

Record Retention Policy for Philadelphia University

Adopted by the Board of Trustees on June 7, 2006

I. Preamble

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meet legal standards, ensure privacy, optimize the use of space, minimize the cost of record retention, and ensure that outdated records are properly destroyed.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

II. Policy

A. Requirements

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

1. Meets legal standards for protection, storage and retrieval;
2. Protects the privacy of students and employees of the University;
3. Optimizes the use of space;
4. Minimizes the cost of record retention; and
5. Destroys outdated records in a proper manner.

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

B. Departmental Responsibilities

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

1. Implement the department's and/or office's record management practices;
2. Ensure that these management practices are consistent with this policy;
3. Educate staff within the department in understanding sound record management practices;

4. Ensure that access to confidential records and information is restricted;
5. Destroy inactive records that have no value upon passage of the applicable retention period; and
6. Ensure that records are destroyed in a manner that is appropriate for the type of records and information involved.

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

C. Confidentiality Requirement

Many records subject to record retention requirement contain confidential information (non-public information including, but not limited to, name, address, social security number, bank account numbers, financial or financial aid information, student number, medical information, etc.). Such records are private, and are protected by the Family Education Rights and Privacy Act (“FERPA”), the Gramm-Leach-Bliley Act (“GLB”) and the Health Insurance Portability and Accountability Act (“HIPAA”). In addition to the retention requirements, any record that contains confidential information should be considered confidential and treated with privacy and security.

D. Disposal and Destruction of Records

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

1. Recycle non-confidential paper records;
2. Shred or otherwise render unreadable confidential paper records; or
3. Erase or destroy electronically stored data.

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

If you still have question about your responsibilities, please contact the Office of Vice President of Business and Finance.

III. Procedures

A. **General regulatory Retention Requirements – Types, Location and Duration**

i. Advancement, Endowment and Gift Records

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

ii. Financial Aid Records (Department of Education)

There are numerous regulations that affect the record keeping requirements for financial aid records. Any records, reports and forms pertaining to financial aid that are not otherwise covered by the requirements set forth below should be kept for **three (3) years** from the end of the award year in which the report was submitted. The following general requirements are for the Higher Education Assistance (“HEA”) programs administered by the Department of Education (“DOE”).

Original promissory notes should be kept **until the loan is satisfied** or the documents are no longer needed to enforce the obligation.

Records pertaining to the amount of a loan, terms of repayment, and the repayment history, should be kept for **three (3) years** from the date on which a loan is assigned to the DOE, is cancelled, or is repaid.

Records pertaining to borrower eligibility and participation should be kept for **three (3) years** from the end of the award year in which the student last attended.

Fiscal Operations Reports should be kept for **three (3) years** from the end of the award year in which the report was submitted.

The following records must be retained for **five (5) years** from the time the record is created, or for the period required under the applicable program regulations:

1. Fiscal and administrative records to ensure that funds received for repayment are properly administered;
2. Records regarding required disclosures to students regarding financial aid;
3. Current records of students' admission and enrollment at the institution;
4. Records necessary to determine institutional eligibility, financial responsibility and administrative capability;

5. Financial records sufficient to allow the DOE to conduct an annual audit.

All financial aid records should be considered confidential.

- iii. *Financial Records (IRS)*

1. Tax Records

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

All employee tax records should be considered confidential.

2. Accounts Payable Records

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

3. Procurement

Procurement records (e.g. accounting records, purchase orders and logs, bills, invoices) are subject to IRS record retention requirements. However, these records may also relate to a sponsored project with an award that may last many years and which is subject to audit under OMB Circular A-110. For this reason, the University has adopted a general policy of keeping all procurement records for **ten (10) years** from the date of creation.

4. Real Property

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

iv. *Human Resource Records*

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

1. Affirmative Action (Equal Employment Opportunity Commission)

The following Equal Employment Opportunity Commission/Americans with Disability Act records should be kept for a period of **two (2) years**:

1. Records pertaining to hiring, promotion, demotion, transfer, layoff or termination, compensation, access to training and other terms of employment;
2. Records pertaining to composition of a work force according to race, ethnicity, sex and disabilities as defined pursuant to Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act (“ADA”);
3. Records pertaining to tests or selection criteria used as the basis of employment decisions, and the impact of such tests and criteria upon employment opportunities of persons of race, sex or ethnic group.

Records relating to the bases for wage differentials among employees of the opposite sex in the same establishment must also be kept for a period of **two (2) years**.

The Age Discrimination in Employment Act (“ADEA”) requires employers to maintain employee records containing names, addresses, dates of birth, occupations, rates of pay and compensation for a period of **three (3) years**.

2. Benefits Records (ERISA)

The University is subject to the Employee Retirement Income Security Act (“ERISA”), and as such must keep any employee benefit plan document (e.g., retirement and health insurance plans) and any seniority systems or merit systems that are in writing for the **full period that the plan or system is in effect plus one year** after its termination.

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

3. Employee Medical Records (OSHA)

Employee medical records associated with Occupational Safety and Health Administration (OSHA) must be kept for **thirty (30) years**. There are some exceptions for insurance claims records, first aid records and records regarding employees who worked for less than a year, as long as those employees were given their records upon termination.

The University does not need to keep OSHA injury and illness records unless specifically requested by the government to do so. However, the University must report to OSHA any workplace incident that results in a fatality or the hospitalization of three or more employees.

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

4. Family Medical Leave Records

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

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

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

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

6. Payroll Records

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

7. Personnel and Employment Records

In general, all personnel or employment records made or kept by the University not subject to one of the longer retention periods discussed below must be kept for a period of **two (2) years** from the date of making the record or the personnel action involved, whichever is later. In the case of an involuntary termination, the records should be kept for a period of **two (2) years** from the date of termination.

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

v. *Research Related Financial Documents (as required by OMB Circular A-110)*

Payroll records, financial records, effort reports, supporting documents, statistical records, and all other records pertinent to a sponsored project must be retained for a period of three (3) years from the date of submission of the final expense report or, for awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report. However, because there are some exceptions to this requirement concerning litigation, claims and audits, and particularly because some awards last many years, the University has adopted a general policy of keeping research related financial documents for **ten (10) years** from the date of creation.

vi. *Health Services Records*

All Health Services records should be considered confidential.

1. Health History Forms

In general, all health history forms submitted by students as a prerequisite for admission and any health history forms that document a student's medical history and/or contain student medical history forms for students who have never visited a institution student health center and therefore do not have a medical record on file must be kept for a period of **seven (7) years** from the date of the last service provided to the student.

2. Medical Records

The University must keep all medical records documenting the medical services history provided for students treated by the student health center for a period of **seven (7) years** after the date of the last service or until the student reaches the age of 21, whichever is longer. These medical records include but are not limited to appointment request slips; summary sheets; bacteriology test results; treatment record forms; diagnosis sheets; health history/screening sheets; initial evaluation/assessment sheets; referral sheets; health center billing statements; personal health history sheets; dental examination sheets and X-rays; laboratory test results; physical therapy notes; X-ray release forms; X-ray requisitions with narrative of radiologist; notes; memoranda; and related correspondence.

3. Patient Logs

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

4. Student Health Insurance Records

The University must keep all documents relating to students' insurance coverage activity under institution insurance policies, including but not limited to benefit explanations; payment summaries; photocopies of checks; invoices; policy change sheets; ledgers; individual student correspondence relating to their coverage; and related correspondence with the insurance company for a period of **two (2) years** after the expiration of the policy.

5. Benefit Enrollment Records (HIPAA)

As for the record keeping requirement under HIPAA for benefit enrollment records, documents relating to uses and disclosures, authorization forms, business partner contracts, notices of the University's information practice, responses to a patient who wants to amend or correct their information, the patient's statement of disagreement, and a complaint record must be maintained for **six (6) years**. For the medical records of minors, the University should keep these records until the patient is at least 21 years of age. In addition, the medical records should be retained for a patient who institutes a malpractice or wrongful suit against a facility until the suit is resolved.

B. Definitions

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

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

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

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

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

C. Legal References

Age Discrimination in Employment Act, 29 U.S. C. §621
Americans with Disabilities Act, 42 U.S.C. §12101

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

D. History/Revision Dates

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