

# YESHIVA UNIVERSITY

## MEMORANDUM

**To:** Deans, Directors, Supervisors and Administrators  
**From:** Office of the General Counsel  
**Subject:** Records Retention Policy  
**Date:** February 22, 2005

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Policies and procedures regarding the retention and disposal of University records are determined by federal and state laws and related University regulations, the requirements of accreditation and other external agencies, and good management practices. The purpose of this memorandum is to outline the record retention and disposal requirements for University records.

Records are stored on various media including paper, microfilm, computer diskettes, tapes, CD-Rom, DVD, and computer hard drives. Deans or Department Directors should consider costs, the length of time a record is to be retained, the frequency with which a record must be updated and the amount of storage space available when selecting the type or combination of media to be used. In all cases, appropriate steps should be taken to provide sufficient security for confidential records such as Family and Medical Leave Act (FMLA) and Health Insurance Portability and Accountability Act (HIPAA) records. Those steps include securing paper records in locked file cabinets, or requiring limited and controlled password<sup>1</sup> access to computerized records. In addition, an emergency back-up plan to reconstruct or salvage critical

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<sup>1</sup> For information on the proper use and format of passwords, please refer to the Computer Policy Handbook available at [http://www.yu.edu/mis/docs/CPH\\_2ND\\_ED\\_Employee.pdf](http://www.yu.edu/mis/docs/CPH_2ND_ED_Employee.pdf)

documents, in the event of a disaster such as a fire, flood or computer malfunction should be in place. For example, critical paper records should be stored in a safe place (preferably water and fire resistant) with a copy kept in a separate location in another building or at least in another room. The information contained on computerized records should be routinely backed up.

Each custodian department is responsible for retention and disposal of the records in its area including all computerized records (databases, e-mail, memos, etc.). With regard to computerized records, any department that automated procedures to be developed in order to carry out this responsibility, or needs other technical services or advice, should consult with MIS or other appropriate computer service departments. A custodian department should not assume that a record is being safeguarded by MIS simply because it is a computerized record. The custodian department must make explicit arrangement with MIS to provide whatever record retention, backup and disposal measures are needed.

It is the responsibility of each department within the University to develop and periodically update an inventory of the records unique to that department which should be submitted to the Office of the General Counsel so that appropriate retention guidelines can be developed.

The following apply to paper documents, computerized files, e-mails and other forms of electronic communications and records. In most cases, the indicated time periods are legal minimums; department heads ordinarily have discretion to retain records beyond these periods, unless otherwise noted. **However, in the event that a lawsuit, claim or administrative charge has been filed - or there exists a reasonable belief**

**that a lawsuit, claim or charge will be filed - all relevant records, including e-mails, must be preserved and safeguarded until the litigation or proceeding has terminated and the time for all appeals has expired. With rare exception, all such documents may be subject to discovery in litigation and the destruction of such records potentially subjects the University and the individuals who take such action to court-ordered sanctions.**

Many professional societies and associations issue guidelines for the retention of records in their purview and as a general rule they may be followed, subject to review by the Office of General Counsel and to the requirements of litigation as set forth above.

The University offices responsible for maintaining specific University Records are shown on the attached schedule.

1. Faculty Records and Non-Faculty Personnel/Employment Records – All employment applications regardless of whether the individual is hired, must be kept by the Human Resources Department for two years. Records containing an employee's name, address, date of birth, occupation, rate of pay and weekly compensation must be kept for three years. Documents regarding hiring, promotion, the granting of tenure, demotion, transfers, selection for training, layoffs, termination, or other related employment actions must be kept for three years after the action.

2. Payroll Records containing an employee's name, address, sex, social security number, date of birth, occupation, rate of pay, deductions, weekly compensation and related information required by the Fair Labor Standards Act (FLSA) and the State Labor Law should be kept for at least four years. This four-year retention period should also be applied to payroll reports and registers.

3. Employee Medical Records – Employee medical records, must be kept for thirty years after the termination of the employee’s employment. (This does not apply to the following, which need not be retained for any specific period, but only as circumstances indicate: insurance claim records, first aid records, or records regarding employees who worked for less than a year and were given their records upon termination. However, an insurance claim record or a first aid or accident report that might become a liability or workers’ compensation claim should be retained under litigation and claims guidelines).

Required Occupational and Safety Health Act (OSHA) logs, annual summaries of occupational injuries and illnesses and OSHA 301 Incident Reports must be kept for five years from the end of the year to which they refer.

Family and Medical Leave Act (FMLA) records showing compliance with FMLA should be kept for three years.

4. Workers’ Compensation – Retain records regarding the number of employees employed, injuries, and the amount of workers’ compensation paid for a period of four years.

5. Patient medical records – Patient medical records (present or former YU clinical facilities or departments) must be kept for six years from date of discharge or three years from date of the patient’s majority (18), whichever is longer.

6. General Ledger and Accounts Payable Invoices – Four Years.

7. Time & Effort Overhead Allocation Reports – Six years is recommended.

8. Student Applications and Admission Records (including letters of recommendation, entrance exams and placement scores) – No statutory minimum; six

years is recommended.

9. Student Academic Records and Transcripts – Three years after completion of course or graduation. Permanent retention for transcripts.

10. Student Finance Records – Five years after the end of attendance or the period of time required under the applicable program regulations.

11. Student Discipline Records – Information concerning student misconduct and discipline should be kept for the same period of time as other academic records.

12. Purchase Orders – Normally, four years. If the material purchased is or likely will be the subject of a claim or litigation, refer to litigation and claims section and consult the Office of General Counsel. If the material is subject to a warranty, then at least as long as the warranty period. Purchase orders relating to leases, or contractual obligations for multiple years should be kept as long as the obligation.

13. Affiliation Agreements – Six years after termination of affiliation.

14. Grant Records – Generally, three years from the date the last expenditure report is submitted to the awarding agency, unless otherwise specified by the grant.

15. Development Records – At least four years; permanent retention recommended. Trusts and donor agreements: permanent retention.

16. Third Party (non-employee) Injuries – Six Years. If the injury occurred to a minor, age of majority plus six years. If applicable, refer to litigation and claims section.

17. Minutes of Board Meetings – No statutory minimum; permanent retention.

18. Insurance Policies – Permanent retention.

19. Real Estate Records – Deeds and Mortgages: Permanent retention; Leases:

Six years after termination.

20. Accreditation Site Visits – Two Accreditation Cycles (e.g., Twenty years for Middle States Association; sixteen years for Council on Social Work Education; fourteen years for American Bar Association and Liaison Committee on Medical Education).

21. Research Misconduct Investigatory Records – Three years after completion of investigation.

22. Other Types of Contracts – Six Years.

Disposition of Records – After the required period of record retention has run, records that are sensitive or confidential or that contain sensitive or confidential material, such as social security numbers, should be shredded utilizing the University’s approved vendor, or an individual designated for that purpose by the records’ custodian as shown on the attached schedule. All other records should be disposed of in accordance with current recycling policies.<sup>2</sup>

All questions concerning records retention should be addressed to the Office of General Counsel at (212) 790-0280.

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<sup>2</sup> Please also refer to the existing “Policy for the Classification and Disposal of University Data” which is available at [http://www.yu.edu/mis/docs/CPH\\_2ND\\_ED\\_Employee.pdf](http://www.yu.edu/mis/docs/CPH_2ND_ED_Employee.pdf), pages 30-32.

SCHEDULE OF OFFICES RESPONSIBLE

FOR MAINTAINING RECORDS

<b>Type of Record</b>	<b>Office Responsible</b>
Accreditation Site Visits	VP Academic Affairs (Manhattan Campuses) Office of the Dean (AECOM)
Affiliation Agreements	VP and Counselor to President
Contracts	Purchasing/General Counsel
Development Records	VP Development
Employment Records	Human Resources
Faculty Records	VP Academic Affairs/Dean, AECOM
General Ledger and Accounts Payable Invoices	Director of Finance
Insurance Coverage	Risk Management
Minutes of Board Meetings	General Counsel/Secretary
Patent Policy	Associate Dean Academic Affairs (AECOM)
Payroll	Payroll Department
Purchase Orders	Purchasing
Real Estate	VP and Counselor to President
Research Misconduct Investigatory Records	Academic Affairs (AECOM)
Sponsored Research	Associate Dean Academic Affairs (AECOM)
Student Academic Records and Transcripts	Registrar
Student Applications and Admission Records	Registrar
Student Discipline Records	Dean of Students
Student Finance Records	Director of Finance
Third Party (non-employee) Injuries	Risk Management
Time and Effort Reports/Grant Records	Grant Accounting
Workers' Compensation	Risk Management