



NOORDA COLLEGE
of OSTEOPATHIC MEDICINE

Policy Name:	Employee Records Confidentiality Retention and Destruction Policy
Approval Authority:	Board of Trustees
Responsible Executive:	President
Responsible Office(s):	President's Council Title IX Coordinator
Effective:	March 2019
Expires:	January 2024
Last Revised:	September 2021
Next Review Date:	N/A

Employee Records Confidentiality Retention and Destruction Policy

Policy Statement

Noorda College of Osteopathic Medicine takes seriously its obligations to preserve information relating to litigation, audits, and investigations. Noorda-COM ensures that necessary records and documents of the COM are adequately protected and maintained and to ensure that records that are no longer needed by the COM or are of no value are discarded at the proper time. This Policy is also for the purpose of aiding employees of the Noorda-COM in understanding their obligations in retaining electronic documents - including e-mail, Web files, text files, sound and movie files, PDF documents, and all Microsoft Office or other formatted files.

The information listed in the retention schedule below is intended as a guideline and may not contain all the records the COM may be required to keep in the future. Questions regarding the retention of documents not listed in this chart should be directed to the President.

From time to time, the President may issue a notice, known as a "legal hold," suspending the destruction of records due to pending, threatened, or otherwise reasonably foreseeable litigation, audits, government investigations, or similar proceedings. No records specified in any legal hold may be destroyed, even if the scheduled destruction date has passed, until the legal hold is withdrawn in writing by the President.

Access to and privacy of personnel records maintained by Human Resources are governed by Title 63G, Chapter 2, the Utah Government Records Access and Management Act (GRAMA) and applicable federal laws.

Personal health information created or used by employee sponsored health plans has special protection under the Health Insurance Portability and Accountability Act of 1996 (HIPAA)

Entities Affected by the Policy

Faculty
Staff
Office of the Dean
Office of Finance

Policy Procedures

Human Resources shall maintain confidentiality for electronic records for each employee that contains but not limited to the following, as appropriate:

- Social Security number
- Date of birth
- Home address
- Private phone number

Human Resources may grant agency access to this information. Agencies shall maintain the privacy of this information.

- Performance ratings
- Records of actions affecting employee
- Salary history
- Classification history
- Title
- Salary range
- Employment status
- Medical records
- Other personal data

Human Resources shall maintain personnel files.

Human Resources shall maintain confidential medical files. Confidentiality shall be maintained in accordance with applicable regulations.

Right to Inspect

Employees have the right to inspect and review their records upon request with proper identification. Request for official records can be made to Human Resources. Hardcopy requests for official documents will be generally accomplished within 3-5 business days within receipt of the request. Employees may not have access to records that the employee has waived his/her right to inspect and review.

Applicants have the right to review records and data submitted for employment with a Human Resources representative. Those denied employment must exercise this right within six (6) months of the date of denial. The decision to accept or deny employment is, however, a composite professional decision not subject to review.

Fees

Requests which require extensive labor, interfere with regular operations, or require data in specific formats (e.g. mailing labels) may be denied or charged a fee for the service. An estimate of the fees may be provided upon request.

Right to Appeal/Amend

An employee who is denied access to his/her records may appeal in writing to the Director for Human Resources. If the decision to deny access is upheld, the Director for Human Resources handling the appeal must provide a written statement regarding the basis for the denial within ten (10) business days of receipt of the appeal.

An employee has the right to request an amendment of their records that he/she believes to be inaccurate or misleading. A request to amend a record must be made in writing to the Director for Human Resources, clearly identifying the part of the record the employee is contesting and the justification for the requested amendment. If the employee's request to amend is denied, the Director for Human Resources will notify the employee in writing of the decision and the right for an appeal.

A request for an appeal to a denial of a request to amend records, must be made in writing to the President. The President will respond to the appeal within ten (10) business days of receipt of the appeal. The President's will determination on the appeal is final.

If the President deems that the employee's record is factually incorrect, the record shall be amended in accord with the final determination.

Upon employee separation, Human Resources shall retain electronic records for thirty (30) years. Agency hard copy records shall be retained at the agency for a minimum of two (2) years.

Electronic Documents and Records

Electronic documents will be retained as if they were paper documents. Therefore, any electronic files that fall into one of the document types on the above schedule will be maintained for the appropriate amount of time. If a user has sufficient reason to keep an e-mail message, the message should be printed in hard copy and kept in the appropriate file or moved to an "archive" computer file folder. Backup and recovery methods will be tested on a regular basis.

Emergency Planning

The COM's records will be stored in a safe, secure, and accessible manner. Documents and financial files that are essential to keeping the COM operating in an emergency will be duplicated or backed up at least every week and maintained off-site.

Document Destruction

The President is responsible for the ongoing process of identifying its records, which have met the required retention period, and overseeing their destruction. Destruction of financial and personnel-related documents will be accomplished by shredding.

Document destruction will be suspended immediately upon any indication of an official investigation, or when a lawsuit is filed or appears imminent. Destruction will be reinstated upon conclusion of the investigation.

File Category	Item	Retention Period
College Records	Bylaws and Articles of Incorporation	Permanent
	Policies	Permanent
	Board and committee meeting agendas and minutes	Permanent
	Conflict-of-interest disclosure forms	4 years
	Safety and Security (Clery Act) reports	7 years
Finance and Administration	Financial statements (audited)	7 years
	Auditor management letters	7 years
	Payroll records	7 years
	Check register and checks	7 years
	Bank deposits and statements	7 years
	Chart of accounts	7 years
	General ledgers and journals (includes bank reconciliations)	7 years
	Equipment files and maintenance records	7 years after disposition
	Contracts and agreements	7 years after all obligations end
Correspondence — general	3 years	
Insurance Records	Policies — occurrence type	Permanent
	Policies — claims-made type	Permanent
	Accident reports	7 years
	Safety (OSHA) reports	7 years
	Claims (after settlement)	7 years
	Group disability records	7 years after end of benefits
Real Estate	Deeds	Permanent
	IRS exemption determination and related correspondence	Permanent
	IRS Form 990s	7 years
Tax	Charitable Organizations Registration Statements (filed with Utah Attorney General)	7 years
	Employee personnel files	Permanent
	Retirement plan benefits (plan descriptions, plan documents)	Permanent
Human Resources	Employee handbooks	Permanent
	Workers comp claims (after settlement)	7 years
	Employee orientation and training materials	7 years after use ends
	Employment applications	3 years
	IRS Form I-9 (store separate from personnel file)	Greater of 1 year after end of service, or three years
	Withholding tax statements	7 years

	Timecards	3 years
	Software licenses and support agreements	7 years after all obligations end
Clinical	Affiliation Agreements	7 years

The President and Board Chair will periodically review these procedures with legal counsel or the COM's certified public accountant to ensure that they are in compliance with new or revised regulations.

Definitions

Legal hold - suspending the destruction of records due to pending, threatened, or otherwise reasonably foreseeable litigation, audits, government investigations, or similar proceedings

Responsibilities

Faculty/Staff - who maintains or seeks access to employee records as part of their job responsibilities.

Human Resources Office - Notifies employees annually of confidentiality and HIPAA, manages process by which employees can restrict disclosure of directory information.

Office of the President - Review and approval for confidentiality, HIPAA compliance for all College policies and any data requests beyond the scope of the approved system.

Policy Violations

Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against the COM and its employees and possible disciplinary action against responsible individuals.

An employee who violates confidentiality is subject to disciplinary action and may be personally liable.

Interpretive Authority

If circumstances arise involving records retention or destruction that are not covered in these guidelines contact for advice, clarification, or direction.

Office of the President
Board of Trustees

Office of Human Resources
College Legal Counsel

Statutory or Regulatory References

R477-2-5. Human Resource Management, Administration.

R477-11-1(1) Private records, Subsection 62G-2-302(2)(a).

R477-11-1(4) Disciplinary process - public records, Subsection 63G-2-301(3)(o).

Relevant Links

<https://rules.utah.gov/publicat/code/r477/r477-002.htm#T5>

Policy Adoption Review and Approval