to specific retention periods are described in the following procedures section. If there are inconsistencies in the required retention periods, the longer period should be followed. The procedures that are followed are not meant to be an all-inclusive listing for retention purposes, but rather guides for the more frequent or commonly used records that need to be retained. If your records are not listed, it does not mean that they can or should be thrown out without first considering the general requirements in this policy.

C. Confidentiality Requirement

Many records subject to record retention requirements contain confidential information (non-public, identifying information including, but not limited to, name, address, social security number, bank

account numbers, financial or financial aid information, student number, medical information, etc.). Such records are private and may be protected by the Family Education Rights and Privacy Act (“FERPA”), the Gramm-Leach-Bliley Act (“GLB”), the Health Insurance Portability and Accountability Act (“HIPAA”), the Maryland Personal Information Protection Act, Maryland medical records laws, the FTC “red flags” rule, or other legal authorities. In addition to the retention requirements, any record that contains confidential information should be considered confidential and treated with privacy and security.

D. Disposal and Destruction of Records

If you have determined that it is appropriate to dispose of certain records, destroy them in one of the following ways:

- a) Recycle non-confidential paper records;
- b) Shred or otherwise render unreadable confidential paper records; or
- c) Erase or destroy electronically stored data.

Caution: Periodically review records generated and maintained electronically in University information systems or equipment (including mainframe, mini and micro computing/storage systems) to ensure that these requirements are met.

II. Procedures

A. General Regulatory Retention Requirements

Advancement, Endowment and Gifts

Other than the Internal Revenue Service (“IRS”) record retention requirements, there are no other special federal retention requirements associated with advancement activities. However, because there is no statute of limitations on actions to terminate a trust or by a person to recover personal property under a will, all endowment records, including those relating to trusts and bequests, should be retained indefinitely in a segregated file. Records pertaining to significant gifts to the University or a department should be retained for a period of seven (7) years, and until any audit requirements are met.

Financial Aid (Department of Education)

There are numerous regulations that affect the record keeping requirements for financial aid records. Any records, reports and forms pertaining to financial aid that are not otherwise covered by the requirements set forth below should be kept for three (3) years from the end of the award year in which the report was submitted. The following general requirements are for the Higher Education Assistance (“HEA”) programs administered by the Department of Education (“DOE”). Original promissory notes should be kept until the loan is satisfied or the documents are no longer needed to enforce the obligation. Records pertaining to the amount of a loan, terms of repayment, and the repayment history should be kept for three (3) years from the date on which a loan is assigned to the DOE, is cancelled, or is repaid. Records pertaining to borrower eligibility and participation should be kept for three (3) years from the end of the award year in which the student last attended. Fiscal Operations Reports should be kept for three (3) years from the end of the award year in which the report was submitted. The following records must be retained for five (5) years from the time the record is created, or for the period required under the applicable program regulations:

- a) Fiscal and administrative records to ensure that funds received for repayment are properly administered;
- b) Records regarding required disclosures to students regarding financial aid;
- c) Current records of students' admission and enrollment at the institution;

- d) Records necessary to determine institutional eligibility, financial responsibility and administrative capability;
- e) Financial records sufficient to allow the DOE to conduct an annual audit.

All financial aid records should be considered confidential.

Financial (IRS)

1. Tax

For tax (IRS) purposes, the University must maintain a record keeping system that includes a summary of transactions (the books) and all supporting documentation. The University's income, expenses, assets and liabilities must be supported by documentation such as checks, invoices, purchase orders, receipts, deposit slips, contracts, etc., and these must be maintained for a minimum of three (3) years from the date the return (990) is due or filed, whichever is later. Records of employee remuneration, taxes withheld and payments to state unemployment compensation funds must be maintained for four (4) years from the date that the tax return is due or tax is paid, whichever is later. However, because there are exceptions to the retention rules, the University requires that general financial (tax) records and supporting documents be maintained for seven (7) years from the date the applicable tax return is due or tax is paid, whichever is later.

For records relating to tax exempt bonds issued for the benefit of the University, basic records to be retained include:

- a) Documentation relating to the bond transaction included in the closing transcript;
- b) Documentation evidencing the expenditure of bond proceeds;
- c) Documentation evidencing use of bond-financed property;
- d) Documentation evidencing all sources of payment or security for the bonds; and
- e) Documentation pertaining to any investment of bond proceeds.

In addition, any additional records that are necessary to support the exclusion of interest paid on the bonds, including information and documents supporting the continued compliance with federal tax requirements applicable to tax exempt bonds, should be retained. These records should be retained until three (3) years after the final redemption of the bonds; in the case of refunding bonds, records relating to the original bond issue, as well as the refunding bond issue, should be retained until three (3) years after the final redemption of both bond issues.

All employee tax records should be considered confidential.

2. Accounts Payable

Accounts payable records (e.g., travel authorizations, expense reports, petty cash logs and receipts, payment requests) are subject to IRS record retention requirements. However, these records may also relate to a sponsored project with an award that may last many years and which is subject to audit under OMB Circular A-110. For this reason, the University has adopted a general policy of keeping all accounts payable records for ten (10) years from the date of creation.

3. Procurement

Procurement records (e.g. accounting records, purchase orders and logs, bills, invoices) are subject to IRS record retention requirements. However, these records may also relate to a sponsored project with an award that may last many years and which is subject to audit under

OMB Circular A-110. For this reason, the University has adopted a general policy of keeping all procurement records for ten (10) years from the date of creation.

4. Payroll

Pursuant to the Fair Labor Standards Act (“FLSA”), the University must keep payroll records which contain employee name, address, sex, date of birth, occupation, hours worked each day, hours worked each week, hourly rate of pay, overtime compensation paid, total wages paid and deductions from wages. Although these records must be kept for three (3) years under the FLSA, there are exceptions to this requirement concerning litigation and claims, and where the records relate to sponsored project with an award that may last many years and which is subject to audit under OMB Circular A-110. For this reason, the University has adopted a general policy of keeping all payroll records for ten (10) years from the date of creation.

5. Real Property

Aside from the tax law, Federal law does not provide any specific record keeping or record retention requirements concerning an institution’s interest(s) in real property. However, the University has adopted a general policy of keeping copies of records evidencing its interests in real property indefinitely in a segregated file.

Human Resources

With the exception of University directory information, all Human Resources records should be considered confidential.

1. Employment Selection and Employment Action

The following records should be kept for at least two (2) years (also see section 8 regarding retention of employee records):

- a) Records pertaining to hiring, promotion, demotion, transfer, layoff or termination, compensation, access to training and other terms of employment;
- b) Records pertaining to composition of a work force according to race, ethnicity, sex and disabilities as defined pursuant to Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA);
- c) Records pertaining to tests or selection criteria used as the basis of employment decisions, and the impact of such tests and criteria upon employment opportunities of persons of race, sex or ethnic group;
- d) Records relating to the bases for wage differentials among employees of the opposite sex in the same establishment (Equal Pay Act)

The following Age Discrimination in Employment Act (ADEA) records should be kept for a period of three (3) years:

- a) Records containing names, addresses, dates of birth, occupations, rates of pay and compensation

2. Benefit Enrollment

Under HIPAA, benefit enrollment records must be maintained for six (6) years.

3. Benefits (ERISA)

Under the Employee Retirement Income Security Act (“ERISA”) any employee benefit plan document (e.g., retirement and health insurance plan documents) and any seniority systems or merit systems that are in writing must be maintained for the full period that the plan or system is in effect *plus six years* after its termination.

Records used to determine benefits that are or will become due for each employee participating in the plan must be retained as long as relevant.

In situations where the University is required to file with any government entity any description or report under ERISA, the University must maintain records to provide the necessary information and data to verify that filing. All such records must be maintained for a period of six (6) years after the filing date.

4. Fair Labor Standards Act (FLSA)

Records pertaining to pay or other changes related to the basis of payment and records that reflect the basis on which wages are paid in sufficient detail to permit calculations of the employee's total remuneration, perquisites, including fringe benefits, must be kept for at least three (3) years.

5. Employee Medical

Employee medical records associated with Occupational Safety and Health Administration (OSHA) must be kept for thirty (30) years. There are some exceptions for insurance claims records and first aid records.

OSHA injury and illness records and OSHA forms must be kept for five (5) years after the year in which the workplace injury or illness occurred; and 30 years if the employer is required to conduct medical examinations, monitor for exposure to hazardous materials or chemicals or monitor for significant adverse reactions to health of employees.

Employee medical records are also subject to the Family Medical Leave Act and the ADA, and must be stored separately from other employee information.

6. Family and Medical Leave

The Family and Medical Leave Act ("FMLA") requires the University to keep records that show compliance with FMLA (including records that show the dates that the family medical leave was taken, copies of FMLA notices given to employees, and records of any disputes) for three (3) years.

In addition to the applicable confidentiality requirements, employee medical records associated with the FMLA or the ADA must be stored separately from other employee information.

7. Immigration and Naturalization (U.S. Citizenship and Immigration Services (USCIS) within the Department of Homeland Security (DHS))

The University must verify that all employees are eligible to work by completing an Employment Eligibility Verification form (I-9) within three (3) days of an employee commencing work. The I-9 verification form must be kept for three (3) years after the date of hire or one (1) year after termination of the employee, whichever is later.

8. Personnel and Employment

In general, all personnel or employment records made or kept by the University not subject to one of the longer retention periods discussed below should be kept for the length of employment plus five (5) years from: a) the date of making the record or b) the personnel action involved, whichever is later.

Collective bargaining agreements, plans, trusts, employee contracts and supporting documents should be kept for a period of three (3) years after the termination of the contract.

Sponsored Programs (Grants, Contracts, Cooperative Agreements, Interpersonnel Act Agreements) Documents (OMB Circular A-110)

OMB Circular A-110 requires that federal assistance records including payroll records, financial records, effort reports, supporting documents, statistical records, and all other records pertinent to a sponsored project be retained for a period of three (3) years from the date of submission of the final expense report or, for awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report. However, because certain pass-through awards including awards from the State and certain other entities have longer retention requirements, the University has maintained a policy of keeping sponsored programs documents for seven (7) years from the date of submission of the final expense report unless otherwise required for a specific sponsored program agreement. If any litigation, claim, or audit is started before the expiration of the retention, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved and final action taken.

Institutional Review Board (IRB)

All records related to the IRB and to research involving human subjects must be maintained for a minimum of three years (3) from the date of the completion of the research. The IRB will retain all minutes, copies of applications, and deliberations on applications for research involving human participants. University IRB records include, but are not limited to, all signed consent and assent documents and complete records of any adverse incidents that occurred during the research as well as any follow-up correspondence or actions taken in response to the adverse incident. Principal investigators are responsible for the maintenance of these records unless the principal investigator is a student, in which case the faculty sponsor is responsible for maintenance of these records. If the project is a supervised classroom project, the informed consent documents do not need to be retained unless the project required expedited review. If the principal investigator leaves the institution within this period, all records must be provided to the department so that they can be retained for the required three-year period.

Student Health Services

All Health Services records should be considered confidential.

1. Student Health History Forms

In general, all health history forms submitted by students as a prerequisite for admission and any health history forms that document a student's medical history and/or contain student medical history forms for students who have never visited a institution student health center (and therefore do not have a medical record on file) must be kept for a period of seven (5) years from the date of the last service provided to the student.

2. Student Medical

The University must keep all medical records documenting the medical services history provided for students treated by the student health center for a period of seven (5) years after the date of the last service or until the student reaches the age of 21, whichever is longer. These medical records include but are not limited to appointment request slips; summary sheets; bacteriology test results; treatment record forms; diagnosis sheets; health history/screening sheets; initial evaluation/assessment sheets; referral sheets; health center billing statements; personal health history sheets; dental examination

sheets and X-rays; laboratory test results; physical therapy notes; X-ray release forms; X-ray requisitions with narrative of radiologist; notes; memoranda; and related correspondence.

3. Student Patient Logs

In general, patient logs must be kept for a period of three (3) years. These records are used to log in patients who visit the student health center (both inpatients and outpatients). They may also be used to create annual census reports and 3-year census comparisons. Log information may include: the date and time that the patient came in; the physician assigned; diagnosis; admission/discharge date; length of stay; and remarks.

Campus Security

Any record, statistical information and/or supporting documentation pertaining to or obtained for the purposes of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act must be maintained for seven (7) years from the date of the annual report in which the information was obtained.

Legal Matters

Legal documents such as the Articles of Incorporation and any related amendments, Bylaws, Board of Trustees minutes, patents, trademarks and copyrights must be maintained permanently.

In addition, any record that is relevant to a pending or anticipated claim, audit, investigation, litigation or enforcement action shall be retained at least until there is a final resolution of the matter. In these circumstances, the Office of the Vice President of Administration will notify relevant departments and work with staff to identify and preserve any records (including electronic records) and any other information that could be relevant to the matter. This will include a directive that the relevant department's record destruction policies be temporarily suspended pending final resolution of the matter. Employees who become aware that an investigation or legal proceeding has commenced or is anticipated to commence against their department or any other department must promptly notify the Office of the Vice President of Administration so that all records with potential relevance to the investigation or legal proceeding can be preserved as necessary.

B. Definitions

Active Record: A record that is currently being used, or will be used, by the department that generated it. Records may remain active for varying numbers of years, depending on the purpose for which they were created. The department has the responsibility of determining the access required and the security needed for the records.

Confidential Records: Records that contain confidential student, patient or employee information that should have limited access and be protected from inadvertent access or disclosure.

Confidential Information: Any information that is received or created that includes protected health information ("PHI") under HIPAA, personal and educational information under FERPA, or any personal financial information under the GLB Act. This includes, but is not limited to, name, address, social security number, bank account numbers, financial or financial aid information, student numbers, medical information, etc.

Responsible Department: The department designated as having the responsibility for retention and timely destruction of the particular types of University records in their control.

University Record: The original or a copy of any record. These can be either electronic or paper and were either received or created by the department.

C. Legal References

Age Discrimination in Employment Act, 29 U.S. C. §621
Americans with Disabilities Act, 42 U.S.C. §12101
Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000a
Employee Retirement Income Security Act, P.L. 93-406
Fair Labor Standards Act, 29 U.S.C. §201
Family Educational Rights and Privacy Act, 20 U.S.C. §1232g
Family Medical Leave Act, 29 U.S.C §2601
Gramm-Leach-Bliley Financial Modernization Act, P.L. 106-102
Health Insurance Portability and Accountability Act, P.L. 104-191
Higher Education Act, 20 U.S.C. §1001
Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092(f)
Recording and Reporting Occupational Injuries and Illnesses, 29 C.F.R. § 1904.4
Sarbanes-Oxley Act of 2002, §§ 802 and 1102
Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, OMB Circular A-110, Subchapter C, Reports and Records, § 53

D. History/Revision Dates

Adopted by the Board of Trustees on April 11, 2012