

Montserrat

COLLEGE OF ART

Record Retention Policy

Effective March 5, 2024 and replaces all prior policies

The objective of this Record Retention Policy (“Policy”) is to ensure that Montserrat College of Art complies with all applicable laws and regulations governing the management, retention, and destruction of the college’s records. Because the college does not have a centralized records management function, each department is responsible for the retention and disposal of the records it generates.

In certain cases, as described below, it is a crime to destroy records.

For purposes of this Policy, the term “record” refers to any recorded information, wherever such information is or may be stored, that has been created by or for the college, or received by the college in connection with the transaction of the college’s business that is in any format (including, without limitation, paper, electronic, and audiovisual materials).

For statute of limitations or other reasons, certain records must be retained for specific periods of time. The attached record retention schedule provides the minimum retention periods under this Policy, for a variety of categories of documents.

Document types that are not listed, but are substantially similar to those listed on the schedule should also be retained for the appropriate minimum retention periods. Records may be retained in print or electronic form. Faxed or scanned documents satisfy record retention requirements, provided that the authenticity of the original is not reasonably expected to be called into question.

Email that needs to be retained should be either (a) printed in hard copy and kept in the appropriate file, or (b) downloaded to a computer file and kept electronically or on an external digital storage device.

The Finance Office is responsible for overseeing the implementation of, and compliance with, this Policy. Each department may adopt additional record retention policies so long as the minimum retention periods are at least as long as the retention periods set forth on the attached schedule.

Each employee is responsible for maintaining the records that he or she originates or receives in accordance with this Policy. Employees who are unsure about the need to keep a particular document should consult with the Finance Office.

No records of any type that may be related to an ongoing or imminent college investigation or disciplinary process, lawsuit, or government investigation shall be destroyed and all ordinary disposal or alteration of records pertaining to the subjects of the litigation or investigation shall be immediately suspended.

In certain cases, the Finance Office will instruct employees to retain records indefinitely pending an investigation, disciplinary process, or lawsuit. Employees who become aware of a legal matter (whether pending or threatened) involving the college should promptly notify the Finance Office so that the college can ensure the preservation of all records relating to that matter. If an employee is uncertain whether documents under their control should be preserved because they might relate to a college investigation or disciplinary process, lawsuit, or government investigation, they should contact the Finance Office.

Failure to comply with this Policy, including interference with the retention or destruction of the college's records, may result in civil and criminal liability, as well as disciplinary action, up to and including termination. Failure to maintain certain records may subject the college and/or individuals to penalties and fines and may compromise the college's position in litigation or an investigation. It is also a federal crime, punishable by a fine and up to 20 years in prison, to knowingly alter, destroy, mutilate, conceal, cover up, falsify or make a false entry in any record with the intent to impede, obstruct or influence the investigation or proper administration of a government investigation or proceeding.

The Registrar's Office maintains academic records in fire-resistant cabinets. In the event that Montserrat College of Art discontinues operations, arrangements would be made with the Massachusetts Department of Higher Education, One Ashburton Place, Room 1401, Boston, MA 02108-1696, (617) 994-6950, www.mass.edu, for the filing and maintenance of academic records. The college would take reasonable steps to notify current and former students about the arrangements for the filing and maintenance of academic records.

Record Retention Schedule

Document Type	Required Retention Period
Admissions Applications	3 years for non-enrolling students and five years after graduation for those who do enroll
Complaints and investigations	While active plus 7 years
Contracts, notes, and leases (still in effect)	Permanently
Contracts, notes, and leases (expired)	7 years
Copyright registrations	Permanently
Correspondence (general)	2 years
Correspondence (legal and important matters)	Permanently
Deeds, mortgages, bills of sale	Permanently
Employee files, including employment applications for individuals hired	While active plus 7 years
Employment applications, if not hired	3 years
Employment tax records	7 years
General Accounting Records	7 years after tax filing
Governance: minute books, bylaws, charters, articles of organization, and policies	Permanently
Insurance policies (expired)	3 years
Academic Catalogs	Permanently
Financial Aid Records	7 years after the end of the enrollment period
Internal Revenue Service exemption application and determination letter, examination rulings, and comments	Permanently
Annual Financial Statements	Permanently
Litigation-related documents	Permanently
Graduation Lists	Permanently
Academic Records	Permanently
Student Medical Records	7 years after last treatment
State tax exemptions	Permanently
Student Counseling Center records	7 years
Tax returns, worksheets, information returns, and related records	20 years
Trademark registrations	Permanently
Alumni Records	Permanently
Gift Records	7 years
Gift Agreements and Planned Gifts	Permanently
Construction Drawings	Permanently
Accreditation Records	Permanently

All records created and maintained pursuant to the Sexual Misconduct Policy must be retained *indefinitely* by the Title IX Office [in electronic and/ or paper form] unless destruction or expungement is authorized by the Title IX Coordinator, who may act under their own discretion, or in accordance with a duly executed and binding settlement of claim, and/or by court order.