

Maintenance and Retention of Commission Records Policy

Effective Date: September 1, 2020

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I. Purpose

The Middle States Commission on Higher Education (MSCHE or the Commission) seeks to ensure that it maintains and retains appropriate records in order to support its business and operational needs and satisfy applicable laws and regulations. The purpose of this policy is to set forth the Commission's commitment to responsible records management.

II. Statement of Policy

The Commission shall establish a maintenance and retention program in to order to preserve necessary and required Commission records and eliminate unnecessary and obsolete records. The Commission shall ensure that retained records may be produced in a reasonable timeframe in response to information requests during investigations, reviews, audits, litigation and discovery requests, and other appropriate inquiries. The Commission shall dispose of records after the retention period in the *Records Retention Schedule* expires. The Commission shall not be a repository or archive for institutional records. Institutions are responsible for ascertaining requirements in the applicable laws and regulations for the maintenance and retention of their own records.

This policy applies to all Commission staff, commissioners, peer evaluators, third-party vendors, and anyone else who has access to, or use of, Commission records for a reason affecting or relating to Commission business. All persons who create, access, receive, use, manage, or destroy Commission records are to comply with this policy. This policy shall govern all types of records created or received by the Commission in the course of its business.

III. Procedures

The Commission staff will develop and maintain procedures as are necessary to ensure the consistent implementation of this policy. See the *Maintenance and Retention of Commission Records Procedures*.

IV. Schedule

The Commission staff will develop and maintain a *Records Retention Schedule* specifically prescribing the timetable for the retention and disposal of Commission records based on business and operational needs and applicable laws and regulations.

V. Definitions

The following definitions are used in this policy and/or procedures:

- A. Accreditation activity.** All activities (including but not limited to reviews, reports, visits) conducted by Commission representatives related to the institution's accreditation phase, accreditation status, or scope of accreditation occurring throughout the accreditation review cycle and during monitoring activities for a member (accredited or candidate) or applicant institution.
- B. Accreditation materials.** All documentation related to accreditation activities including but not limited to the institution's written reports to the Commission, submitted evidence, team reports, institutional responses, confidential briefs, third-party comments, action notifications, substantive change requests, transcripts of proceedings, team rosters, and any correspondence of record. Accreditation materials are treated as confidential by Commission representatives, become part of the institutional record, and are retained in accordance with the Commission's *Maintenance and Retention of Commission Records Policy and Procedures*.
- C. Commission representatives.** Individuals who represent or serve the Commission including but not limited to peer evaluators, Commission staff, and Commissioners.
- D. Confidential information.** Confidential information includes, but is not limited to, all information related to the institution and not generally known in spoken, printed, electronic or any other form or medium relating, directly or indirectly to business practices, policies and procedures, plans, strategies, agreements and contracts, pending or future transactions, trade secrets, negotiations, computer and information technology resources information, accounting information and records, and financial information. Confidential information shall not include information that was required to be disclosed by law, regulation, other lawful means or any information that is generally known to the public or in the public domain.
- E. Corporate record.** The Corporation shall keep (a) minutes of the proceedings of the Commission, and (b) appropriate, complete, and accurate books or records of account, at its registered office or the principal place of business or any actual business office of the Corporation in accordance with records retention policy and procedures. (*MSCHE Bylaws, Section 11.03*).
- F. Correspondence of record.** Any written communication or correspondence related to the process of making decisions about an institution. Correspondence of record is not miscellaneous correspondence with no significant business value including but not limited to notes of appreciation, congratulations, letters of transmittal, plans for meetings, confirmations of dates for staff visits, invitations to attend conferences, and other personal communications of commissioners, peer evaluators, or Commission staff. Correspondence of record is confidential and stored as part of the institutional record. Correspondence of record does not include text messages and instant messages for these

purposes, as the Commission staff are prohibited from using text messaging or instant messaging to conduct official commission business.

- G. Institutional record.** The compilation of all materials and data the Commission has on file related to the applicant, candidate, or accredited institution, including but not limited to all accreditation materials related to any accreditation activity, the record on file and transcripts for any proceeding, complaints, and any information or documents related to the institution collected by the Commission or received from external sources such as the government or other quality assurance agencies as part of ongoing monitoring activities.
- H. Litigation hold.** The procedure used to cease the scheduled disposal, destruction, purging, or deletion of certain Commission records, regardless of any retention period(s) set forth in the *Records Retention Schedule*.
- I. Personal information.** Information that is identifiable to any person, including, but not limited to, information that relates to a person's name, health, finances, education, business, use or receipt of governmental services or other activities, addresses, telephone numbers, social security numbers, driver license numbers, other identifying numbers, and any financial identifiers.
- J. Record on file.** A segment of the institutional record used in a Commission proceeding such as show cause appearance or appeals. It includes but is not limited to the accreditation materials for accreditation activities for the period of non-compliance (since the first non-compliance action), any information collected or received by the Commission as part of ongoing monitoring activities, transcripts from other proceedings, and correspondence of record.
- K. Records.** All data, documents, or records that are created, accessed, received, used, or maintained as part of Commission accreditation or business activities. Records may be stored on any electronic or non-electronic media (e.g., paper, video or audio tape, microfilm or microfiche, or hard drive, disk, or other electronic storage device) or in any format (e.g., memos, spreadsheets, or email). Records do not include documents or materials that are created or received solely for reference or convenience or that do not relate to Commission business. Examples of materials that are not considered records include, but are not limited to: library materials, card and notebook indices, brochures, articles and publications referenced for convenience purposes, miscellaneous correspondence (such as confirming dates for staff visits, invitations to attend conferences), and other personal communications of commissioners, peer evaluators, or Commission staff.
- L. Third-party vendors.** Third party vendors perform certain services on behalf of the Middle States Commission on Higher Education. The Commission may provide these companies with access to user information, including personal information, to carry out the services they are performing for the Middle States Commission on Higher Education.

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Related Documents: *Communication in the Accreditation Process Policy*; *Communication in the Accreditation Process Procedures*;