



Record Retention and Disposal Policy

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Related policies: Data Classification and Handling Policy (posted on the Information Technology page of the Portal)

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A. Policy Statement

This Policy addresses the retention and disposal of Southwestern Law School's Records, as the term "Records" is defined in Section C.2. Southwestern requires that Records be retained for specific periods of time, considering legal, accreditation, and other institutional requirements. Southwestern has designated official repositories and record retention schedules to maintain these records.

Given the wide variety of documents and custodians, each office or department has been asked to develop and maintain a records retention schedule as defined in Section C.3. for their office or department. The General Counsel Office will review each schedule, develop an internal repository for all schedules, and remind offices and departments when to review their schedules. The retention periods set forth in the schedules are the minimum retention periods Southwestern requires. After the retention period, the Records should be properly disposed of under this Policy. Requests to deviate from or modify this Policy or these retention periods must be made to and approved by the Records Retention and Disposal Committee, defined below.

To facilitate proper record retention, Southwestern business should be conducted using Southwestern devices, and employees should minimize the use of personal devices. Records should not be stored on personal devices.

B. Reason for the Policy

Southwestern is committed to effective records retention to meet business needs, comply with the law, preserve its history, optimize the use of space, minimize the cost of retaining records, and ensure that outdated and unnecessary records are destroyed. This Policy sets forth procedures to meet those objectives.

C. Definitions

1. Official repository

The office or department listed on the a schedule as being responsible for maintaining Records.

2. Record

Recorded information of any kind created or received in the course of Southwestern's business, including, but not limited to, paper documents, drawings, graphs, charts, images, photographs, microfilms, audio and video recordings, data and data compilations, and electronic media, including email. Teaching materials are not included in the definition of Record and are not subject to this Policy. Each professor will be responsible for storing and disposing of their teaching materials.

a. Active record

Any Record currently being used by an office or department of Southwestern.

b. *Archival record*

An Inactive Record with permanent or historical value and is not required to be maintained in the office or department in which it was originally generated. Archival Records are retained in the official Archive housed in the Law Library. The Office of the President and Dean and the Law Library Director will determine whether a Record is an Archival Record.

c. *Electronic record*

A Record (i) kept in an electronic format, such as a word processing document, a spreadsheet, a database, a scanned or imaged document, or any other type of file and (ii) stored on a computer, server, or mainframe storage device or medium, any external or off-site storage medium, or with a third party acting as Southwestern's agent. Electronic Records have the same retention periods as paper and other tangible Records.

d. *Inactive record*

A Record that is no longer an Active Record but still must be maintained pursuant to a schedule. Inactive Records may be stored on site but also may be maintained at an off-site storage facility; however, Inactive Records of historical significance are maintained in the official Archive.

e. *Record with personal information*

A Record that includes an individual's name together with that individual's social security number; driver's license number or other government identification card number; financial account number, credit or debit card number, or any number or code that may be used alone or in conjunction with another piece of information to assume the identity of another person, access financial resources, or obtain credit information. Personal Information is highly sensitive and must be safeguarded and secured at all times.

3. *Records retention schedule*

A schedule that provides the minimum time that selected Records should be retained before they are deleted or destroyed. Because no document list can cover all situations, questions regarding the retention period for a specific document or class of documents not included in a schedule should be addressed to the General Counsel Office.

4. *Retention period*

The length of time a Record must be kept before it should be deleted or destroyed.

D. *Records Management Program*

The primary reasons for retaining Records are that they are required for business or legal purposes or have enduring value. A schedule is a guideline that sets forth the minimum

length of time that the Official Repository should retain Records. No one person, office, or department can be directly responsible for all Southwestern Records. Therefore, each office or department managing Southwestern Records is responsible for:

- implementing Record management practices consistent with this Policy;
- educating staff in the Record management practices;
- preserving Records as required under this Policy;
- properly disposing of Inactive Records at the end of the applicable retention period;
- protecting Records against misuse, misplacement, damage, destruction, or theft; and
- monitoring compliance with this Policy.

Offices or departments should review their retention practice with the office or department identified as the Official Repository. Southwestern Records are the property of Southwestern and not of the faculty or employees who created them or to whom they are entrusted.

E. Email Accounts

1. Key employee email accounts

A key employee under this policy means the following: a member of the Board of Trustees, an Officer (e.g., Chair, President, Chief Financial Officer, Secretary), Vice Dean, Chief Officer (e.g., Chief Information Officer), Department Head, Controller, and General Counsel. If an employee has ever served in a key employee position, upon their separation from Southwestern, Information Technology will preserve their email account and records associated with the email account (e.g., SharePoint and OneDrive) for ten years after the separation date unless the account must be preserved longer due to a Record Preservation Notice.

2. Other employee email accounts

Upon their separation from Southwestern, Information Technology will preserve the email account and records associated with the email account (e.g., SharePoint and OneDrive) for one year after the separation date unless the account must be preserved longer due to a Record Preservation Notice.

F. Records Retention and Disposal Committee

Southwestern will convene on an as-needed basis a Records Retention and Disposal Committee to guide Southwestern in implementing, monitoring, and reviewing this Policy and compliance with this Policy. The Committee will include a representative from the Office of the President and Dean, the Law Library, Information Technology, and the General Counsel Office. The Committee members may add others to the Committee or seek input from non-Committee members as needed.

G. Preservation Holds

Record retention periods for selected Records may be increased for various reasons, including government regulation, judicial or administrative orders, contracts, pending or threatened litigation, or audit requirements. Suspension of Records destruction required for any reason will typically be accomplished by a Record Preservation Notice sent to affected offices or individuals by the General Counsel Office directing that specified Records be retained or produced notwithstanding the retention guidelines set forth in the schedules. Upon receiving a Record Preservation Notice, employees in the affected department must ensure that their schedule is suspended and that Records are not altered, deleted, or destroyed until further instruction, regardless of whether the Records are stored on a Southwestern device or an employee's personal device (including, but not limited to, emails, text messages, voice messages, photographs, videos, and phone logs). Compliance with Record Preservation Notices and requests for production of Records (regardless of whether the Records are stored on a Southwestern device or personal device) is required of all employees of Southwestern, including faculty and staff. An employee's failure to comply with a Record Preservation Notice or request for production of Records may be cause for disciplinary action.

H. Record Disposal

Records on a schedule with a retention period should be deleted or destroyed by the Official Repository at the end of that period unless there is a business or other reason to retain the Records (e.g., Archival Record or Record Preservation Notice).

Offices or departments other than the Official Repository should delete or destroy any duplicate records promptly unless there is a business or other reason to retain the Records, unless they are in active use, or unless Southwestern has directed the office or department to retain and preserve them.

Records should be deleted or destroyed in ways commensurate with their confidentiality and with methods that do not permit recovery, reconstruction, or future use of confidential information. Before disposing of any Records containing confidential or sensitive information (including, but not limited to, Records with Personal Information), the office or department should consult with the Chief Information Officer and the General Counsel Office regarding the proper method for securely destroying the Records.

Disposal of Electronic Records, including emails, should be made with Information Technology. Formats that hold Electronic Records may be overwritten or physically destroyed, but not placed in the trash.

I. Hard Drives

Upon the return of a Southwestern computer to the Information Technology department, Information Technology will reimage the computer and return it to normal use. Notwithstanding the foregoing, if Information Technology receives instructions from the Office of the President and Dean, the Administrative Services Office, the General

Counsel Office, or the Chief Information Officer, the computer will be set aside for preservation, and data on the computer will be saved.

J. Miscellaneous Records

The list below describes Records that will not generally need to be categorized, maintained, or disposed of in accordance with the schedules. These materials may be destroyed at any time if they are no longer needed:

- duplicate materials;
- non-Southwestern published materials;
- published reports produced by other entities and not commissioned by Southwestern;
- data purchased from other sources;
- subject to retaining a copy as an Archival Record as set forth below, blank letterhead or other blank forms;
- routing slips or telephone messages;
- catalogs (except for catalogs compiled as required by the California Bureau for Private Postsecondary Education, which must be retained), journals, or other printed matter used for information purposes;
- routine letters of transmittal and "for your information" notes;
- notices or memoranda that give only timely information, such as a change of venue of a meeting; and
- notes or working papers once a project is complete unless they provide more complete information than the final report.

K. Certain Identified Archival Records

The Records listed in the Archival Records schedule should be maintained as Archival Records. The responsible party identified in the Archival Records schedule will submit the Archival Record to the official Archive in the Law Library in accordance with the frequency set forth in the Archival Records schedule. If available, the responsible party will submit the number of hard copies of the Archival Record as set forth in the Archival Records schedule. In addition, the responsible party will store any available digital copy as instructed by the person responsible for the official Archive.