

**West Virginia State University Board of Governors
Special Committee on Policy Review
113, Ferrell Hall
Thursday, January 18, 2018
3:30 p.m. – 5:00 p.m.
Agenda**

1. Call to Order and Roll Call
2. Verification of Appropriate Notice of Public Meeting 2
3. Review and Approval of Agenda 1
4. Committee Recommendations and Report on Proposed Policies:
 - 4.1 Post Tenure Review 3
 - 4.2 Records Retention 7
 - 4.2a 4. Record Retention Policy of the Research and
Development Corporation 23
 - 4.3 Furlough 29
5. Next Meeting – *January 25, 2018*
6. Adjournment



West Virginia Secretary of State Mac Warner



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West Virginia State University

Board of Governors Policy Review Committee

Date/Time: 1/18/2018 -- 3:30 PM

Location:

113 Ferrell Hall
West Virginia State University
PO Box 1000
Institute, WV 25112

Purpose: Policy Review

Notes:

This is a compliant meeting.

Meeting was approved : 1/10/2018 3:05:33 PM

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WEST VIRGINIA STATE UNIVERSITY BOARD OF GOVERNORS

West Virginia State University

BOG Policy #//

TITLE: ~~Post-Tenure Review of~~Evaluation of Tenured Faculty

Section 1. General

- 1.1 Scope: This policy establishes guidelines and procedures related to a ~~post-tenure review process of all tenured~~process for evaluation of tenured faculty to include, but not be limited to, all current tenured faculty and any future tenured faculty.
- 1.2 Authority: West Virginia Code § 18B-1-6, § 18B-8-7
- 1.3 Adopted:
- 1.4 Effective:

Section 2. ~~Post-Tenure Review Procedures~~ Procedures for Evaluation of Tenured Faculty

- 2.1 Pursuant to West Virginia Code § 18B-8-7, any rules adopted by a governing board related to faculty preempts any conflicting rule adopted by the West Virginia Higher Education Policy Commission. Therefore, the West Virginia State University Board of Governors adopts this policy to ensure a ~~post-tenure review (PTR)~~an evaluation of tenured faculty (ETF) is conducted on all tenured faculty to include, but not be limited to, all current tenured faculty and any future tenured faculty.
- 2.2 ~~Post-Tenure Review~~Evaluation of Tenured Faculty is intended to ensure consistent and continued faculty productivity. It considers the professional quality with which faculty members discharge the academic duties associated with their positions. The West Virginia State University Board of Governors has an ethical responsibility to the students of the university, as well as a fiscal responsibility to the community that the university serves, to promote and ensure faculty productivity and excellence. Faculty at West Virginia State University are expected to contribute to the mission and goals of the university through a combination of teaching, research/scholarly activity, and/or service.

2.3 The Board of Governors, consistent with West Virginia Code, hereby establishes the following procedures to be implemented immediately upon adoption by the West Virginia State University Board of Governors:

2.3.1 During the faculty member's annual review, should the chair or dean determine the faculty member's overall performance to be unsatisfactory in terms of teaching, research/scholarly activity, and service, the Provost shall, in collaboration with the Chair of the Faculty Senate and the dean of the faculty member's college, establish a ~~Post Tenure Review~~ Evaluation of Tenured Faculty Committee (PTRCEFTC) for the purpose of reviewing the circumstances surrounding poor faculty performance. While recognizing that faculty, especially tenured faculty in leadership positions within the university, can contribute to the goals and mission of the university in diverse ways, the historical and central goal of West Virginia State University is to provide the highest level of education available to the students which the university serves. As such, serious deficiencies in teaching, which lie at the heart of the university's mission, can in and of themselves, also be considered to constitute unsatisfactory overall performance.

2.3.1.1 Upon the establishment of the PTRCEFTC, the faculty member must provide, within twenty-one (21) calendar days, a written document to the PTRCEFTC, which addresses the specific areas of overall faculty performance found to be unsatisfactory.

2.3.1.2 Upon receipt of the written faculty explanation concerning unsatisfactory overall performance, the ~~PTRC-ETFC~~ PTRCEFTC must schedule a hearing with the faculty member in question, to review the charge of unsatisfactory performance. This hearing is to be conducted no later than April 1 of the current academic year. The Chair of the ~~PTRC-EFTC~~ PTRCEFTC will provide a summary of the Committee's findings to the Provost.

2.3.1.3 As a result of this process, the Provost may direct the ~~PTRC-EFTC~~ PTRCEFTC to develop an improvement plan for the faculty member in question. The improvement plan will be drafted by the ~~Post Tenure Review~~ Evaluation of Tenured Faculty Committee, in consultation with the faculty member, which will be subject to approval by the Provost. The performance plan must include performance goals to raise the performance in the deficient areas(s), strategies for attaining the goals, any resources needed to achieve the goals specified in the plan, specific measures by which the

goals are to be assessed, and a timeline for the completion of goals included in the improvement plan. The approved faculty performance plan for the coming academic year should be in place no later than July 1.

2.3.1.4 The timeline for completion of goals included in the improvement plan shall be determined by the ~~Post-Tenure Review~~Evaluation of Tenured Faculty Committee, with the approval of the Provost. The timeline can vary dependent upon the area of improvement, and the circumstances surrounding the unsatisfactory faculty performance at the discretion of the ~~Post-Tenure Review~~Evaluation of Tenured Faculty Committee. Improvement timelines for unsatisfactory teaching, which is central to the goal of the university, and for unsatisfactory service, which can be improved immediately, are not to exceed one (1) academic year. Improvement timelines for unsatisfactory performance in research/scholarly activity, which may take longer to correct, or to be properly evaluated, shall not exceed two (2) academic years. Faculty performance improvement plans shall begin the next academic year after the academic year in which the improvement plan is developed. Any resources needed to meet the requirements within the improvement plan shall be specified in the plan, but should not exceed any resources that would have been necessary to achieve a performance ranking of satisfactory initially.

2.3.1.5 If the chair or dean determines a faculty member's overall performance to be unsatisfactory in an annual review that falls within the timeline of the improvement plan, such determination does not initiate an additional improvement plan, but also does not extend the timeline of the improvement plan in place to address faculty performance.

2.3.2 If, at the conclusion of the timeline for the improvement plan, the ~~Post-Tenure Review~~Evaluation of Tenured Faculty Committee determines the faculty member's performance is still less than satisfactory, the Provost, upon review, may initiate sanctions to include, but not be limited to, termination of employment of the faculty member. In the event that the faculty member's employment is terminated, ~~then~~ a one-year terminal contract will be extended to the faculty member.

2.3.3 The Provost is to develop a form that is to be utilized for the faculty to utilize should the need arise to develop an improvement plan and will be listed within the Faculty Handbook. The Faculty Handbook is to be amended as soon as practical following the adoption of this policy to comply with the provisions provided herein.

Section 3. Appeals

- 3.1 Upon notification of unsatisfactory performance by the Dean of the College, and upon establishment of the ~~Post Tenure Review~~Evaluation of Tenured Faculty Committee, the faculty may file a grievance with the Faculty Grievance Committee as specified in **Appendix C: WV Code § 29-6-C Grievance Procedure for State Employees** of the Faculty Handbook.
- 3.2 The faculty member may appeal the judgement and/or the sanctions of the ~~Post Tenure Review~~Evaluation of Tenured Faculty Committee to the President. The President's decision is final.

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WEST VIRGINIA STATE UNIVERSITY BOARD OF GOVERNORS

West Virginia State University

BOG Policy #//

Section 1. General Information.

- 1.1. Scope: This policy requires that different types of business records of West Virginia State University be retained for specific periods of time as listed in a separate records retention schedule, and that outdated records are properly destroyed.
- 1.2. Authority: W.Va. Code §18B-1-6 and §5A-8-1
- 1.3. Passage Date:
- 1.4. Effective Date:

Section 2. Statement of General Policy.

- 2.1. West Virginia State University requires that university records, as defined herein, regardless of format, be disposed of or retained for specific periods of time in accordance with legal or other institutional requirements, or for historical value. The university has designated official repositories to manage the retention and disposal of these records according to procedures outlined in this document. Federal and state laws, regulations and best practices require that the University adhere to certain record retention requirements and periods of retention. West Virginia State University requires that records be maintained in a consistent and logical manner and be retained in such a manner so that West Virginia State University can:
 - 2.1.1. Meet legal standards for protection, storage, and retrieval;
 - 2.1.2. Protect the privacy of students and employees of the University;
 - 2.1.3. Make the most efficient use of limited space;
 - 2.1.4. Minimize the cost of record retention;
 - 2.1.5. Destroy outdated records in a proper manner; and
 - 2.1.6. Retain records that are valuable to the preservation of the University's history.
- 2.2. Retention periods adopted in this policy may increase due to government statute or regulation, judicial or administrative consent order, private or governmental contract, agency investigation, enforcement action, pending litigation, or audit requirements. Such modifications supersede the retention period for the applicable record stated in the General Retention Schedule and should be kept until final resolution of the action.

- 2.3. The Vice President of Business & Finance or designee shall notify the various administrative departments to preserve potential relevant documents until final resolution of any action above.

Section 3. Definitions.

- 3.1. Active Records: records that are generally referred to once a month or that are needed to support the current business activity of an office or division.
- 3.2. Administrative Unit: the department, office, college, division, etc., acting as an entity within the institution with a chair or official-in-charge and possibly having other administrative units reporting to said unit. This term is sometimes used synonymously with the generic term “department.”
- 3.3. Business Record: a financial or operational record that is currently being used, or will be used, by the administrative unit that received or generated the record. Records may remain active for varying numbers of years, depending on the purposes for which they were created. The unit has the responsibility of determining the access required and the security needed for the records. Business records can be electronic records.
- 3.4. Confidential Record: any information that is received or created that includes protected health information (PHI) under the Health Insurance Portability and Accountability Act (HIPAA), personal and educational information under the Family Educational Rights and Privacy Act (FERPA), or any personal financial information under the Gramm-Leach-Bliley Act (GLB). This includes, but is not limited to, name, address, social security number, bank account numbers, financial or financial aid information, student numbers, and medical information. Such records should have access limited to “need-to-know” individuals and should be protected from inadvertent access or disclosure.
- 3.5. Disposition of Records: the terminal treatment of records, either through destruction or permanent storage.
- 3.6. E-Mail (electronic mail, E-mail Instant Messaging etc.): any communication that requires an electronic device for storage and/or transmission. E-mail often refers to a package of services designed to automate office communications.
- 3.7. Electronic Records: records created or stored by electronic means, including, but not limited to, digital files, images, objects, files on tape, disks, or internal memory.
- 3.8. Electronic Record Management System (also known as Record-keeping Systems): any electronic system that manages the storage, location, and retrieval of records, either paper or electronic.
- 3.9. Inactive Records: records that have not been needed for at least one year or for which the active period has passed.

- 3.10. Litigation Hold: a communication issued as the result of current or anticipated litigation, audit, government investigation or other similar matter that suspends the normal process regarding the retention and disposition of University records.
- 3.11. Metadata: structured data about data. It is information about a record and which describes a record. It is descriptive information about an object or resource whether it is physical or electronic. For example, in an e-mail, the “to:”, “from:”, “date:”, “subject:” etc., would be the metadata. In a word processing document the summary portion of properties would be the metadata. When electronic records are collected or transferred to other media, the appropriate metadata needs to follow the electronic records. Metadata can be manually created or derived automatically using software.
- 3.12. Permanent Records: also known as archival records, permanent records have historical, administrative, or research value to the University, which the University keeps indefinitely. Area administrators are responsible for ensuring that the University identifies these records and that they are stored appropriately once they become inactive.
- 3.13. Record: any information, regardless of physical form or characteristics, made or received in connection with the transaction of University business in accordance with law or regulation. A record may include a document, correspondence, recordings, reports, studies, data maps, drawings, photographs or e-mail, whether in paper, electronic or other form. Typical records include official publications, fiscal data, and incoming/outgoing correspondence including meeting minutes, reports, and student files.
- 3.14. Records Retention Schedule: an internal document describing categories of records, providing a length of time they should be kept and includes instructions for disposition. State or federal law may determine the period that certain records must be kept. The General Retention Schedule in Section 9 of this policy lists the most common records at the University and provides a retention period along with any special instructions related to disposal. Almost every office or department will have records requiring retention that are not on the General Retention Schedule. Records that are not on this schedule should be added on a case-by-case basis.
- 3.15. Records Destruction: the physical or electronic destruction of a record after it has become obsolete or otherwise in accordance with these guidelines.
- 3.16. Responsible Department: the department or other administrative unit designated as having the responsibility for retention and timely destruction of the particular types of University records in their control.
- 3.17. Retention Period: minimum required length of time for which a university office or department is responsible for maintaining records. Departments may hold records longer than the retention period if feasible and space allows.

Section 4. Electronic Records.

- 4.1. Information maintained in electronic format does not have a different status just because it is electronic. Issues concerning the Freedom of Information Act, privacy protection, legal discovery, retention, and disposition apply to information in electronic format.
- 4.2. If official business is conducted via e-mail, even if over privately-owned equipment, it is subject to the same rules and regulations as hard copy records.
- 4.3. E-mail sent or received over the University's computer system may constitute a form of University record. While not all e-mails are business records, all University e-mails are property of the University and are subject to discovery in the event of litigation against the university or any of its faculty, staff, or students. Consequently, the administration has the ability and the right to view the e-mail of all members of the University community.
- 4.4. Individual faculty and staff are not obligated to retain e-mails. E-mails addressed to @wvstateu.edu are automatically archived upon receipt or transmission.

Section 5. Litigation Holds

- 5.1. Where the University has actual notice of litigation or of a government investigation or audit, or has reason to believe that such events are likely to occur, it has the obligation to take steps to preserve documents that might be implicated in such litigation or investigation. In such event, the University will take steps to identify all paper and digitally maintained files that may contain documents relevant to the case, including e-mails, and will notify members of the University community to preserve such documents indefinitely. If a faculty or staff member receives such a preservation notice, it does not necessarily mean that they are involved in the litigation or investigation. Rather, it means that the evidence that the University is required to preserve may be in the faculty or staff member's possession or control, and that the employee or faculty member has an obligation to preserve such information effective immediately.
- 5.2. In the event of a litigation hold, all policies for the disposition of documents must be suspended with respect to those matters that are the subject of the hold. Electronic information should be preserved in its original electronic form on the media on which it is stored. Electronic information should not be transferred from the media on which it is stored to a different media for the duration of the litigation hold unless such transfer is necessary to preserve the integrity of the information for the duration of the hold, and such transfers should be made only after consultation with the IT department to preserve the integrity of the electronic data. In addition, the faculty and/or staff member that receives the notice shall similarly preserve any new information that is generated that may be relevant to the litigation or investigation by saving it in a segregated file. A faculty or staff member's failure to preserve documents after having received a preservation notice can have extremely serious consequences for the University. Accordingly, a failure to comply with a litigation hold may subject employees to discipline, up to and including termination, and will be deemed misconduct that will subject faculty members to disciplinary action.

Section 6. Department Responsibilities.

- 6.1. Vice presidents and/or their designee(s) are responsible for creating administrative procedures for establishing appropriate record retention management practices in their administrative units. Each vice president or designee must:
 - 6.1.1. Publish electronically, the unit’s record management policies so that it is accessible to unit personnel;
 - 6.1.2. Implement the unit’s record management practices and conduct periodic in-services for unit personnel and information sessions for new employees;
 - 6.1.3. Ensure that these management practices are consistent with this policy;
 - 6.1.4. Educate staff within the unit in understanding sound record management practices;
 - 6.1.5. Ensure that access to confidential records and information is restricted;
 - 6.1.6. Destroy inactive records upon passage of the applicable retention period; and
 - 6.1.7. Ensure that records are destroyed in a manner that is appropriate for the type of records and information involved.
- 6.2. Vice presidents shall have latitude with respect to which types of records shall have specific retention periods, except that respective vice presidents shall include retention periods for the following types in their administrative procedures:
 - 6.2.1. Financial Records;
 - 6.2.2. Human Resources Records;
 - 6.2.3. Administrative Records (procurement, real property and other assets, etc.);
 - 6.2.4. Research-related Records;
 - 6.2.5. Student Affairs Records;
 - 6.2.6. Financial Aid Records; and
 - 6.2.7. Information Technology including Archives
- 6.3. If records are not listed, it does not mean that they can or should be destroyed without first considering the general requirements in this policy.

Section 7. Confidentiality Requirement.

- 7.1. Many records subject to record retention requirements contain confidential information. In addition to the retention requirements, any record that contains confidential information should be considered confidential and stored and secured accordingly.

Section 8. Disposal and Destruction of Records.

- 8.1. Following the established retention schedule, records should be securely maintained for the period of retention either in the office or department where they were created or used. Records that have been identified as archival records must be permanently retained in a designated storage area.
- 8.2. If a determination has been made, pursuant to this policy, authorizing the disposal of certain records, they must be destroyed in one of the following ways:
 - 8.2.1. Recycle or shred non-confidential paper records;
 - 8.2.2. Shred or otherwise render unreadable confidential paper records; or
 - 8.2.3. Permanently erase or destroy electronically stored data in a manner that renders it unrecoverable. Such a manner shall be determined by the University's IT department.
- 8.3. Each Vice president or designee is required to sign off on the destruction of documents or transfer to storage.
- 8.4. Periodic reviews are required of records generated and maintained electronically in the University's information systems or equipment (including all computer and data storage systems) to ensure that these requirements are met.
- 8.5. Records that will not be listed on a retention schedule and therefore may be destroyed at any time include:
 - 8.5.1. material that is not considered a "record" (see definition of record);
 - 8.5.2. duplicates of an official copy which is stored and retained by another office, such as personnel records, financial and budget information, copies of information used in an employee search;
 - 8.5.3. records that have served their purpose and are no longer needed, such as drafts of reports; or
 - 8.5.4. notes that have been turned into meeting minutes.

Section 9. General Retention Schedule

- 9.1. This schedule will NOT include all records that should be on a schedule. The Vice president or designee should provide guidance regarding any federal or state rules when developing a retention schedule for records not mentioned here.
- 9.2. Not all records must be retained. The list below describes items in a typical office that are not classified as records and therefore do not need to be categorized or maintained. These materials may be destroyed at any time if they are no longer needed by the office holding them. These items will not appear on a retention schedule:

- 9.2.1. large quantities of duplicate materials and all duplicates of “official copies”;
 - 9.2.2. magazines and newspapers not published by the University;
 - 9.2.3. published reports produced by other entities;
 - 9.2.4. purchased data from other sources;
 - 9.2.5. catalogues, journals or other printed matter created by other entities used for informational purposes; or
 - 9.2.6. notes or working papers once a project is complete, unless they provide more complete information than the final report.
- 9.3. Because web sites have replaced many publications they are a significant archival record of the University and its operation. Web masters and others creating web page content should capture copies of their web site’s content as electronic files and archive them for permanent retention.
- 9.4. This schedule applies to all types of records, regardless of media or format, including documents, e-mail, photographs, audiotapes, videotapes, CDs, and DVDs. Retention periods reflect minimum time periods. Records may be retained for longer periods of time at the discretion of the department or as required by legal counsel. Do not destroy any records while they are subject to audit, investigation, or where investigation is probable. Records that are in storage areas such as basements or attics are often at risk of water damage or destruction and should be evaluated in light of this schedule.

Internal Operations

General Type	Description	Retention Period	Comments
Board of Governors Records	Meeting minutes, agenda, reports, proposals, and supporting documentation	Permanent (President’s Office)	Archive on a regular schedule.
IRS Determination Letter	IRS Determination Letter	Permanent (Business & Finance)	
Grievance Files	Documentation of grievances initiated by faculty and staff	Permanent (Human Resources)	After conversion to electronic records, destruction of records in this category shall only be by shredder or other means that will make them unreadable.
Environmental	Investigation	Permanent	After conversion to

Reports/OSHA Investigations	documentation or reports	(Physical Facilities)	electronic records, destruction of records in this category shall only be by shredder or other means that will make them unreadable.
Insurance Policies	All policies in effect on behalf of the University, students, faculty and staff	Maintain as long as active plus 7 years. (Payroll & Benefits)	
External and Internal Audit Records	Created by internal or external auditors to document their reviews, findings and recommendations	Permanent: Final report. Other records: Retain 3 years after creation of the audit records. (Business & Finance)	After conversion to electronic records, destruction of records in this category shall only be by shredder or other means that will make them unreadable.
Real Property Leasing/Rental Records	Documentation of the lease and rental of property	Retain 7 years after expiration of the lease. (Business & Finance)	Destruction of records in this category shall only be by shredder or other means that will make them unreadable.
Social Security Reports and Deposits	Periodic reports of wages and social security contributions paid by the University to each employee	Permanent (Payroll & Benefits)	After conversion to electronic records, destruction of records in this category shall only be by shredder or other means that will make them unreadable.
Unemployment Compensation Benefit Files and Reports	Documentation on eligibility of former employees for unemployment benefits and when these employees receive compensation charged against the University's account	Retain for 5 years after termination of employee. (Human Resources)	Destruction of records in this category shall only be by shredder or other means that will make them unreadable.
W-2 Listings	Documentation of salaries paid and	Permanent (Payroll & Benefits)	After conversion to electronic records,

	taxes withheld for employees		destruction of records in this category shall only be by shredder or other means that will make them unreadable.
Financial Aid Authorization/Allocation Letters	Awards of federal financial aid to the University	Permanent (Financial Aid and Business & Finance)	After conversion to electronic records, destruction of records in this category shall only be by shredder or other means that will make them unreadable.
Time Sheets	Documentation of hours worked by employees	Student workers: Retain for 7 years. Staff: Retain for 7 years. (Payroll & Benefits)	Destruction of records in this category shall only be by shredder or other means that will make them unreadable.
Bank Records	Transactions recorded in the University bank accounts and their reconciliation to the general ledger.	Retain 7 years after end of fiscal year. (Business & Finance)	Destruction of records in this category shall only be by shredder or other means that will make them unreadable.
Employee Benefit Plan Files	Documentation on employee enrollment in benefit plans	Permanent (Payroll & Benefits)	After conversion to electronic records, destruction of records in this category shall only be by shredder or other means that will make them unreadable.
Staff Appraisals, Promotion, Demotion and Discharge Documentation	Records documenting periodic evaluation, work performance and employment record of University staff	Permanent (Human Resources)	After conversion to electronic records, destruction of records in this category shall only be by shredder or other means that will make them unreadable.
Public Safety – Campus	Citations issued and	Retain 3 years after	Destruction of

Parking Tickets	the administrative enforcement of parking rules and regulations. Issued by Public Safety.	final disposition. (Public Safety)	records in this category shall only be by shredder or other means that will make them unreadable.
Public Safety – Campus Incident Reports	Documentation of incidents that occur on campus that violate University and/or local laws and regulations. They contain case number, arrest report, incident report, date, time, complainant, address and details of the report (Clery Act)	Permanent (Public Safety)	After conversion to electronic records, destruction of records in this category shall only be by shredder or other means that will make them unreadable.

Financial Records

General Type	Description	Retention Period	Comments
Financial Records – General	Budget worksheets, printouts, account books, ledger, purchase records, purchase orders, travel expense reports	7 years following the activity, or after legislative audit final report, whichever is later. (Business & Finance)	Business & Finance is the official custodian of these records. If Business & Finance has a copy of the record, the department may destroy its duplicate at the close of the budget reconciliation period. Destruction of records in this category shall only be by shredder or other means that will make them unreadable.
Financial Records – Warranty and Purchase Orders	Warranty information, purchase orders with	7 years following the date of purchase or 7 years following the	Destruction of records in this category shall only

	contractual terms	end of the warranty period, whichever is later. (Purchasing)	be by shredder or other means that will make them unreadable.
Financial Records – Debt Financing	All documents related to debt financing	20 years following the period of debt repayment (Business & Finance)	Destruction of records in this category shall only be by shredder or other means that will make them unreadable.
Financial Documentation	Tuition and fee schedules, annual endowment fund reports, annual financial statements, etc.	Permanent (Business & Finance)	After conversion to electronic records, destruction of records in this category shall only be by shredder or other means that will make them unreadable.

Personnel Records

General Type	Description	Retention Period	Comments
Personnel Records	Documents related to employment, salary, benefits and performance evaluation.	Permanent (Human Resources)	After conversion to electronic records, destruction of records in this category shall only be by shredder or other means that will make them unreadable.
Faculty Professional Papers	Records related to faculty teaching, curriculum, committee work, or biographical materials.	Permanent	Store in archive after conversion to electronic records, destruction of records in this category shall only be by shredder or other means that will make them unreadable.
Faculty and Staff Search Records	Vacancy announcement, advertisements, applications, evaluations, references, correspondence, e-	3 years following the successful hire or close of the search without a hire. (Human Resources)	Destruction of records in this category shall only be by shredder or other means that will make them unreadable.

	mail and all documents or materials related to the search.		
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The “official copy” of all records related to an employee are retained and maintained by the Human Resources Office, with one exception: The official copy of all records pertaining to faculty promotion, tenure and evaluation are retained and maintained by the Vice President for Academic Affairs.

Students who work in jobs that are NOT part of their educational experience are treated as all other employees for the purposes of record keeping. However, some students are paid to do jobs as a result of a financial aid award or as an integral part of their college education. In that case, their employment information is maintained as a student record with the unique obligations associated with student records.

At the end of a search, the chair of a search committee should collect from each member of the committee all files, notes, applications, recommendations, and other material related to that search. This material should be reduced to one “official copy” of each record with the rest destroyed. All e-mail and other electronic records should be printed and kept with other print documents and the e-copy deleted from the e-mail system. All search committee members should delete all electronic files related to the search from their computers, e-mail programs, and hard drives.

General University Records

General Type	Description	Retention Period	Comments
University Policies and Procedures	Forms, procedure manuals, guides, handbooks, etc.	Destroy when they are no longer in effect. President’s Office will retain policy documents permanently.	
Projects, Programs, Proposals	Notes from meetings, reports, conceptual documents, financial support, and all records related to projects or programs developed by non-academic offices.	Retain until a project has been completed and evaluate for permanent retention in the University archives.	
University-wide Committee Records	Minutes, reports and other materials generated by University-wide	10 years	The chair of each committee is responsible for keeping and

	committees including charges, substantive correspondence and work product, and reports and documents about or related to the operation of University-wide committees.		organizing a record of the committee's work (minutes), final recommendations, and for transferring the records to the appointing administrator for University archives.
President's and Senior Administrative Officers' Records	Records related to the functioning of senior administrative offices including calendars, memoranda, correspondence, speeches, memorabilia, photographs, web site information, etc.	Permanent	Archive on a regular basis.

Faculty Group Records

General Type	Description	Retention Period	Comments
Faculty Group Records – General Office Records	Records related to the routine daily administration of the department including memoranda, meeting minutes, correspondence, and administration of programs.	Until no longer administratively useful.	Before destruction these records shall be evaluated for historical value.
Course and Curriculum Records	Includes University catalogs/bulletins, course schedules, syllabi and course outlines.	Permanent	

Student Records

General Type	Description	Retention Period	Comments
Student Records – Admission Files	Application records for admission to the University created	Permanent: Registered students.	Upon matriculation, admission files become registrar

	for undergraduate, and transfer student applicants. The files may include acceptance letters, letters of recommendation, placement records, transcripts, etc.	Retain 1 year: Unregistered applicants. (Admissions)	files. However, some material such as letters of recommendation are removed. Destruction of records in this category shall only be by shredder or other means that will make them unreadable.
Student Records – Registrar	Student grades, transcripts, evaluations, and personal information (addresses, phone numbers, etc.).	Permanent (Registrar)	The official custodian of student records is the Registrar.
Student Records – Graduation Lists	Lists of individuals who have successfully completed the degree requirements and have been graduated from the University.	Permanent (Registrar)	
Student Records – Registration	Documentation of a student’s course registration and changes to registration.	Retain 1 year after the student submits the change. (Registrar)	
Student Records – Financial Aid	Records showing evidence of providing financial aid including financial aid applications, federal student aid forms, federal tax forms, award letters and confirmations, verification records, interview records,	7 years after graduation or separation. (Federal regulation) (Student Financial Assistance)	Before destroying records related to special awards or scholarships, evaluate for permanent retention. Destruction of records in this category shall only be by shredder or other means that will

	students scholarships, and awards.		make them unreadable.
Student Records – Student Discipline	Records relating to proceedings and decisions resulting from violations of the Code of Student Conduct or other University policies.	Suspensions and expulsions retained with the student’s permanent record. All other, retained 7years. (Student Affairs)	Destruction of records in this category shall only be by shredder or other means that will make them unreadable.
Student Records – Activities and Government	Records related to student participation in special activities, student clubs, associations, and the Student Senate. Records related to any student organization or club.	Permanent: final publications, photographs, artwork, memorabilia, policies and administrative records. All other records: 3 years after their administrative use ceases. (Student Affairs)	Archive permanent records on a regular schedule. Destruction of records in this category shall only be by shredder or other means that will make them unreadable.
Student Records – Career Counseling Office	Records related to an individual student such as counseling notes and letters of recommendation.	3 years after administrative use ceases: Counseling notes. 10 years after inactivity: Letters of recommendation. (Career Services)	

Contract Records

General Type	Description	Retention Period	Comments
Contracts – Construction and Renovation	Records related to construction and renovation of real property.	Permanent (Purchasing)	Archive on a regular schedule.
Contracts – Negotiation Records, Executed Contracts	Records related to the process to enter into a contract or agreement, or understanding including background support materials, drafts, memos, letters, and related correspondence. The contract itself and all attachments and amendments to it.	Where contracts and agreements were finalized: 7 years after contract expiration. All other records: retain until administrative use ceases. (Purchasing)	
Capital Improvement Contract Records	Contractual agreements for capital improvements	Permanent (Business & Finance)	
Grant and Contract Administration	Records related to the administration of federal and other grants, contracts, and agreements from negotiation to final performance such as grants-in-aid, state contracted services, and vendor contracts. Includes negotiation documentation, memoranda of understanding, agreements, contracts, amendments, terms, budget proposals, and related correspondence	7 years after final payment or completion of all obligations under the grant or contract and all subsequent renewals, whichever is later. Summary records such as proposal, award letter and selected deliverables and reports: Permanent	Records related to proposals that were not funded may be kept as long as administratively useful and then destroyed.

Section 10. Review Date.

10.1. The policy and retention schedule will be reviewed annually based on best practices.



WVSU Research &
Development Corporation

Retention of Financial Records Policy

RETENTION OF WVSU R&D CORP. FINANCIAL RECORDS

Scope

This policy provides guidelines for retention of official West Virginia State University Research & Development Corporation (Corporation) financial records, including payroll and related records. It applies to all Corporation departments and offices, all Corporation financial records and all Corporation employees who create, receive or maintain such records in the course of Corporation business.

REASON FOR THE POLICY

This policy seeks to:

- promote compliance with federal, state, and other legal requirements for record retention;
- promote the efficient management, sharing, and transfer of information among authorized Corporation staff within prescribed security standards;
- effectively utilize limited office space for active records and utilize low-cost, remote storage space for inactive records;
- dispose of records no longer needed to satisfy legal, regulatory or other requirements;
- ensure that no record is disposed of unless authorized;
- ensure that the means of destruction is appropriate for the type of record under consideration;
- ensure the preservation of records of permanent value; and
- ensure that record retention policies, schedules and procedures are reviewed and modified as necessary to respond to changes in technology or regulations.

POLICY STATEMENT

The Corporation's Associate Vice President for Business & Finance is responsible for setting the standards for retention and management of Corporation financial records, in collaboration with the Executive Director of the Corporation. Such records must be retained for a period of time necessary to meet the operational, administrative and legal requirements of the Corporation, and must then be destroyed according to established destruction schedules.

Records retention and disposition schedules apply to records of all formats, including paper records and computer files (e-mail, word-processed documents, spreadsheets, databases, and materials in imaging systems). The Corporation encourages the use of storage methods that eliminate waste, reduce cost and promote efficiency.

Most financial and transactional records are non-archival. However, it may be determined that certain categories of financial records are of permanent value to the Corporation, and will arrange for appropriate storage of such records beyond their active period.

Financial records must be retained for a minimum of seven (7) years from the fiscal year of creation, unless the retention schedule specifically states otherwise, as is the case with records related to grants and contracts (see Records and Grant Section). It may be necessary to retain certain non-archival records for a period longer than seven (7) years if they are required to support an audit, litigation or other matter.

Corporation records must be maintained in a manner that supports operational needs and internal control directives, and must also meet federal, state and regulatory requirements. Document retention standards and systems must ensure that transactions and related authorizations are fully supported in the event of an audit, litigation, or other external action.

Departments must follow guidelines and standards issued by the Office of the Business & Finance in support of this policy.

DEFINITIONS

Active records

Records needed to support the current business activity of a department, division, business support center, or institutional business office.

Business process

A series of related activities designed to accomplish a specific objective (e.g., collecting and depositing Corporation funds, payment of invoices, etc.).

Inactive records

Records for which the active period has passed, and which are being held for the remainder of the specified retention period.

Permanent (archival) records

Records that have long-term or permanent value to the University, such as endowment indentures, Corporation Bylaws, deeds, continuing agreements with external parties, and other similar documents.

Records retention and disposition schedule

An internal control document that indicates how records should be handled after the period of their active administrative use.

Responsible official

A member of management who serves as the Associate Vice President for Business & Finance processes and, as such, is responsible for ensuring effective implementation of this policy in his/her assigned area of responsibility.

Retention period

The minimum required length of time for which a department or central administrative office is responsible for the maintenance of records.

POLICY SECTIONS

Administrative Responsibility

The Associate Vice President for Business & Finance is responsible for developing document retention policies and standards for financial records, and for monitoring compliance with this policy and overseeing the quality, consistency and effectiveness of the Corporation's financial records management systems.

Ownership of Institutional Records

Corporation financial records are the property of the Corporation and do not belong to those who prepare such records or to their official custodian. No employee has any personal or property right to financial records of the Corporation, including those records that the employee helped develop or compile, and no employee may remove or copy such records for personal use.

RETENTION PERIODS, STORAGE AND DISPOSITION

Retention Periods

Financial record schedules are primarily calendar-driven; that is, the retention period begins on the last day of the fiscal year that the records were created.

The retention period for Corporation tax documents generally begins on the filing date for that period. However, the retention period for tax returns, as well as for records which support tax filings, will not begin until either the due date of the filing or the actual date filed, whichever is later.

Record Retention Categories

Records fall into one of the three record retention categories:

1. archival records (permanent);
2. non-permanent records requiring retention for legal or audit purposes; and
3. routine administrative records.

The Corporation maintains functional retention and disposition schedules, grouping together records that represent the component activities of processes. Whenever a document or group of documents has a retention schedule that differs from the seven-year norm, it is noted.

Active records are those needed to support the current business activity of the Corporation. Normally, the active period for financial records ends on the last day of the fiscal year following the fiscal year in which the records were created.

Storage Standards and Locations

At the end of the active period, records must be labeled and stored for the balance of the retention period according to Corporation guidelines and procedures.

The Corporation's dedicated records shelving facilities are the preferred locations for storage of record copies of non-archival financial records that require retention beyond their active lives. It may be acceptable to store inactive financial records at other facilities; if suitable space is available that meets Corporation standards.

Regardless of where inactive records are stored, the originating department is responsible for maintaining files or logs describing the contents of stored records, and for retrieving records upon official request. Consult record retention procedures for detailed guidelines.

Disposition of Records

At the end of the appropriate retention period, inactive records, including transaction records, inactive agreements and other non-permanent records, shall be destroyed according to the applicable schedule. Authorization must be obtained for such disposal. The disposal process and methods should preserve the confidentiality of documents through the final point of disposition. Records containing personal and confidential information must be shredded and sent to the recycle center for disposal. Non-confidential paper records may be put into a designated recycle container.

If litigation is pending, threatened or anticipated, records bearing on such litigation must not be destroyed except by permission of the Corporation's Legal Counsel. Similarly, documents under audit must not be destroyed. Legal Counsel and officials notified of audit requirements will regularly update the Associate Vice President for Business & Finance and the Executive Director with information about pending litigation or audits that require special attention.

Accessibility of Records

Financial records must be easily retrievable for examination by authorized personnel and administrators, auditors and other authorized individuals. Records custodians must follow procedures for labeling and record-keeping to ensure that documents can be retrieved in a timely manner, and are responsible for retrieving records upon request.

Safeguarding Records

The Associate Vice President for Business & Finance is responsible for ensuring that active and inactive financial records are stored in a secure location. The storage location must provide appropriate confidentiality and protection from unauthorized inspection, theft, and physical damage due to a fire, water or natural disaster. The Associate Vice President for Business & Finance must use sound judgment in restricting access to financial records, giving consideration to the degree of confidentiality warranted for such records.

Records Related to Grants and Contracts

Records related to grants and contracts must be retained for a period of three (3) years from the date of the submission of the final financial report to the funding agency, unless the terms of the award specifically state otherwise, or if there is a pending audit or litigation matter.

Retention periods for such records vary widely depending upon the sponsoring agency and individual contract terms. For example, when the Corporation accepts a federal grant or contract it enters into a binding agreement that requires it to apply federal disposition schedules of records pertaining to such awards. However, non-federal agencies may apply a different set of standards for record retention and in those cases it is best to refer to the agreement itself for retention requirements. In any case where the sponsoring agency's retention period is longer than that dictated by Corporation policy, the longer period shall apply.

Records Related to Payroll

Specific guidance under Federal Law (partial list)

Law	Records/Reports	Time Period
Age Discrimination Employment Act	Payroll, applications, promotion and demotion records, transfer, layoff, recall, etc.	Three years for payroll, one year for applicants; if charged or lawsuit filed, wait until final disposition
Americans with Disabilities Act	Applications, requests for reasonable accommodation	One year from making the record or taking the personnel action, if charged or lawsuit filed, wait for final disposition
Civil Rights Act (Title VII)	Applications and other personnel records including promotions, transfers, demotions, layoffs, temporary and seasonal employees. Annual EEO-1 report for federal contractors with 50 or more employees and contracts of \$50,000 and non-government contractors with 100 or more employees.	One year from making the record or taking the personnel action; if charged or lawsuit filed, wait for final disposition
COBRA	Proof of initial notice and written notice to employees and their dependents to continue group health plan coverage under certain conditions.	Keep three years following event
ERISA	Summary plan descriptions, annual reports, notice or reportable events such as plan amendments, plan terminations	Minimum of six years, records used to determine employee benefits must be retained as long as they are relevant
Equal Pay Act	Payroll records, time cards, wage rates, additions to/deductions from paychecks, etc.	Three years
Fair and Accurate Credit Transactions (FACT) Act	Consumer credit reports	Employers must shred documents with information derived from credit reports
Fair Labor Standards Act (FLSA)	Payroll or other records containing employee name, home address, date of birth, gender, occupation, rate of pay, time records, defined pay period, wages for each employee per pay period, deductions to or additions to paycheck, date of each payment and period covered.	At least three years
Family and Medical Leave Act (FMLA)	Records relating to basic employee data, dates of leave taken (for intermittent leave, hours of leave taken), copies of employee notices	Three years
FICA, FUTA, Federal Withholding	Records with employee name, compensation and tax information	Four years after date tax is due paid

I-9	Completed INS Form I-9 signed by employee and employer	Three years after date of hire or one year after date of termination, whichever is later
OSHA	Log of occupational injuries and illness, annual summary of injuries and illness.	Five years
	Medical records / records of employee exposure to toxic substances by employees	Employee's job tenure plus 30 years
Rehabilitation Act of 1973 applies to federal contractors	Personnel/employment records, results of physical exams, records regarding hiring, assignment, promotion, layoff, termination, compensation and selection for training.	Two years
	Disability complaints	Kept until final disposition
	Affirmative action plans	Updated annually, no requirement to retain expired plans
Uniform Guidelines on Employee Selection Procedures	Records of number of persons hired, promoted, terminated by gender, race and national origin. Records include applications, tests, and other selection results for hiring, promotion, transfer, training and termination.	Where adverse impact is found, records must be kept for two years.

SPECIAL SITUATIONS/EXCEPTIONS

Exceptions to this policy must be approved by the Executive Director.

1. Purpose

West Virginia State University is required to balance its operating budget each fiscal year. This policy provides the framework for the implementation of an employee furlough plan that would allow the university to balance its budget if it experiences a reduction in state funding or other loss of revenue that causes a significant operating budget deficit.

2. Statutory Authority

- A. Section §18B-7-3 of House Bill No. 2542, effective on June 12, 2017.
- B. If the president determines that the university is facing a significant operating budget deficit, a mandatory furlough plan may be implemented in accordance with the procedures in this policy.

3. Definition

- A. A furlough is an unpaid leave of absence from work for a specified period of time.
- B. Employees are not permitted to work when taking furlough time.
- C. Employees may not use accrued paid leave during periods of furlough.

4. Employees Subject to Furlough

- A. Except as noted elsewhere in this policy, all regular university employees (full or part-time, permanent or term) may be subject to a furlough.
- B. Employees who are holders of H-1B visas will not be subject to furlough.
- C. Student employees and graduate assistants are not subject to furlough.
- D. A furlough plan may exclude employees who perform functions essential to maintain health and safety on the university campus. Any such exclusions must be approved by the president.

5. Plan Development

Furloughs will be implemented in a fair manner that is sensitive to the mission of the University. Upon announcement that furloughs are necessary, the President shall consult and discuss with Academic Affairs and the Vice President for Business and Finance. The President may consult with other persons he/she deems appropriate. Consultation may, by necessity, require intense effort during limited periods of time for planning. In the event a furlough is deemed necessary by the President, the number of furlough days will be communicated to employees as soon as possible and every effort will be made to provide notification at least thirty (30) days in advance.

6. Implementation

If, after consultation, the President reasonably believes the University is facing a significant operating budget deficit, or in the event a restricted Financial Officer and/or his/her designee in the development of a furlough program has received notice of reduced funding or closure, a furlough may be implemented. The President shall report the furlough to the Board. This policy supersedes all other University policies.

7. Scheduling

- A. Scheduling of furlough days or portions of days shall be the responsibility of the President or the President's designee(s), but in no event will the University close completely.
- B. Furloughs may be implemented on a differential, intermittent, or staggered basis based on pay/salary level, employee classification or nature of appointment. For example, furloughs may take into account the essential operating and safety needs of the University, the availability of designated federal funding, or income generated by the division, department, unit, or program.
- C. Days that the University is normally closed or days that may not normally be work days for certain groups of employees (i.e. Spring Break and winter break and holidays) may be designated as furlough days.
- D. The president may extend, modify or cancel a furlough plan after consultation in accordance with this policy.
- E. Furlough time must be taken on days that an employee is normally scheduled to work. Notwithstanding the foregoing, faculty may take furlough time during semester break and spring break.
- F. Employees may not be furloughed for more than fifteen (15) working days in a fiscal year.

8. Appeals

The furlough plan shall not be subject to grievance or appeal at the University or Board level under this or any other University policy.

9. Pay and Benefits

- A. Furloughed employees will remain eligible for public employee health insurance as before the furlough. The furlough may not prohibit the employer from paying the employer portion of the insurance premium for any employee to the Public Employees Insurance Agency. If, because of the furlough, an employee's pay is insufficient to deduct from and remit to the Public Employee Insurance Agency the employee's share of his or her health insurance premium, then the employer shall remit to the Public Employee Insurance Agency such portion of the employee's share of the Public Employee Insurance Agency premium as is unpaid: *Provided*, That

- when the furlough ends, the employer shall deduct such aggregate payments from the employee's future pay at the maximum rate permissible under state and federal law.
- B. Days, parts of days or weeks for which employees are furloughed will count as days employed or days worked for purposes of calculating retirement eligibility and state service time.
 - C. Days, parts of days or weeks for which employees are furloughed shall be considered days employed or days worked for purposes of accruing sick leave or annual leave.
 - D. No employee who has been furloughed may use accrued annual leave or accrued sick leave for days on which he or she is scheduled to be furloughed pursuant to this chapter.
 - E. Placement of an employee on furlough under this section shall not give rise to a claim or right to receive unemployment compensation.