VIRGINIA MILITARY INSTITUTE
Lexington, Virginia

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**Records Retention Policy – Cadet Permanent Records**

Virginia Military Institute adopted the following Records Retention Policy for maintenance and retention of past and present cadet permanent records. This policy is subject to periodic review and update by the VMI administration, and has been adopted to assure the following legal and Institutional standards are met:

- ✓ Complies with state and federal law;
- ✓ Optimizes the use of space;
- ✓ Minimizes the cost of record retention;
- ✓ Preserves institute records of historical significance and enduring administrative value;
- ✓ Defines the criteria for destruction of outdated, redundant and useless records.

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### I. RECORD CUSTODIAN(S) – CADET PERMANENT RECORD:

LTC Janet M. Battaglia – Registrar

COL Diane B. Jacob – Head, Archives and Records Management

### II. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA):

Virginia Military Institute complies with the provision of federal laws governing the privacy and disclosure of cadet information in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA). Under the federal laws, all cadets have a number of rights concerning his/her records at VMI. The current VMI policy pertaining to FERPA may be found at: http://www.vmi.edu/FERPA.

### III. RECORDS RETENTION GUIDELINES:

The Virginia Military Institute complies with all required guidelines of records retention and destruction as governed by the *Public Records Act* (Code of Virginia). Additional information regarding this item may be found at: http://www.lva.lib.va.us/whatwedo/records/

For a complete schedule of the State of Virginia retention requirements, please visit VMI's official website at: http://www.vmi.edu/archives/recman.html

### IV. DEFINITION OF THE OFFICIAL CADET PERMANENT RECORD:

The official cadet permanent record consists of all official academic, athletic and disciplinary documentation maintained by the Institute in relation to the cadet's official attendance. These records reflect documentation from admission thru departure/alumni status as follows:

- ✓ Admissions: Application, Transcripts and Official Documentation
- ✓ Documentation and official Institutional forms pertaining to the historical attendance of a cadet at the Virginia Military Institute. This documentation includes: grades, transcripts, transfer credit approvals/documentation, change of major, ROTC affiliation, academic/athletic honors, academic deficiencies, disciplinary documentation, media/legacy information, registration/enrollment documentation, appeals, awards
- ✓ Required Statements and Documentation of Attendance
- ✓ Media/Legacy/Photograph Information
- ✓ Graduation Information

The cadet permanent record is considered to be the official Institutional permanent record of a cadet's period of attendance at the Institute as required by law. This list is not intended to be all-inclusive. Any record that does not fall into the categories outlined above will be maintained in accordance with the guidelines as specified by state and federal law.

Additional records are maintained by Institute officials however, these records are ***not*** considered part of the official cadet permanent record. These records are identified as follows:

- Academic Support Records (Advising Notes, Learning Center, Academic Department Files, Writing Center)
- Athletic Records
- Career Services / Placement
- Comptroller/Budget/Student Account Records
- Counseling Records
- Disability Services Records
- Financial Aid Records
- Records kept by the Cadet Honor Court (See Appendix II)
- Human Resources Grievance Records
- Human Resources Records
- Medical Records
- Non-Matriculant Files
- VMI Police Files/Law Enforcement Records (See Appendix II)
- Equity Investigations
- Inspector General Record/Title IX Records
- Personal records maintained on the behalf of a cadet's attendance at the Institute – i.e. Committee Records, personal records pertaining to discipline. (Often referred to as "convenience" records). (See Appendix II)

All records identified above are maintained individually within each respective department. These lists are not intended to be all-inclusive. Any record that does not fall into the categories outlined above will be maintained in accordance with the guidelines as specified by state and federal law.

Records are maintained for the ***minimum*** period designated in accordance with the State of Virginia guideline. The State of Virginia Records Retention Schedule may be found at: http://www.lva.virginia.gov/agencies/records/sched_state/index.htm.

## V. HISTORICAL RECORDS:

VMI is committed to preserving its records of enduring historical significance, and recognizes that the historical cadet permanent records housed in the VMI Archives comprise an important research collection for genealogists and historians. The cadet record is defined as historical if the individual referenced in the record is deceased **and** 80 or more years have passed since attendance at the Institute. Information from these historical records can be released upon request to the VMI Archives.

Archival records of deceased alumni which do not meet the 80 year benchmark for historical designation may be released at the discretion of the Head of Archives and Records Management, with due consideration given to the privacy of living family members and other institutional interests.

Archival records of living alumni are covered by FERPA and privacy legislation are closed to research, regardless of the age of the record. The individual alumnus may have access to his/her own record in accordance with FERPA. Release to a third party requires the written authorization of the alumnus.

## VI. OWNER OF CADET PERMANENT RECORD / RIGHT TO INSPECT GUIDELINES:

The official institutional record is owned by the Virginia Military Institute on behalf of the cadet, however, the cadet has a right to inspect his/her official Institutional permanent record at any time (as applicable by state and federal law – some restrictions apply). This request must be made in writing by the cadet to the custodian of the records, at which time the Institute has 45 days to comply with a cadet's request to inspect.

## VII. POLICY ON DISPUTE OF PERMANENT RECORD:

Cadets have the right to inspect and review their permanent record upon written request as noted above. If a cadet feels a discrepancy exists in the record, the cadet has the right to dispute the record and ask for an amendment to the record. The following procedure applies for resolution of a disputed record:

- The dispute of a record should be made in writing to the custodian or records within 3 months after the date in which the disputed item was made known to the cadet.
- The dispute must be in writing to the Custodian of Record outlining what information is felt to be in error, any steps taken to resolve the issue, and desired outcome of the item. At the cadet's request, he/she may request a hearing before the VMI administration to address the disputed item directly.
- The Institute will respond in writing to the contested item within 45 days of receipt of the dispute notification.

- After a decision is made on the item in question, written notification will be forwarded to the cadet outlining the final resolution.
- If the information is found to be inaccurate, in error, misleading, or in violation of the privacy rights of the cadet, it will be corrected and the correction verified with the cadet in writing.

If the information is not found to be inaccurate, in error, misleading, or in violation of the privacy rights of the cadet, and no change is warranted on behalf of the Institution, the cadet has right to place a statement in his/her record commenting on the contested information on record, and state why he/she disagrees with the decision of the agency and/or institution. This statement is then maintained as part of the cadet's permanent record and must be disclosed as part of that record for as long as that particular record is maintained.

## VIII. POLICY ON PERMANENT RECORD ACCESS FOR DECEASED CADETS:

The Virginia Military Institute respects the sensitive nature of the educational records of all former cadets, and the cadet's immediate family's right to privacy. In the event of an untimely death of a past member of the Corps of Cadets, VMI will release private permanent record information on file pertaining to a former cadet only to the documented next of kin. This information will be released only upon written request, provided that the documentation of death and relationship to the cadet is provided at the time of request.

**EXCEPTION -- RECORDS OF PUBLIC INTEREST** - In circumstances of intense public interest, information contained in records falling under this policy may be released to news media organizations if in the professional judgment of the Chief of Staff such release is appropriate in light of standard practice in the field of higher education, would be of benefit to VMI, and would not infringe upon the rights or privacy of cadets or former cadets.

## IX. CADET PERMANENT RECORD ITEMS MAINTAINED AFTER THE DESIGNATED RETENTION PERIOD:

The following items contained in the official Cadet Permanent Record have been deemed by the Institute to have historical significance, and will be maintained indefinitely in the Cadet Permanent File/Archives:

- VMI Transcript & Official Transcripts/Educational Documents from other Institutions
- Matriculation Statement
- Significant disciplinary infractions/historical disciplinary summary
- Historical summary of official VMI notations relative to a cadet's attendance (i.e. Dean's List, Honors received, Athletic recognition, cadet rank)
- Substantive biographical and genealogical information, to include relevant published material and photographs.
- Admissions Application and Demographics

All other items will be destroyed in accordance with the State of Virginia guidelines, with all non-essential items destroyed no later than five years after a cadet's expected date of graduation or departure from the Institute (whichever is later).

## X. EXCEPTION TO RECORD RETENTION POLICY OF MINIMUM RETENTION:

A record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of a retention period for the record set by the State of Virginia or in the approved records retention schedule of the agency until the completion of the action and the resolution of all issues that arise from it, or until the expiration of the retention period, whichever is later.

## XI. POLICY NOTIFICATION AND DESTRUCTION SCHEDULE:

Beginning in the Fall semester of 2004, all current cadets will be advised of the Records Retention Policy for maintenance and retention of the Cadet Permanent Record, with a yearly notification to occur thereafter to all currently enrolled cadets. A yearly notification will also be published in the *The Cadet* and the *VMI Alumni Review* outlining the records subject to destruction in the given year. This serves as notification to all former cadets and alumni of the records scheduled for destruction, in the event these past cadets wish to exercise their right to review or request information prior to destruction.

# APPENDIX II

## OTHER RECORDS – POLICIES PERTAINING TO OFFICIAL RECORDS NOT CONSIDERED PART OF THE PERMANENT CADET FILE

## I. HONOR COURT RECORDS:

Ref (a): Commonwealth of Virginia, The Library of Virginia, Records Management and Imaging Services Division, General Schedule No. 111, Student Affairs: Judicial/ Disciplinary Records – Series No. 101174

General: While a cadet is at VMI, it is possible that there are many documents in many forms which are held by the honor court. **Long Term** retention of documents is broken into three categories, depending on the final status of the cadet at the end of his or her cadetship. Prior to the final status of a cadetship, short term records should be broken into two categories.

**Long Term Records:**

1. Diploma Awarded: Any cadet who receives a diploma should have no honor court documents in their record. One exception would be if they were charged and then found not guilty. In this case, the letter and Pre-Trial Summary Sheet, which identify the charge(s), and the letter and Trial Summary Sheet informing them that they are exonerated of the charge(s), are placed in the cadet's record. Time requirements to maintain this exception should be three years, as per Reference (a).

2. Dismissed for Reasons Satisfactory to the Superintendent: Any cadet found guilty of an honor code infraction will have several items placed in their record. The Pre-Trial package, Letter to the cadet, Pre-Trial Summary Sheet, tapes of the Pre-Trial, Trial Summary Sheet, any exhibits from the Trial, tapes of the Trial, and the Dismissal Letter should be placed in the cadets file. If an appeal is submitted and upheld, all of those records should also be maintained in the former cadet's honor record. If the appeal overturns the verdict, or sends it back for a re-trial and the verdict is overturned at that trial, all honor records will be destroyed, except for those noted in Category (1) above. Time requirements to maintain these records should be three years as per Reference (a).

3. Records which have been flagged: Cadets whose records which have been flagged (for instance a cadet who resigns, is suspended for discipline, or academics, or on some type of absence) due to an honor court investigation or after a Pre-Trial, will have all the material saved in their file in case they return. Since their file is flagged, the material will remain in their record for ten years from the date of their matriculation.

**Short Term Records:**

Short term records of investigations and Pre-Trials will be maintained by the Honor Court until the matter is decided, or one of the situations above occurs.

## II. LAW ENFORCEMENT RECORDS:

In accordance with the Department of Education guidelines effective January 8, 2009, the VMI Police serves as the official law enforcement unit of the Institute. The VMI Police may, at their discretion without consent, disclose any investigative reports and other records created by the law enforcement unit to only authorized law enforcement officials or employees of Criminal Justice Agencies. For more information on the Clery Act, please see VMI's website at http://www.vmi.edu/clery.

## III. MEDICAL RECORDS:

Official VMI medical records and documentation will be maintained as confidential records at the VMI Hospital for a period of ten years after graduation/departure from VMI. After the designated retention period has expired, these documents will be destroyed in accordance with the established State of Virginia guidelines.

## IV. ALL OTHER RECORDS:

All other records that are ***NOT*** maintained by the Institute as a part of the VMI official permanent cadet record will be maintained for the minimal period as outlined by the State of Virginia for the specified type of record. After the designated retention period has expired, these documents will be destroyed in accordance with the established State of Virginia guidelines. Items which VMI designates as part of the Permanent Cadet Record should be forwarded by each respective office to the Registrar's Office, 303 Shell Hall, upon a cadet's separation/graduation from the Institute.

For a copy of the published State of Virginia Records Retention and Destruction Schedule, please visit the VMI's website at: http://www.vmi.edu/archives/recman.html.

FOR THE SUPERINTENDENT:

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