



### OVERVIEW

Whether you are documenting a incident in a residence hall, a conduct report, student plagiarism or mental health concerns, there are standards for – and legal implications to – proper record keeping in all areas of campus.

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### OVERVIEW

Recent cases have brought to light problems that can arise when institutions have documented internal protocol that is not followed.

***It is vital to create a campus culture where all employees are encouraged to practice good record keeping which includes updating documented protocols to match practice.***

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### OVERVIEW

*In this presentation, we will discuss:*

- The legal implications of not having proper documentation.
- Best practices of proper documentation.
- How to cultivate a campus culture of good record keeping.

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## OVERVIEW

*In this presentation, we will discuss:*

- The importance of a records management/retention procedure.
- The impact documentation may have on institutions that fail to follow printed protocols, policies or applicable laws.

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## IMPORTANCE

“Executives from all levels agree that records management policies are probably the one part of corporate governance that is uniformly neglected.”

*American Association of Corporate Counsel (June 2005)*

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## Why So Difficult?

- Perceived cost
- Lack of senior management support
- Time-consuming, coupled with perception that it is not “productive”
- Electronic v. paper
- Which department(s) own it?

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### What Records Must Be Kept?

- Required under Federal Law
- Required under State Law
- Required by accreditation organizations
- Required under contract with other parties
- Required by policy at your institution
- Required under best practices

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### What Records Must Be Kept?

- Impossible to adopt a “one size fits all” approach—even within higher education institutions

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### LEGAL IMPLICATIONS

#### NOT HAVING PROPER DOCUMENTATION

- Compliance issues
  - Fines or penalties
- Liability issues
  - May not be able to defend
- Evidentiary issues
  - May not be permitted to defend

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**BEST PRACTICES**  
FOR PROPER DOCUMENTATION

- **Three stages of record management:**
  - **Creation (or receipt)**
  - **Maintenance and use**
  - **Disposition**

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**BEST PRACTICES**  
FOR PROPER DOCUMENTATION

- **Stage one of record management:**
  - **Creation (or receipt)**
    - Staff should know what types of records must be created (or maintained after received).
      - *What records are necessary to conduct the business or document activities for which the department is responsible.*

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**BEST PRACTICES**  
FOR PROPER DOCUMENTATION

- **Examples:**
  - Date everything (*include year*)
  - Items posted
    - *Create stamps or labels to help staff consistency with documentation*
    - *Staff initials*
  - File created
    - *Color coded*

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**BEST PRACTICES**  
FOR PROPER DOCUMENTATION

- Examples:
  - Take notes during phone calls
  - Print e-mails that document communication with a student
    - *If electronic copies are to be retained instead of printed copies, how can those be accessed by others?*

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**BEST PRACTICES**  
FOR PROPER DOCUMENTATION

- **Stage two of record management:**
  - **Maintenance and use**
    - Records should be stored so that information can be found when needed.
      - *This means setting up filing systems (in whatever format) that allows records to be safely stored and efficiently retrieved when necessary.*

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**BEST PRACTICES**  
FOR PROPER DOCUMENTATION

- Examples:
  - Paper versus electronic
  - Organize documents in a systematic manner.
    - *How documents are placed in a file can be a time saver later.*

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**BEST PRACTICES**  
FOR PROPER DOCUMENTATION

- **Stage two of record management:**
  - **Maintenance and use**
    - Records should be stored so that information is secure from inappropriate and unauthorized access.

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**BEST PRACTICES**  
FOR PROPER DOCUMENTATION

- **Examples:**
  - Personal iPhones or iPads passcode protected if staff members access business e-mails that contain FERPA protected documents.

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**BEST PRACTICES**  
FOR PROPER DOCUMENTATION

- **Stage two of record management:**
  - **Maintenance and use**
    - Move inactive records to the institution's secure storage facilities to save office space.

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**BEST PRACTICES**  
FOR PROPER DOCUMENTATION

- **Stage three of record management:**
  - **Disposition**
    - Be familiar with any institutional disposition requirements or schedules.
    - Be familiar with regulatory disposition requirements or restrictions.
      - *For example: CLERY Act requires that supporting documents be maintained for seven years.*

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**BEST PRACTICES**  
FOR PROPER DOCUMENTATION

- **Stage three of record management:**
  - **Disposition**
    - Records should be disposed of in a secure manner.
      - *Paper copies shredded rather than discarded in trash.*
    - Both paper and electronic copies must be disposed of at the same time.

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**CULTIVATING A CULTURE**  
OF GOOD RECORD KEEPING

- **Senior administrator buy-in is critical.**  
*“Many top executives may be removed from the detail of what is actually needed for an effective records management program.”*

*Ernst & Young: “Records management: seven best practices for staying ahead of the curve”*

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**CULTIVATING A CULTURE**  
OF GOOD RECORD KEEPING

- **Senior administrator buy-in is critical.**
  - Without executive buy-in, it will be difficult to change the culture in an organization.
  - An institution-wide records management program is critical to creating a culture of change.

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**CULTIVATING A CULTURE**  
OF GOOD RECORD KEEPING

- **One step forward is better than none.**
  - Even if your institution does not have a campus-wide records management program, create one in the areas for which you have oversight.

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**CULTIVATING A CULTURE**  
OF GOOD RECORD KEEPING

- **Train staff members on documentation expectations for your department, division, and the institution.**
  - *Employees should understand how good record keeping helps everyone work smarter, not harder. Give them examples:*
    - *If the president's office calls, would a student's file be organized, complete and ready to be delivered?*

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### **CULTIVATING A CULTURE OF GOOD RECORD KEEPING**

- **Train staff members on documentation expectations for your department, division, and the institution.**
  - *Documentation should help “tell the story.”*

*“If it’s not documented, it’s not done.”*  
Ernst & Young

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### **CULTIVATING A CULTURE OF GOOD RECORD KEEPING**

- **Identify who will be responsible for monitoring proper documentation in your department.**
  - *Keep in mind that “employees may do what you inspect, not what you expect.”*
    - *Creating check lists that employees initial will help staff members pay closer attention to completing the documentation for which they are responsible.*

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### **RECORDS**

#### **IMPORTANCE OF MANAGEMENT/RETENTION**

- **Compliance Issues**
  - CLERY Act
    - *Supporting documents must be maintained for seven years.*
  - Office of Civil Rights (OCR) Title IX “Dear Colleague Letter” 2011 Guidelines (April 4, 2011)
    - *Office of Civil Rights “Resolution Agreement” with the University of Notre Dame provides helpful guidelines for documenting written reports for sexual harassment investigations.*

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## RECORDS

### IMPORTANCE OF MANAGEMENT/RETENTION

#### • Compliance Issues

- FERPA (Family Educational Rights and Privacy Act)
  - *The disclosure of personally identifiable information from a student's educational record must be maintained in accordance with the recordkeeping requirements concerning requests and disclosures under section 99.32.*

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## RECORDS

### IMPORTANCE OF MANAGEMENT/RETENTION

#### • Accreditation Purposes

- SACS (Southern Association of Colleges and Schools Commission on Colleges)
  - *3.9.2 The institution protects the security, confidentiality, and integrity of student records and maintains security measures to protect and back up data.*

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## RECORDS

### IMPORTANCE OF MANAGEMENT/RETENTION

#### • Accreditation Purposes

- CAS (Council for the Advancement of Standards in Higher Education)
  - *4.9 Employees and volunteers receive specific training on institutional policies and privacy laws regarding access to student records and other sensitive institutional information.*
  - *4.11 Staff members receive training on policies and procedures related to the use of technology to store or access student records and institutional data.*

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## RECORDS

### IMPORTANCE OF MANAGEMENT/RETENTION

- When should records **NOT** be maintained?
  - If a Students of Concern Response Team maintains a database that lists all students of concern issues that have come to the team’s attention, should that database be accessible to everyone on the team?

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## DOCUMENTATION IMPACT

### WHEN PRINTED POLICIES OR PROCEDURES ARE NOT FOLLOWED




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## DOCUMENTATION IMPACT

### WHEN PRINTED POLICIES OR PROCEDURES ARE NOT FOLLOWED




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### DOCUMENTATION IMPACT

#### WHEN PRINTED POLICIES OR PROCEDURES ARE NOT FOLLOWED

- Review printed policies, procedures, or protocols on a regular basis.
  - If actual implementation does not match what the institution has in print, make necessary updates as soon as possible.

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### SUMMARY & TAKE AWAY

- Train staff on the importance of records management.
- Stay on top of not only what is legally required, but also best practices.
- Coordinate retention responsibilities with other departments—don't assume they know to retain your documents
- Follow your printed policies/procedures or make the necessary updates.

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### RESOURCES

- Higher Education Compliance Alliance  
[higheredcompliance.org](http://higheredcompliance.org)  
[www.higheredcompliance.org/](http://www.higheredcompliance.org/)
- Higher education professional organization websites (Educause, NASFAA, NASPA, NACUA, NACUBO)
- Campus Legal Information Clearinghouse (The Catholic University of America)  
<http://counsel.cua.edu/>

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## RESOURCES

- CAS – Council for the Advancement of Standards in Higher Education <http://www.cas.edu/>
- SACS – Southern Association of Colleges and Schools <http://www.sacs.org/>
- ARMA – Association of Records Managers & Administrators <http://www.arma.org/>
- Baylor’s Document Retention Policy & Schedule (e-mail [bethany\\_mccraw@baylor.edu](mailto:bethany_mccraw@baylor.edu))

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## RESOURCES

- NARA – National Archives and Records Administration: *Frequently Asked Questions about Records Management in General* <http://www.archives.gov/records-mgmt/faqs/general.html>
- Ernst & Young – *Records Management: seven best practices for staying ahead of the curve* [http://www.ey.com/Publication/vwLUAssets/Records\\_management\\_-\\_seven\\_best\\_practices\\_for\\_staying\\_ahead\\_of\\_the\\_curve/\\$FILE/Records\\_management\\_-\\_seven\\_best\\_practices\\_for\\_staying\\_ahead\\_of\\_the\\_curve.pdf](http://www.ey.com/Publication/vwLUAssets/Records_management_-_seven_best_practices_for_staying_ahead_of_the_curve/$FILE/Records_management_-_seven_best_practices_for_staying_ahead_of_the_curve.pdf)

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## Q/A

### *How Do I Call-in with a Question?*

If you would like to ask a question of our panelist(s) please press **\*1** and you will be put in a call queue until it is your turn to ask your question.

OR

You can write in a question or comment anytime during the event by clicking on the “Chat” Bubble in the right hand corner of your screen.

### *For Questions that Arise After the Conference*

If you have a question that you were unable to ask of our presenter(s), please feel free to email us at:

[info@paper-clip.com](mailto:info@paper-clip.com)

...and we will be happy to forward it to our panelists!

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# Feedback

*We want your feedback on today's event!*

If you would like to provide suggestions for improvement and/or ideas for future event topics, please email Tamie Klumppan at:

[tamie@paper-clip.com](mailto:tamie@paper-clip.com)

and she will send you the link to our brief online survey.

Thank you for your participation,  
*PaperClip Communications*

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- Student Disabilities: Best Practices for Compliance & Services - April 18, 2012
- Navigating Involuntary Withdrawal Policies - April 19, 2012
- Serving & Supporting Undocumented Students - April 24, 2012
- Maximizing Student Retention: Curricular Infusion for Success - April 25, 2012
- Title II Update: Direct Threat Protocol and Policies - April 25, 2012
- Student Conduct & Counseling: Confidentiality Issues - April 26, 2012

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