

ADMINISTRATIVE REGULATION 3310

SOUTH ORANGE COUNTY
COMMUNITY COLLEGE DISTRICT

GENERAL INSTITUTION

RECORD RETENTION AND DESTRUCTION

“Records” means all records, maps, books, papers, data processing output, and documents of the District required by law and regulations to be retained, including but not limited to records created originally by computer and “electronically stored information” (“ESI”), as that term is defined by the Federal Rules of Civil Procedure.

The Vice Chancellor of Human Resources, assisted by the Vice Presidents for Student Services and the Executive Director of Fiscal Services, shall meet as needed to discuss record retention and destruction. They shall supervise the classification and destruction of records and ESI. The District must preserve ESI and ESI that is relevant to actual or potential litigation pursuant to the Federal Rules of Civil Procedure. The District shall comply with the Federal Rules of Civil Procedure and produce relevant ESI in the form in which it is ordinarily maintained or readily usable. An annual report shall be made to the Board regarding the classification and destruction of records and ESI.

Records shall be classified as required by federal and state laws and regulations.

Records shall annually be reviewed to determine whether they should be classified as:

- Class 1 – Permanent
- Class 2 – Optional
- Class 3 – Disposable
- Class 4 – Nonrecords

Destruction of records shall be conducted annually. A listing of records to be destroyed shall be submitted to the Board for approval of destruction. Destruction is by any method that ensures the record is permanently destroyed.

A listing of the records, their classification, and disposition is included in the Record Retention and Disposition Schedule. This schedule may not be comprehensive of all records.

I. RECORD CLASSIFICATION

A. Class 1 – Permanent Records

Are retained indefinitely – unless copied or reproduced in accordance with Title 5, Section 59022(e). Examples of types of Class 1 Records:

1. The following Annual Reports:
 - a. Official Budget
 - b. Financial Report of all funds, including foundations and student body funds

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- c. Audit of all funds
 - d. FTES CCFS-320, including Periods 1 and 2, and Recalc reports, and
 - e. Other major Annual Reports, including those containing information related to:
 - i. Property,
 - ii. Financial Condition,
 - iii. Transactions, and
 - iv. Those declared by the Board Minutes to be permanent.
2. Official Actions:
- a. Minutes and resolutions of the Board or committees thereof
 - i. Text of a policy or resolution not set forth verbatim in the minutes (but only referenced).
 - b. Elections, including the call for, if any, and the result of an election (but not detailed documents, i.e. ballots) called, conducted, or canvassed by the Board for a Board Member, the Board Member’s recall, issuance of bonds, incurring any long-term liability, change in maximum tax rates, reorganization, or any other purpose; and records transmitted by another agency related to this District’s reorganization.
3. Human Resources Personnel Records - All detail records relating to:
- a. Employment,
 - b. Assignment,
 - c. Employee evaluations,
 - d. Amounts and dates of service rendered,
 - e. Termination and dismissal of employee in any position,
 - f. Sick leave records, and,
 - g. Rate of compensation including salaries, wages, deductions withholdings and to whom paid (a complete proven summary payroll record for every employee may be substituted for detail records – if consistent with whole District detail would then be Class 3 – Disposable).
4. Student Records
- a. Records of enrollment and scholarship for each student (including):
 - i. Name of student,
 - ii. Date of birth,
 - iii. Place of birth,
 - iv. Name and address of a parent having custody or a guardian (if minor),
 - v. Entering and leaving date for each academic year and summer/other sessions,
 - vi. Subjects taken each year, half-year, summer/other; and,
 - vii. Grades or credits given toward graduation.
5. Claims/Accidents/Injury

All records pertaining to any accident or injury involving a student for which a claim for damages has been filed as required by California law, including any policy of liability insurance relating thereto. (Except these records cease to be Class 1 – Permanent Records one year after the claim has settled or after the statute of limitations has run.)

6. Property Records - All detail records related to:
 - a. Land,
 - b. Buildings, and
 - c. Equipment.
 - d. In lieu of such detail records, a complete property ledger may be classified as Class 1 – Permanent, and the detail records may then be classified as Class 3 – Disposable, if the property ledger includes:
 - i. All fixed assets,
 - ii. An equipment inventory, and
 - iii. For each unit of property:
 - the date of acquisition,
 - from whom acquired,
 - adequate description or identification,
 - amount paid, and
 - comparable data if property lost, sold, or disposed of.
7. Childhood Sexual Assault
 - a. A record of the actions the District took in response to a report of allegations of childhood sexual assault, including a written determination, and corrective action, if any;
 - b. A record of any appeal of the District’s determination or corrective action and the outcome of the appeal; and
 - c. All training materials addressing the prohibition and investigation of childhood sexual assault.

B. Class 2 – Optional Records

Any record worthy of further preservation, but not classified as Class 1 – Permanent, may be classified as Class 2 – Optional, and shall then be retained until reclassified as Class 3 – Disposable.

If the Chancellor, or designee, determines that classification should not be made by the time specified in Title 5 Section 59022, all records of the prior year may be classified as Class 2 – Optional, pending further review and classification within one year.

Examples of Class 2 – Optional records include, but are not limited to, job applications, “B” warrants listings and summaries, canceled checks (revolving, clearing accounts), cash receipts, deposits, purchasing bids, and W-4 withholding allowances certificates.

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Class 2 records should be destroyed during the third year after the record is designated as a Class 3 record.

C. Class 3 – Disposable Records

All records, other than “continuing records,” not classified as Class 1 – Permanent Records or Class 2 – Optional, shall be classified as Class 3 – Disposable, including, but not limited to, detail records relating to:

1. Audit evidence, including:

- a. Attendance
- b. Business or Financial Transactions, including:
 - i. Purchase orders,
 - ii. Invoices,
 - iii. Ledger sheets,
 - iv. Warrants,
 - v. Canceled checks and stubs,
 - vi. Student Government fund records, and
 - vii. Detail records used in the preparation of any other report.

2. Periodic reports, such as the following:

- a. Daily,
- b. Weekly,
- c. Monthly,
- d. Bulletins, and
- e. Instructions.

3. Class 3 – Disposable Records should be destroyed during the third year after the year in which they were originated (e.g. 2023-24 + 3 = 2026-27 is the year record destroyed):

- a. Federal Programs (student aid, etc.) may require longer retention periods and take precedence over the three-year rule;
- b. Audit records destroyed five years after the third July 1 following completion of audit (e.g. Audit of 2024 completed February 2025 would be destroyed after July 1, 2030).

D. Class 4 - Nonrecords

1. The following documents are classified as “nonrecords” and can be destroyed at any time:

- a. Duplicated copies of an original (except the exact copy requirement if the original is forwarded). For example, a person receiving a duplicate copy of an original is not required to retain it.
- b. Individual memoranda, except those relating to personnel matters or a student record.

- c. Advertisements, brochures, magazines, and other periodicals received.
- d. Textbooks used for instruction and other instructional materials, including library books, pamphlets, and magazines.

II. RECORDS DESTROYED BY CALAMITY

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

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

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

III. ALTERNATE MEDIA FORMS FOR RECORD RETENTION

Electronic Records/Optical Disk Requirements Records stored on alternate media may be retained in lieu of the record itself. This would require that the alternate media contain accurate detail, copies of signatures, and have a dated certification.

Whenever an original Class 1 – Permanent record is photographed, microphotographed, or otherwise reproduced on film or electronically, the copy thus made is hereby classified as Class 1 – Permanent. The original record, unless classified as Class 2 – Optional, may be classified as Class 3 – Disposable, and may then be destroyed in accordance with this chapter if the following conditions have been met:

- A. The reproduction was accurate in detail.
- B. The Chancellor, or other designee, has attached to or incorporated in the copy or system a signed and dated certification of compliance with the provisions of section 1531 of the Evidence Code, stating in substance that the copy is a correct copy of the original, or a specified part thereof, as the case may be.
- C. The copy was placed in an accessible location and provision was made for preserving permanently, examining, and using same.

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- D. In addition, if the record is photographed or microfilmed, the reproduction must be on film of a type approved for permanent, photographic records by the United States Bureau of Standards.

References:

California Code of Regulations, Title 5 Sections 59020 et seq., and 59118
Federal Rules of Civil Procedure, Rules 26, 33, 34, 37, and 45
California Education Code Section 76210

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