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Records Retention Policy and Procedures

I. Philosophy and Scope

Frederick Community College (“FCC” or the “College”) is required by the [Sections 10-608 through 10-611 of the State Government Article, Annotated Code of Maryland](#) and [COMAR 14.18.02](#) to develop a program to manage its records efficiently. This includes the establishment and/or regular review of records retention and disposal schedules. All records created or received by the College are on an approved records retention and disposal schedule. The records retention program is managed by the Vice President for Finance and Human Resources.

A public record may not be disposed of without authorization through the approved retention and disposal schedule from the State Archivist. This authorization must be obtained by means of filing a records retention and disposal schedule with the State of Maryland. The willful, unauthorized destruction or alienation of any public record is a misdemeanor subject to criminal penalties set forth in the [Section 8-606 of the Criminal Law Article, Annotated Code of Maryland](#).

II. Definitions for the Purpose of this Policy and Procedures

- A. **“Public record”** means any documentary material in any form created or received by the College in connection with the transaction of public business; and includes:
1. Written materials, email, books, photographs, photocopies, publications, forms, microfilms, tapes, computerized records, maps, drawings, and other materials in any format; and
 2. Data generated, stored, received, or communicated by electronic means for use by, or storage in, an information system or for transmission from one information system to another.
- B. **“Permanent records”** are public records which have been appraised by law, statute, rule, agency personnel and/or the State Archivist as having ongoing administrative, fiscal, legal, historical or other archival value. Permanent records must be transferred to the State Archives for preservation and permanent retention. Examples of permanent records include, but are not limited to: official correspondence that serves to document the origins, history, and accomplishments of an agency, agendas and minutes of official meetings, books of final entry and general ledgers, and external audits of the agency. An agency’s retention schedule should (1) identify which records are permanent and (2) state how long permanent records need to be maintained at the originating agency prior to transfer to the Archives. Records designated as permanent are permanent in any form or format.
- C. **“Non-permanent records”** are public records with temporary value which may be disposed of after the passage of a specified period of time. Disposal criteria must be specified in a records retention and disposal schedule approved by the State Archivist. Examples of non-permanent records include personnel records and timesheets, purchase orders, agency reference copies of State laws and publications, agency reference copies of legislative audits, and draft agendas and unofficial minutes of meetings.

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- D. **“Family Educational Rights and Privacy Act (FERPA)”** refers to a federal law protecting the privacy of student education records. The law applies to all schools receiving funds under any applicable program of the U.S. Department of Education. FERPA applies to all education records of any student. FERPA gives certain rights to parents with respect to their student’s educational records. Those rights transfer to the eligible student who is 18 years of age or older or who attends a post-secondary institution at any age.
- E. **“Education Record”** refers to any record maintained by the College or by a party acting for the College that is directly related to a student or students. Education records are subject to the provisions of FERPA. This record may contain a student’s name or information from which a student, or students, can be personally identified. These records include: files, documents, and materials in whatever medium (handwritten, print, electronic), which contain information directly related to the student. Education records include records of work-study students.

Education records do not include the following:

1. Records that are kept in sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person;
2. Records relating to an individual who is employed by the College, made and maintained in the normal course of business, related exclusively to the individual in the capacity as an employee, and are not available for use for any other purpose;
3. Records on a student who is 18 years of age or older, or attending an institution of post-secondary education, regardless of age that are: made or maintained by a physician, psychiatrist, psychologist, or other medical provider; made, maintained, or used only in connection with the treatment of the student; and disclosed only to individuals providing the treatment. For this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at FCC.

III. Procedures

- A. The College retains records in accordance with the approved retention and disposal schedules approved by the State Archivist.
- B. Permanent records are transferred to the Maryland State Archives as established in the retention and disposal schedules approved by the State Archivist.
- C. Education records are retained in accordance with the approved retention and disposal schedules established with the State of Maryland based on American Association of College Registrars and Admissions Officers recommendations.
- D. Non-permanent records will be disposed of in accordance with the retention and disposal schedules approved by the State Archivist.
- E. Disposal of records must be reported to the Vice President for Finance and Human Resources using the [Certificate of Records Disposal \(for non-Judiciary agencies\)](#)

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form. An appropriate disposal method will be assigned by the Vice President for Finance and Human Resources.

- F. Transfer of records to the Maryland State Archives or to offsite storage must be approved by the Vice President for Finance and Human Resources using the [DGS 550-5 State Records Management Center Records Transmittal & Receipt](#).

IV. Exceptions to the Retention and Disposal Schedules

- A. FERPA - In accordance with FERPA, the College may not destroy an education record if a request to view the education record has been received by the College. When a FERPA request is made, the employee who received the request shall notify the Registrar to prevent the record from being destroyed at that time.
- B. Litigation - When the College receives notification of possible or pending litigation, the notice must be forwarded to the Vice President for Finance and Human Resources. All records, including but not limited to electronically stored information (ESI), and any information pertaining to the litigation must be identified and cannot be destroyed until the litigation is finally resolved.