

# OFFICE OF THE GENERAL COUNSEL RECORDS RETENTION SCHEDULE

REVISED - MAY 2018



MICHIGAN STATE UNIVERSITY

## **MICHIGAN STATE UNIVERSITY OFFICE OF THE GENERAL COUNSEL RECORDS RETENTION SCHEDULE:**

University Archives and Historical Collections has developed this retention schedule to document the nature of legal records created by the university and define the appropriate retention period according to the legal, fiscal, administrative, and historical needs of the university.

The Office of the General Counsel Records Retention Schedule applies to all legal documentation at Michigan State University, regardless of format or media. For additional information regarding electronic records management, please go to the University Archives website at <http://archives.msu.edu/>.

Not all offices may create all the record series listed on the retention schedule. If you are not currently creating records in a series, you do **NOT** need to start creating new records.

If you believe that you have a record that does not fall under a specific record series, please contact University Archives at 5-2330. University Archives will either help you identify which record series applies to your record or will create a new record series. Do not assume that the record can be destroyed; all records reflecting the official activities of university officers and offices are the property of Michigan State University and thus cannot be destroyed without the approval of the director of the Archives.

Please note that all records pertaining to ongoing or pending audits, lawsuits or even reasonably anticipated lawsuits, and public disclosure proceedings may not be destroyed, damaged, or altered until the issue is resolved, and an office or unit has been specifically advised that such records may be destroyed. Any of these conditions supersedes the retention period listed in the records retention schedule.

### **NON-RECORDS:**

According to State of Michigan guidelines, some records used at Michigan State University can be considered non-records. These non-records are not covered by the retention schedule and may be destroyed once they are no longer administratively necessary.

Non-records may include:

- Duplicate copies of documents retained for distribution or convenience
- Miscellaneous notices of memoranda such as "All-Staff" emails, messages on upcoming events, or memos on minor administrative details
- Blank forms
- Unsolicited advertising and product catalogs
- Preliminary drafts of letters, memoranda or reports that do not form significant stages in the preparation of a final document
- Personal messages or correspondence
- Non-university publications, such as manuals, directories, catalogs, newsletters, pamphlets, and periodicals

Please contact University Archives at 517-355-2330 or at [archives@msu.edu](mailto:archives@msu.edu) with any questions regarding non-records.

## DESCRIPTION OF TERMS:

**Title:** This is the official title of the individual record series.

**Description:** This is the official description of the individual record series, usually consisting of a general statement of record function, followed by a description of some of the documents that can be found in that record series.

**Retention:** This is the minimum amount of time that the record series must be kept, also known as a retention period. It typically consists of a retention code plus a date range in years.

For example) Schedule Retention: ACT+3 (Active + 3 years)

The retention code index can be found below.

### Retention Code Index:

Retention Code	Retention Period Description
ACT	Active
CLOSE	File is Closed
CR	Creation Date
EV	Event
FY	Fiscal Year
IND	Indefinite
PRM	Permanent

**Event Date:** This documents the event after which the retention period will be applied. Some retention periods can be applied only after a specific event or date has occurred. For example, External Legal Services Billing Records are retained for 6 years after the end of the current fiscal year. Thus, the end of the current fiscal year is the event date from which the retention period is measured.

**Disposition:** This is a statement that describes how long the document must be kept and how it must be destroyed. Many university records contain confidential information, such as social security numbers; thus, University Archives recommends confidential destruction, i.e. shredding, whenever possible to protect personal information. Records on electronic media must be disposed of in accordance with the [Institutional Data Policy](#) and the university's [Best Practices for Disposing of Computers and Storage Devices](#).

**Office of Record:** This field identifies the office that is responsible for maintaining the official record series. The designated office keeps the record for the entire retention period and then arranges for its destruction once the retention period has passed. Other offices which maintain copies of a record series but are not the office of record may destroy those non-records when they are no longer administratively necessary unless otherwise noted in the schedule.

**Data Sourced From:** This field identifies the data sources for the record series, including electronic systems where related data may be stored. If there is no relevant data source for the record series, the field will be considered “not applicable”.

**Notes:** This may document additional notes about the retention series, legal citations affecting retention, or university best practices regarding the records.

**Series Identifier:** This is an Archives generated code used to help identify and track records series. While primarily used internally, offices may refer to the series identifier to distinguish records series if desired.

### **ADDITIONAL GUIDANCE:**

For any questions, concerns, or additional guidance regarding this retention schedule, please contact University Archives at 517-355-2330 or at [archives@msu.edu](mailto:archives@msu.edu) .

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Draft Revised: 8/30/2017

Draft Revised: 10/30/2017

Draft Revised: 11/9/2017

Draft Revised: 3/9/2018

Schedule Approved: 5/29/2018

# Michigan State University

## General Counsel

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<b>Title</b>	Annual Litigation Report
<b>Description</b>	This record series documents the annual litigation report which is sent to the President and the Board of Trustees. This series may include, but is not limited to: reports and other related correspondence.
<b>Retention</b>	PRM
<b>Event Date</b>	Creation
<b>Disposition</b>	Retain permanently in office.
<b>Office of Record</b>	Office of the General Counsel
<b>Data Sourced From</b>	iManage
<b>Notes</b>	Retention based on University best practices. The official record copy will be kept in electronic form in the iManage system.
<b>Series Identifier</b>	GC001

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<b>Title</b>	Bankruptcy Litigation Files
<b>Description</b>	This record series documents the Office of the General Counsel's work in regards to bankruptcy litigation. This record series may include, but is not limited to: memos and other related documentation.
<b>Retention</b>	CLOSE+10
<b>Event Date</b>	File is Closed
<b>Disposition</b>	Retain in office for 10 years after the file is closed, then review for institutional significance. If not institutionally significant, then proceed with confidential destruction.
<b>Office of Record</b>	Office of the General Counsel
<b>Data Sourced From</b>	iManage
<b>Notes</b>	Retention based on University best practices. The official record copy will be kept in electronic form in the iManage system. Records determined to be institutionally significant may be retained in office as needed.
<b>Series Identifier</b>	GC002

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<b>Title</b>	Budget Records, General Fund Accounting
<b>Description</b>	This record series documents the budget and accounting for general funds in use by the Office of the General Counsel. These documents are copies of official records maintained in KFS. This record series may include, but is not limited to: accounting sheets, reports, budgets, and other related documentation.
<b>Retention</b>	FY+2
<b>Event Date</b>	Fiscal Year
<b>Disposition</b>	Retain 2 years after the end of the fiscal year, then proceed with confidential destruction.
<b>Office of Record</b>	Office of the General Counsel
<b>Data Sourced From</b>	Not Applicable
<b>Notes</b>	Retention based on University best practices. Official financial records are maintained in KFS.
<b>Series Identifier</b>	GC003

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<b>Title</b>	Civil Rights Actions and Complaints
<b>Description</b>	This record series documents the Office of the General Counsel's response to civil rights actions and complaints, including potential litigation. These files may include, but is not limited to: complaints, memos, and other related documentation.
<b>Retention</b>	CLOSE+10
<b>Event Date</b>	File is Closed
<b>Disposition</b>	Retain in office for 10 years after the file is closed, then review. See the Notes field for review instructions.
<b>Office of Record</b>	Office of the General Counsel
<b>Data Sourced From</b>	iManage
<b>Notes</b>	Retention based on University best practices. The official record copy will be kept in electronic form in the iManage system. Files related to deceased complainants or those who have not worked for the University for 7 years may be destroyed after the initial 10 year period. All other files should be retained for an additional 10 year period.
<b>Series Identifier</b>	GC004

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<b>Title</b>	Endowment, Trust, and Will Documentation
<b>Description</b>	This record series documents the official legal documents regarding trusts, wills, probate, and endowments. This record series may include, but is not limited to: trust documents, probate documents, endowment agreements, wills, and legal correspondence.
<b>Retention</b>	PRM
<b>Event Date</b>	Creation
<b>Disposition</b>	Retain permanently in office.
<b>Office of Record</b>	Office of Gift Planning; University Advancement; Investment Office; Office of the General Counsel
<b>Data Sourced From</b>	Not Applicable
<b>Notes</b>	Based on University best practices.
<b>Series Identifier</b>	GP002

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<b>Title</b>	Estate Files, Working Papers
<b>Description</b>	This record series documents the process of receiving financial contributions to the University from deceased donors. This record series may include, but is not limited to: copies of trust documents, wills, and insurance policies, financial statements, donor information, copies of information sent by MSU to verify beneficiaries, and other related correspondence.
<b>Retention</b>	CLOSE+6
<b>Event Date</b>	Last Payment is Received or Estate is Closed
<b>Disposition</b>	Retain for 6 years after the last financial contribution is received or the estate is considered closed, whichever is later, then proceed with confidential destruction.
<b>Office of Record</b>	Office of Gift Planning; Office of the General Counsel
<b>Data Sourced From</b>	Not Applicable
<b>Notes</b>	Based on University best practices. Convenience copies of information from the estate files may be retained in University Advancement's electronic database. Please note that some estate files may contain agreements, trust documents, or other legal correspondence related to an endowment. If these documents are the record copy, with no other copy retained elsewhere at the University, they must be retained permanently in accordance with GP002.
<b>Series Identifier</b>	GP003

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<b>Title</b>	External Legal Services Billing Records
<b>Description</b>	This record series documents the external provision of legal services, including billing records for accounts GU100004 and DR100003. This record series may include, but is not limited to: bills, invoices, ledgers, and other related documentation.
<b>Retention</b>	FY+6
<b>Event Date</b>	Fiscal Year
<b>Disposition</b>	Retain 6 years after the end of the fiscal year, then proceed with confidential destruction.
<b>Office of Record</b>	Office of the General Counsel
<b>Data Sourced From</b>	Not Applicable
<b>Notes</b>	Retention based on University best practices. These documents are official records not maintained elsewhere.
<b>Series Identifier</b>	GC006



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<b>Title</b>	Litigation Files
<b>Description</b>	This record series documents litigation by the Office of the General Counsel on behalf of the university. This series may include, but is not limited to: correspondence, memos, and other related documentation.
<b>Retention</b>	CLOSE+10
<b>Event Date</b>	File is Closed
<b>Disposition</b>	Retain for 10 years in office after file is closed, then review for institutional significance. If not institutionally significant, then proceed with confidential destruction.
<b>Office of Record</b>	Office of the General Counsel
<b>Data Sourced From</b>	iManage
<b>Notes</b>	Retention based on University best practices. The official record copy will be kept in electronic form in the iManage system. Records determined to be institutionally significant may be retained in office as needed.
<b>Series Identifier</b>	GC007

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<b>Title</b>	Non-Litigation Advice Files, Affiliation Agreements
<b>Description</b>	This record series documents non-litigation advice the Office of the General Counsel may provide in relation to affiliation agreements. These files may include, but is not limited to: agreements, memos, and other related documentation.
<b>Retention</b>	EV+3
<b>Event Date</b>	Review of Agreement is Completed
<b>Disposition</b>	Retain for 3 years after review of agreement is completed, then review for institutional significance. If not institutionally significant, then proceed with confidential destruction.
<b>Office of Record</b>	Office of the General Counsel
<b>Data Sourced From</b>	iManage
<b>Notes</b>	Retention based on University best practices. The official record copy will be kept in electronic form in the iManage system. Records determined to be institutionally significant may be retained in office as needed.
<b>Series Identifier</b>	GC008

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<b>Title</b>	Non-Litigation Advice Files, Contracts
<b>Description</b>	This record series documents non-litigation advice the Office of the General Counsel may provide in relation to contracts. These files may include, but is not limited to: contracts, memos, and other related documentation.
<b>Retention</b>	EV+10
<b>Event Date</b>	Review of Contract is Complete
<b>Disposition</b>	Retain for 10 years in office after review of contract is complete, then review for institutional significance. If not institutionally significant, proceed with confidential destruction.
<b>Office of Record</b>	Office of the General Counsel
<b>Data Sourced From</b>	iManage
<b>Notes</b>	Retention based on University best practices. The official record copy will be kept in electronic form in the iManage system. Records determined to be institutionally significant may be retained in office as needed.
<b>Series Identifier</b>	GC009

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<b>Title</b>	Non-Litigation Advice Files, General Advice
<b>Description</b>	This record series documents non-litigation advice the Office of the General Counsel may provide in relation to general advice requests, including miscellaneous advice. These files may include, but is not limited to: requests, memos, and other related documentation.
<b>Retention</b>	IND
<b>Event Date</b>	Close of File
<b>Disposition</b>	Retain indefinitely in office. Records may be reviewed for institutional significance when migrating to a new document storage system.
<b>Office of Record</b>	Office of the General Counsel
<b>Data Sourced From</b>	iManage
<b>Notes</b>	Retention based on University best practices. The official record copy will be kept in electronic form in the iManage system.
<b>Series Identifier</b>	GC010

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<b>Title</b>	Personnel Files, Faculty/Academic Staff/Executive Managers
<b>Description</b>	This record series documents all human resources related transactions that occurred during the faculty/academic staff's period of active employment. This record series may include, but is not limited to: administrative review materials, fixed term memoranda, appointment forms, multiple appointment memos, performance evaluations, disciplinary actions, written statements by employees, and related correspondence, including e-mail.
<b>Retention</b>	ACT+6
<b>Event Date</b>	Employment Terminates
<b>Disposition</b>	Retain for 6 years after employment terminates, then proceed with confidential destruction.
<b>Office of Record</b>	Human Resources; Office/Department
<b>Data Sourced From</b>	SAP; ImageNow
<b>Notes</b>	Based on State of Michigan Retention Schedules GS26 and University best practices. Material may be located in either Human Resources personnel files or Office/Department files. Any materials related to harassment or discrimination complaints or subsequent investigation are retained in the Office of Institutional Equity. For Human Resources personnel files, files are scanned into ImageNow after termination.
<b>Series Identifier</b>	HR041

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<b>Title</b>	Personnel Files, Non-Academic Student Workers
<b>Description</b>	This record series documents all human resources related transactions that occurred during the students' period of active employment as a non-academic student worker. This record series may include, but is not limited to: performance evaluations, disciplinary actions, complaints by students/colleagues, and related correspondence, including e-mails.
<b>Retention</b>	ACT+3
<b>Event Date</b>	Student Leaves Job with Department
<b>Disposition</b>	Retain for 3 years after the student leaves job with department, or as long as administratively necessary, whichever is later, then proceed with confidential destruction.
<b>Office of Record</b>	Office/Department
<b>Data Sourced From</b>	SAP
<b>Notes</b>	Based on MSU Student Employment Manual. If student holds multiple separate positions within a department, such as with Residential and Hospitality Services, the record will be retained for 3 years after the student leaves his last job with the department.
<b>Series Identifier</b>	HR042

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<b>Title</b>	Personnel Files, Non-Academic Support Staff
<b>Description</b>	This record series documents all human resources related transactions that occurred during the non-academic support staff's period of active employment. This record series may include, but is not limited to: performance evaluations, disciplinary actions, written statements by employees, and related correspondence, including e-mail.
<b>Retention</b>	ACT+6
<b>Event Date</b>	Employment Terminates
<b>Disposition</b>	Retain for 6 years after employment terminates, then proceed with confidential destruction.
<b>Office of Record</b>	Human Resources
<b>Data Sourced From</b>	SAP; ImageNow
<b>Notes</b>	Based on State of Michigan Retention Schedules GS26. Any materials related to harassment or discrimination complaints or subsequent investigation are retained in the Office of Institutional Equity.

**Series Identifier** HR043

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<b>Title</b>	Potential Litigation Files
<b>Description</b>	This record series documents potential litigation files that may be handled by the Office of the General Counsel. This record series may include, but is not limited to: correspondence, memos, and other related documentation.
<b>Retention</b>	CLOSE+5
<b>Event Date</b>	File is Closed
<b>Disposition</b>	Retain for 5 years in office after file is closed, then review for institutional significance. If not institutionally significant, proceed with confidential destruction.
<b>Office of Record</b>	Office of the General Counsel
<b>Data Sourced From</b>	iManage
<b>Notes</b>	Retention based on University best practices. The official record copy will be kept in electronic form in the iManage system. Records that are determined to be institutionally significant may be retained in office as needed.

**Series Identifier** GC011

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<b>Title</b>	Settlement Agreements
<b>Description</b>	This records series documents settlement agreements reached by the Office of the General Counsel. This record series includes, but is not limited to: agreements, memos, and other related documentation.
<b>Retention</b>	CLOSE+10
<b>Event Date</b>	Creation
<b>Disposition</b>	Retain for 10 years after the file is closed, then review for institutional significance. If not institutionally significant, proceed with confidential destruction
<b>Office of Record</b>	Office of the General Counsel
<b>Data Sourced From</b>	iManage
<b>Notes</b>	Retention based on University best practices. The official record copy will be kept in electronic form in the iManage system.

**Series Identifier** GC012

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**Title** Subpoenas

**Description** This record series documents subpoenas received by the Office of the General Counsel. This record series may include, but is not limited to: subpoenas and other related documentation.

**Retention** CR+3

**Event Date** Creation

**Disposition** Retain for 3 years after creation, then proceed with confidential destruction.

**Office of Record** Office of the General Counsel

**Data Sourced From** OGC Computer Server

**Notes** Retention based on University best practices. The official record copy will be kept in electronic form on the server for the Office of the General Counsel.

**Series Identifier** GC013

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<b>Title</b>	Time Records
<b>Description</b>	This record series documents payroll activity of employees, including approval and payment of comp time and overtime, and is organized by pay period. This record series does not include workers paid by grant funding. This record series may include, but is not limited to: time sheets, time cards, special payment authorization forms, approval letters, and related correspondence.
<b>Retention</b>	CR+6
<b>Event Date</b>	Creation of Record or Issuance of Comp Time
<b>Disposition</b>	Retain for 6 years after creation of record, or issuance of comp time, whichever is later, then proceed with confidential destruction.
<b>Office of Record</b>	Office/Department; Human Resources; Payroll
<b>Data Sourced From</b>	SAP; Department Systems
<b>Notes</b>	Based on University best practices. Some material stored in SAP or in other department time systems. On rare occasions, comp time may be retained for longer than 6 years based on departmental practices. Time records for workers paid by grant funding may have longer retention periods. Contact CGA for more information on retention of grant-related records.
<b>Series Identifier</b>	HR052