

Policies and Procedures

<i>SECTION:</i> Administration	<i>NO.</i> 2.1.22.		
<i>CHAPTER:</i> General	<i>ISSUED:</i> 6/30/09	<i>REV. A</i> 7/7/22	<i>REV. B</i> 5/9/23
<i>POLICY:</i> Record Retention and Destruction	<i>PAGE 1 OF 4</i>		

PURPOSE

Creighton University requires that University records be disposed of or retained for specific amounts of time, in accordance with regulatory, legal or institutional requirements, or for historical purposes. The University has designated official repositories, and records should be managed in accordance with established guidelines articulated in this policy. The university is committed to effective record management to comply with legal and regulatory standards, optimize the use of space, minimize the cost of record retention, and preserve its history.

CONTACTS

Direct any questions about this policy to your unit’s administrative manager. If you have questions about specific issues, call the following offices:

Subject	Contact Name or Title	Contact Information
Policy Clarification, Exceptions and Noncovered Records	General Counsel’s Office	402.280.5589
Electronic Media Storage and Destruction	Information Technology	402.280.1111

SCOPE

This policy applies to all Creighton University records, except as otherwise noted in this section.

1. HIPAA Security and Privacy Requirements

This policy does not apply to records that are protected under the Health Insurance Portability and Accountability Act (HIPAA). Please see clinic policies for clinical retention requirements. See also Policy 2.4.44. “Documentation Policy” for security retention requirements.

2. Research and Grants Records

This policy does not apply to records maintained for federal research/compliance/grants administration purposes See: [Research Compliance Policies](#) for Retention of University Research and Compliance Records.

3. Student Records

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This policy does not apply to student records maintained by those departments or officials designated as custodians responsible for the student records as outlined in the University Catalog under [Confidentiality of Student Records](#) but not identified in the Record Retention Schedule. Custodians and the office of the official responsible for student educational records as outlined in the Catalog are responsible for adopting specific guidelines regarding the retention of those student records in keeping with best practice in higher education.

DEFINITION

A University record is any information created or received in the course of conducting University business. University records can be created and/or maintained in electronic or paper formats or as audiovisual materials.

POLICY STATEMENT

1. Creighton University is committed to managing University records in order to meet legal requirements, optimize use of space, minimize cost, and destroy outdated and unnecessary records. This policy identifies certain records that must be retained for specific periods of time. See accompanying Record Retention Schedule, which is posted at {INSERT LINK}.
2. In addition, schools, colleges, departments and divisions throughout the University have developed, or are in the process of developing, record retention practices tailored to their specific functions. Faculty and staff should consult these school/college/department/division retention schedules on an annual basis to ensure current retention requirements are being met.
3. As a general rule, and in the absence of any law or regulation requiring a specific retention period, University records should be retained for the period they are needed for business or academic reasons.
4. Records identified in the Record Retention Schedule must be maintained by the responsible party for the minimum time period stated in the Record Retention Schedule.
5. If the University is being investigated, prosecuted, sued, or audited, or any person has reason to believe any University records will be requested by any federal, state or local government agency, **then the person/department that becomes aware of such an investigation or prosecution shall immediately inform the Office of the General Counsel**, and the following Preservation Notice procedures shall apply:

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Preservation Notice Process

Creighton University has a legal obligation to preserve evidence and records, including electronically stored information, which might be relevant in any pending or potential claim or action, such as a government audit, administrative proceeding or lawsuit. The following process shall be followed:

1. When Creighton receives notice of a pending claim or litigation, the General Counsel's office will send a preservation notice to potentially affected departments and individuals, as well as to the Division of Information Technology.
2. Upon receipt of that notice, all records (paper and electronic) must be preserved by the noticed record keeper.
3. Any such preservation notice supersedes any other section of this Policy and any departmental or division document retention policy. **No documents that are under a Preservation Notice may be destroyed, even if they are otherwise scheduled for destruction under this Policy or under a department policy.**
4. The Office of the General Counsel will direct record keepers regarding their obligation to produce records subject to a preservation order.
5. The Office of the General Counsel will communicate any lifting of a preservation order when the claim or litigation is resolved.
6. Any department/individual with records subject to a preservation order shall inform the Office of the General Counsel of any reorganization, resource or staffing changes that may impact the preservation order and shall cooperate with the Office of the General Counsel to ensure the preservation order is not impacted by the reorganization/resource/staffing changes.

ROLES AND RESPONSIBILITIES

1. The Office of the General Counsel is responsible for oversight of this Policy. The Office of the General Counsel, in conjunction with the Department of Information Technology, is responsible for oversight of the Preservation Notice process.
2. Those offices identified as Responsible Parties in the Record Retention Schedule must retain records for the time period identified. Each Responsible Party should have processes which identify who will save the applicable records; where to save the records; and who is responsible for ensuring those records are appropriately destroyed.

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3. Individual departments and divisions are responsible for managing records they maintain consistent with this Policy and the Record Retention Schedule. Departments and divisions should review and update their document retention policies periodically. Questions regarding this policy shall be directed to the Office of the General Counsel.

4. If an individual or department has a University record, and they are not the responsible party for that record, they must confirm that the responsible party has a copy of the record before disposing of it.

DISPOSAL PROCEDURES

1. If there is a prescribed retention period for a University record, and the retention period has expired, the University record should be properly disposed of, so long as there is no Preservation Notice in effect. If there is no prescribed retention period and the University record is no longer needed for any business or academic reason, the University record may be disposed of, so long as there is no Preservation Notice in effect.

2. Confidential, sensitive, or financial records must be shredded (if paper). Electronic documents and hard drives must be destroyed in accordance with procedures adopted by the Department of Information Technology. For questions regarding disposal of electronic information, please consult the [Division of Information Technology](#) for proper disposal methods. See also Policy 2.4.27. "Media Disposal and Re-Use."

AMENDMENTS AND TERMINATION OF THIS POLICY

The University reserves the right to modify, amend or terminate this policy at any time.