



**RESEARCH CORPORATION**  
of the UNIVERSITY OF GUAM

**RESOLUTION NO. 17-03**

**RELATIVE TO APPROVING THE RCUOG RECORDS RETENTION POLICY**

**WHEREAS**, the Research Corporation of the University of Guam (RCUOG) was established by Public Law 32-114 as a public corporation; and

**WHEREAS**, the purpose of the RCUOG includes the promotion of assigned educational, scientific and literary pursuits of the University of Guam's grants and contracts through aiding in the development of study, training, and research and to furnish the means and methods to do so; and

**WHEREAS**, RCUOG requires a records retention policy to guide the length of time specific documents should be kept on file and when it is appropriate to destroy certain files.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors hereby adopts the attached Records Retention Policy for the Research Corporation of the University of Guam.

Adopted this 31<sup>st</sup> day of March, 2017.

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Dr. Robert A. Underwood, Chairperson

**ATTESTED:**

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Dr. Kate Moots, Secretary

## RCUOG RECORDS RETENTION POLICY

The Research Corporation of the University of Guam's Record Retention Policy guides the retention and disposition of records.

Records are defined as all electronic and paper-based documents, regardless of physical form or characteristics, made or received by RCUOG in connection with the transaction of RCUOG business and retained by the organization as evidence of the organization's functions, policies, decisions, procedures, operations, or other activities.

For records relating to Federal grants, CFR 200.335 Methods for collection, transmission and storage of information, requires that non-federal agencies should, whenever practicable, collect, transmit, and store Federal award-related information in open and machine readable formats rather than in closed formats or on paper.

The RCUOG Records Retention and Disposition Policy indicates the minimum length of time records must be maintained before the records may be disposed of legally.

The purposes of this policy are to:

- Ensure that records are retained as long as needed for administrative, legal, and fiscal purposes;
- Ensure that University of Guam and federal records retention requirements are met;
- Ensure that records with enduring historical and other research value are identified and retained permanently; and
- Encourage and facilitate the systematic disposal of unneeded records.

**The time identified as the minimum retention period begins with the creation of the record, unless otherwise specified.**

Public Laws, Articles of Incorporation, Bylaws, and other records relating to the establishment of RCUOG; resolutions approved by the Board of Directors.	Permanent copies in archives.
Board of Directors meeting minutes, meeting agendas, and related information	Permanent copies in archives.
Annual Reports	Permanent copies in archives.
Correspondence and subject files relating to administration and operations of RCUOG having limited historical value.	Three years after date of document or after file is closed.
Correspondence and subject files relating directly to the administration and operations of RCUOG	Three years after date of document or after file is closed.
RCUOG personnel records.	- For selection, hiring, & employment action records (hires, promotions,



	<p>terminations), 1 year after creation of document or hire/no hire decision whichever is later; 3 years for Federal Contracts</p> <ul style="list-style-type: none"><li>- For medical information (ADA requests, injury reports), 1 year for ADA; duration of employment +30 years (OSHA); 6 years HIPAA</li><li>- FMLA records, kept with "medical" files, 3 year retention</li><li>- For payroll records; recommended retention is length of employment + 5 years; 2 years for time cards</li><li>- Form I-9 are kept for 3 years after hire or 1 year after termination (kept separate from personnel file)</li><li>- Retention timelines vary by type of record which includes:<ul style="list-style-type: none"><li>* Health and Welfare Plan Records – duration of employee tenure + 3 years</li><li>* Employee Benefits - duration of employee tenure + 3 years</li><li>* Safety Data - duration of employee tenure + 30 years</li></ul></li><li>- Health Care Continuation (COBRA) - recommended records be maintained for 6 years from date of record (remains consistent with ERISA)</li><li>- Polygraph Test Records - 3 years</li><li>- Affirmative Action Plan / Data - 2 years</li><li>- Credit Reports - no retention requirement; recommend shredding after 1 year</li><li>- Drug Test Records - 1 year from test date</li></ul>
<p>Records pertinent to a Federal award including financial records, supporting documents, and related records.</p>	<p>Three years from the date of submission of the final expenditure report. <i>Consult CFR 200.333 for exceptions to this rule.</i></p>

## **EXCEPTIONS AND NOTES**

### **Audits**

In some instances, agencies with audit responsibility and authority or Federal-awarding agencies may formally request that certain records be kept beyond the retention periods. If such a request is made, these records must be retained beyond the retention periods until the University or RCUOG receives the audit report or until the need is satisfied.

### **Legal Actions**

Some records may be needed for use in legal actions involving RCUOG. Records that are identified in or relevant to such actions must be retained for the entire period of the action, including any appeals, or the period for making an appeal, even if their retention period has expired. Prior to disposing of records related to or retained for a legal action, RCUOG officials should consult UOG Legal Counsel to verify that no new legal actions or appeals have been initiated that would require longer retention of the records.

### **Archival Records**

Archival records are records that RCUOG must keep permanently to meet their fiscal, legal, or administrative needs or retain because they contain historically significant information. Records do not have to be old to be archival; RCUOG officials create and use archival records daily in their offices. What makes a record worthy of permanent retention and special management is the continuing importance of the information it contains. Knowledge of people, places, or events will determine which records are significant. RCUOG officials may need to appraise records with non-permanent retention periods for potential research or historical value before destroying them. The usefulness of archival records depends on the ability of the RCUOG to preserve them, retrieve the information they contain, and make that information available to researchers.

### **Electronic Records**

Generally, records transmitted through e-mail systems have the same retention periods as records in other formats that are related to the same function or activity. E-mail records should be scheduled for disposition in conjunction with any other records related to that function or activity. RCUOG officials may delete, purge, or destroy e-mail records if the records have been retained for the minimum retention period established in the policy and are not being retained for a legal action or otherwise subject to a litigation hold or for an audit.

### **Digitizing Records**

Once paper records are scanned and reformatted as electronic records, the original paper records may be destroyed. RCUOG allows for migration of paper records into electronic formats under the following conditions:

- The images will accurately and completely reproduce all the information in the records being imaged;



- The imaged records will not be rendered unusable due to changing or proprietary technology before their retention and preservation requirements are met;
- The imaging system will not permit additions, deletions, or changes to the images without leaving a record of such additions, deletions, or changes; and
- Designees of RCUOG will be able to authenticate the imaged records by competent testimony or affidavit which shall include the manner or method by which tampering or degradation of the reproduction is prevented.

## **SUGGESTIONS FOR RECORDS DISPOSITION**

Records without historical value should be disposed of continually as they meet their stated minimum retention periods. The advantages of a program for systematic, legal disposal of obsolete records are that it:

- Demonstrates routine, good faith operation of the records retention system  
Ensures that records are retained as long as they are actually needed for administrative, fiscal, legal, or research purpose
- Ensures that records are promptly disposed of after they are no longer needed
- Frees storage space and equipment for important records and for new records as they are created
- Eliminates time and effort required to service and sort through superfluous records to find needed information
- Eliminates the potential fire hazard from storage of large quantities of valueless records and
- Facilitates the identification and preservation of archival records.

Suggestions for systematically approaching the disposition process include the following:

- Disposition should be carried out regularly, at least once a year. It should not be deferred until records become a pressing storage problem.
- For records containing confidential information (e.g., Social Security numbers, credit card numbers, personnel evaluations, salary levels), disposition should be carried out in a way that ensures that the confidentiality of individuals named in the records is protected.
- A record should be kept of the identity, inclusive dates, and approximate quantity of records that are disposed.