



AP 3310 RECORDS RETENTION AND DESTRUCTION

References:

Title 5 Sections 59020 et seq.;
Education Code Section 76210;
Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, and 45

As per Title 5 and BP 3310 Records Retention and Destruction, the following procedures shall be followed for the classification, retention, and destruction of District records.

Definition of Records

“Records” means all records, maps, books, papers, data processing output, and other documents, including electronic documents (known as “electronically stored information” (“ESI”) defined by the Federal Rules of Civil Procedure), that a community college district is required by law to prepare or retain by law or official duty, including student records. The term “records” includes one exact copy of an original, made by carbon or other duplicating process other than a photostatic or microfilmed copy, when the original is required by law to be filed with another agency.

Responsibilities of the Superintendent/President

The Superintendent/President or designee shall supervise the classification and destruction of records. The Superintendent/President may delegate this responsibility by designating an employee as the District’s Records Officer. 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 of Trustees regarding the classification and destruction of records and ESI.

For purposes of these procedures, records shall be classified as required by Title 5 and other applicable statutes, federal, and state regulations.

The Superintendent/President or designee shall review documents received or produced during the prior academic year and classify them as Class 1-Permanent, Class 2-Optional, or Class 3-Disposable (as defined in Title 5). Class 3-disposable records shall be maintained for the period required by applicable law or regulation, but in any event shall be retained for at least three college years after the year in which they were originally created. Current year records are not classified until the following year. Records that are active and useful for a period of years are not classified until their usefulness has ended.



Responsibilities of the Board of Trustees

Before any records are destroyed, the Board of Trustees shall approve or disapprove the recommendation of the Superintendent/President, order a reclassification when necessary or desirable, and record such actions in the official minutes, with lists attached.

Destruction of Records

The Board of Trustees shall order the destruction of records in accordance with Title 5 and other applicable regulations. The Superintendent/President or designee shall supervise the permanent destruction of such foolproof methods as shredding, burning, or pulping.

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(Replaces current SBCC AP 3310)