

Goshen College Title IX Office
Record Keeping and Data Maintenance Policy
1/31/18

In order to provide equitable and confidential handling of all Title IX complaints at Goshen College, the Title IX office has implemented the following policy to guide the documentation, management, and retention of all reports, responses, plans, and services related to reports of gender-based harassment, sexual discrimination or harassment, sexual misconduct, sexual assault, and any situations specified in the Goshen College Sexual Misconduct policy.

This policy operates in conjunction with the following Goshen College institutional policies:

- [Records Retention and Destruction Policy](#) (Employee handbook Section 3.14 “Institutional Policies.” Included in Appendix A below.)
- [Data Backup and Retention Policy](#)
- [Data Security Policy](#).

This policy will be listed on the Human Resources [“Departmental Policies” page](#).

All Goshen College employees (including third party providers) are subject to this policy. Oversight for this policy lies with the Provost and Title IX Coordinator.

It is the policy of Goshen College to create and preserve appropriate documentation of all Title IX-related cases in accordance with guidelines from the US Department of Education. Goshen College shall document receipt of all reports, and its response to each report through investigation, determination, remediation, appeal, or other means. Goshen College shall retain such documentation in a consistent and secure manner and for a period of no less than seven years following initial receipt of a report. This policy defines standard documentation required for each phase. It addresses electronic data integrity practices, how data will be secured within the college’s information technology infrastructure, and permissible access.

1. **Standard documentation:** Documentation shall be retained in textual form (or photographic form as appropriate). The individual(s) responsible for documenting a particular action shall create a written record of substantive information originally conveyed in verbal form (direct meetings, communication via telephone, web meetings, etc.). In addition, Goshen College shall retain a copy of any video or audio recording it may create during any phase of its response to a Title IX-related complaint.
2. All documentation shall include the date of creation or receipt. If procedures call for signed acknowledgement of review or receipt of a document, and no signature has been obtained, documentation will include an explanation of the lack of a signature. The Title IX Deputy Coordinator shall ensure that a timeline record is created for each Title

IX-related complaint received and that the timeline record reflects all documentation collected, created and retained. Goshen requires that the individual(s) identified below with primary responsibility shall arrange to collect or create standard documentation as outlined for each phase of receiving and responding to a Title IX-related complaint:

- a. **Receipt/initial handling of reports:** Primary documentation responsibility: Title IX Deputy Coordinator.
 - i. Any report received of a Title IX-related complaint, regardless of mode of submission (online reporting, some other written or verbal method)
 - ii. Communication between the Title IX Deputy Coordinator and the complainant or respondent in response to a report:
 1. Requests for meetings
 2. Summaries of meetings and indication of specific materials provided to complainant and respondent.
 - iii. Communication between and among Title IX committee and representatives of the Sexual Misconduct Response Team (SMRT) or third-party investigators regarding a report except for communications whose only purpose and content is scheduling of meetings otherwise reflected in the timeline record.
 - iv. A record of each complaint's status in relation to Clery Act and, as relevant, the date Title IX notified Goshen College's Clery Officer of the violation.

- b. **Investigation:** Primary documentation responsibility: Investigator(s), whether from Goshen College's Sexual Misconduct Response Team or third-party investigators:
 - i. All communications between investigator(s) and the complainant, respondent, witnesses, or others (e.g. service providers, Title IX personnel) except for communications whose only purpose and content is scheduling of meetings otherwise reflected in the timeline record.
 - ii. Records of all interviews conducted during the investigation. These records shall include:
 1. Time, location, individuals present
 2. Indication of specific materials provided by investigators to interview participants, policies and procedures reviewed with participants
 3. Record of questions posed and responses given
 4. Copies of evidence, if any, submitted by an interview participant

5. Record of any interim accommodations or restrictions discussed including rationale for any imposed (see also **3. Accommodations, restrictions, disciplinary and remedial actions** below).
 6. Record of any relevant evidence collected during the investigation that comes from sources other than interviews.
 7. An investigative report prepared upon completion of investigation and available for review by both respondents and complainants prior to determination.
 8. Written responses, if any, by either party to the investigative report.
3. **Determinations/appeals:** Primary documentation responsibility: Title IX Deputy Coordinator for determination process; Title IX Coordinator for appeal process.
- a. Record of determination process
 - i. Notes of determination hearing including record of those participating in the meeting and in what role (determination team, investigator(s), Title IX staff)
 - ii. Copies of determination letters
 - iii. Record of communicating determination to complainant and respondent, including date, time, location and description of any interaction with complainant and respondent at time of delivery
 - b. Appeal process
 - i. Record of written request for an appeal
 - ii. Record of appeal review by Title IX Coordinator, including summary of materials reviewed and record of communications and/or meetings with individuals related to the appeal.
 - iii. Copy of appeal determination letter
 - iv. Record of communicating appeal determination to appellant, including documentation of date, time, location and description of any interaction with the appellant at time of delivery
 - v. Communication of determination on appeals
4. **Accommodations, restrictions, disciplinary and remedial actions:** Primary documentation responsibility: Title IX Deputy Coordinator.
- a. Documentation of interim services offered and afforded to or interim restrictions imposed on a party to the complaint pending the completion of an investigation.
 - i. Copies of no contact orders issued to both parties
 - ii. Communication related to changes in course schedule, living arrangements, or work/co-curricular involvement.
 - iii. Communication related to referrals for counseling and academic support.
 - iv. Documentation of any other interim measures offered, afforded to, or imposed on a party to the complaint prior to determination.

- b. Where sexual harassment, misconduct, or assault is found to have occurred, Goshen College will document the steps, individual and systemic, which Goshen College takes to
 - i. Stop the sexual harassment,
 - ii. Prevent its recurrence,
 - iii. Eliminate any hostile environment, and
 - iv. Remedy its discriminatory effects on the complainant and any others as appropriate.
 - c. Documentation will include a copy of all disciplinary sanctions issued to students, employees or others for violations of the policies and procedures prohibiting sexual harassment, as well as documentation of plans and fulfillment of support, remedial actions, or sanctions that result from the determination and/or appeal.
5. **Procedures for** storage (mechanics including backup), access, maintenance/use, and destruction of all the above materials related to a Title IX Office incident (regardless of investigation or determination).
- a. **Storage:** Goshen College's Information Technology Services (ITS) is responsible for creating, providing access to and maintaining data backup, retention, and security.
 - i. Goshen College ITS, its staff, equipment, policies, and practice is supervised by the Provost, who is also the Title IX Coordinator.
 - 1. The Title IX record keeping and data retention policy is subject to ITS policies.
 - a. See Goshen College [Data Backup and Retention Policy](#).
 - b. See Goshen College [Data Security Policy](#).
 - 2. This policy may exceed requirements defined by ITS policies.
 - ii. **Location:** Employees directly involved in a case will be given access to a password-protected folder in Goshen College's Share drive to maintain and share all materials specified in this policy. Password protection of individual case folders will ensure that only individuals related to a given case can access data.
 - 1. Access to "Share/Title IX"
 - a. The Title IX Coordinator
 - b. The Title IX Deputy Coordinator(s) charged with managing processes related to particular complaints (incidents involve students, incidents involving employees, etc.).
 - 2. Access to "Share/SMRT"
 - a. The Title IX Coordinator
 - b. The Title IX Deputy Coordinator(s) charged with managing processes related to particular complaints (incidents involve students, incidents involving employees, etc.).
 - c. SMRT members investigating complaints.
 - d. Employees who have a "need to know" in order to provide services to students involved in the complaint and to complete an investigation and response.

3. ITS administrators who have access to all files on the Goshen College servers by virtue of their job titles (ITS Directors, Senior Enterprise System Architect and Web Database Specialist).
 4. Certain individuals have access to online reports of sexual misconduct because of their job description.
 - a. Student Affairs employees with web server access: Student Services Administrative Assistant and Campus Security.
 - b. Communication and Marketing Office employees working with web content: Director of Communications, Director of Marketing, News and Media Manager and Web Developer.
- iii. Access:** ITS sets user access permissions on all top-level folders that reside under M:\Share, and has access to a list of which users can access which folders.
1. Employees are not permitted to password protect individual files that they create as part of Title IX record keeping.
 2. In some cases, an SMRT investigator may need to create a password protected .pdf of individual documents, e.g. to share a required interview report with an off-campus respondent. This instances will be cleared with the Title IX Coordinator. This password-protected PDF version will be preserved in an "unprotected" form in the SMRT folder.
 3. All employees with access to confidential and restricted records will follow guidelines for ethical use of institutional documents. Any employee who accesses Title IX-related records without a valid reason (i.e. access to earlier folders or files to see models and review or for security or safety issues) shall be subject to disciplinary action by Goshen College (up to and including immediate dismissal from employment).
- iv. Location restrictions:** As specified by the ITS Data Security Policy, Title IX materials related to specific reports or cases will not be stored, shared, or communicated through Google Drive or other cloud sharing services. See the complete chart in Goshen College's [Data Security Policy](#). Email should be used only for communication and coordination of meetings and should not include documents that name individuals involved in any case.
- b. Data Collection oversight:**
- i. The Title IX Coordinator is responsible for overseeing the collection of records and data related any Title IX report, regardless of its origins, its process, or outcome. This oversight includes
 1. Educating every participant in the process--including Goshen College personnel, the complainant and respondent, and witnesses--about confidentiality and privacy (see definitions below) and the record keeping and data retention policy.
 2. Providing each participant with a copy of this policy.

3. Regularly reviewing contents of the secure data collection files and their backups.
 4. Supporting the digitizing and document security processes for those involved with the adequate supervision, technical support, and equipment.
 5. Intervening in and remedy any breaches of this policy.
 6. Overseeing the cycle of retention and the secure removal of files after the seven year period has been met.
- ii. Change in access or retention:** The Title IX Coordinator, in consultation with the Human Resources Director, is responsible for the following:
1. Change in access for Goshen College personnel to Title IX related files.
 2. Removal of files following the seven-year period.
- iii.** All Goshen College personnel involved in the report, investigation, and/or support and accommodations will be responsible to uphold this policy.
1. Whenever possible avoid creating or storing records of a Title IX-related complaint in places other than the secure Share:/ folder.
 2. The Title IX committee shall copy Title IX (titleix@goshen.edu) on all their relevant correspondences.
 3. SMRT members shall copy smrt@goshen.edu on all relevant email correspondence so that a record is retained.
 4. Deleting any Title-IX related email from an individual employee's account will be done as soon as possible and no later than one week following conclusion of a determination or appeal process.
 5. Digitizing any hard copies of materials stated above (by scanning any hard copies, converting to a .pdf, and filing the digitized document in the appropriate Share:/ folders).
 6. Destroying any records related to a Title IX-related complaint created or temporarily stored in individual email or file accounts after ensuring that all required standard documentation has been stored been stored in the appropriate Share:/ folder.
 7. Adhere to Goshen College's data retention and destruction policies and ITS data policies, which prohibit keeping confidential or restricted documents on the following places:
 - a. MyDocuments, MyDepartment, or Offices folders on the server.
 - b. Third party sites, such as Google Sites or OneDrive, and cloud storage, such as Dropbox.
 - c. Hard drives of Goshen College issued computers/laptops, handheld devices or storage devices (tablets, phones, flash drives, other portable media devices).
 - d. Personal computers, handheld devices, or email accounts.
- iv.** All Title IX-related data will be retained in a digital archive on Goshen College's private server (GCfile) for a minimum of seven years.

1. At the end of each academic year, the Title IX Coordinator will arrange for a review of archived records related to Title IX-related reports created at least seven seven years earlier.
2. Barring specific circumstances that may require retention longer than seven years, records for each complaint will be destroyed near the beginning of the eighth academic year following their creation.
3. Record retained for longer than seven years will include a statement of the reason for extended retention and, as possible, a projected date of destruction.

6. Definitions related to Title IX processes:

- a. **Complainant** is the technical term used during an investigation by the Sexual Misconduct Response Team (SMRT) to identify the person who reports experiencing sexual violence or misconduct.
- b. **Confidential** means that the information shared with a certain college employee or outside professional cannot be disclosed to others without the express permission of the individual who shared the information. Goshen College employees (usually a licensed counselor or pastor or non-professional student advocate) who are not required to report any information regarding an incident of alleged sexual violence are the Faculty Advocate, Campus Counselors, and Campus Pastor.
- c. **Private/Privacy** means that information related to a report of sexual misconduct will only be shared with a limited circle of employees who “need to know” in order to assist in the active review, investigation, or resolution of a report.
- d. **Respondent** is the technical term used during an investigation by the Sexual Misconduct Response Team (SMRT) to identify the person against whom a report of sexual misconduct/violence is made.

7. **Definitions related to Information Classification:** To understand the type of information that is allowed to be stored on Goshen College file servers, services, third-party cloud data centers and equipment, and handheld devices, and how that information can be shared with others, we will classify information into three different categories; **Public**, **Confidential**, and **Restricted**. Information is classified in order to apply the necessary precautions to protect that data from being inappropriately shared or lost, thus ensuring the integrity of the college. Note that records and data related to Title IX cases are classified as confidential and restricted because they relate to “Educational records” (confidential) or “Health records” FERPA and HIPAA guidelines apply as they pertain to education and health records.

Classification	Examples
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Public	<ul style="list-style-type: none"> ● Online directory contact information (office extension, email address) ● Course catalog ● Event notices and promotional information/materials
Confidential	<ul style="list-style-type: none"> ● Online directory residential information, and student photos ● <u>Email messages</u>, including general campus announcements ● Business records ● <u>Educational records</u>
Restricted	<ul style="list-style-type: none"> ● Un-encrypted passwords ● Social security numbers ● Credit card numbers ● <u>Health records</u> ● Transcripts ● Detailed payroll records

8. Definition of document creation, sharing, and storage: The following sections of Goshen College’s ITS Data Security Policy and classification are relevant to the record keeping and data retention of Title IX cases. NOTE: When documents or files are moved into a shared folder (folders within Google Drive that are shared with a specified group of users) those files will adopt the same sharing setting of the shared folder. Be sure to check a file’s sharing permissions when you move it from folder to folder to ensure the proper sharing setting are engaged.

GC Services and Google Services:	Classified as Public	Classified as Confidential	Classified as Restricted
M:\Share	Allowed	Permitted with user and specified group access only	Permitted with user and specified group access only
Email messages or email attachments	Allowed	Permitted with user and specified group access only	Permitted with user and specified group access only

9. [Privacy and Security Optimization](#)

- a. The ITS personnel charged with the administration of the College's computing systems and file servers take their obligations to protect individuals' privacy very seriously. The professional standards consistent with positions that require select individuals to have access to personal and sensitive information are strictly enforced. In accordance with general College policy, inappropriate use, access, or sharing of confidential or restricted information is grounds for summary discharge of employment.
- b. Goshen College has procedures, protocols and training protocols for employees to optimize privacy and security of financial transactions and personal information in compliance with the Gramm-Leach-Bliley Act and Family Educational Rights and Privacy Act (FERPA). Training is provided by the Human Resources department.

10. Policy Review: The Provost's office will initiate a review of this policy every 3 years to ensure compliance with federal guidelines, Goshen College policy, and a confidential and secure process for all Goshen College employees and students.

Appendix A. From Goshen College Employee Handbook

Goshen College Records Retention and Destruction Policy

Policy Statement

Goshen College requires that different types of records be retained for specific periods of time to comply with state and federal laws. Goshen College requires consistent treatment of records. Maintenance, retention, and disposal procedures for college records must be followed systematically by staff in official repositories. This policy is intended to ensure that the college meets legal standards.

Purpose

The purpose of this policy is to ensure that necessary records and documents are adequately protected and maintained and to ensure that records that are no longer needed or of no value are discarded at the appropriate time. The purpose of this policy is also to preserve Goshen College history.

Records management and retention policies apply to all records, regardless of format. In today's environment, employees create and maintain an increasing portion of their records using computers. Electronic records must be managed alongside traditional records to ensure compliance with state and federal regulations.

Individuals responsible for the retention of records are also responsible for the destruction of records following the retention period. Records must be destroyed by shredding or other means to ensure that all sensitive or confidential material can no longer be read or interpreted.

Definitions

For the purpose of this policy, “record” shall be interpreted to mean: any papers, books, photographs, tapes, films, recordings, or other documentary materials, or any copies thereof, regardless of physical form or characteristics, made, produced, executed, or received by any department or office of the College or by any academic or administrative staff member in connection with the transaction of College business.

The term “electronic record” means any record that is created, received, maintained or stored on College local workstations or central servers. Examples include, but are not limited to:

1. electronic mail (e-mail)
2. word processing documents and spreadsheets
3. databases – all data generated via automated information systems including but not limited to student records, academic records, financial accounting records, and payroll records.

“Official records” are the records maintained by the various College units. Examples include, but are not limited to:

1. Accounting Office – all financial records, bonds records, student billing and loan records, etc.
2. ITS (Information Technology Services) – electronic records, etc.
3. Registrar’s Office – student academic records, etc.
4. Academic Dean’s Office – faculty records, etc.
5. Human Resources Office – personnel records, payroll records, insurance records, etc.
6. Financial Aid Office – financial aid awards, promissory notes, etc.
7. Enrollment/Admission Office – application materials, personal data forms, etc.
8. Student Life Office – personal data forms, disciplinary files, etc.
9. President’s Office – Board minutes, etc.

Procedures

Each department will retain a listing of major documents used and maintained by the department detailing retention and destruction timetables (schedules). These schedules should be in accordance with all state and federal requirements. In addition, each department will review annually its records and forms to determine whether retention of these records and forms is adequate and appropriate.

Records can have historical value, even when no longer of immediate administrative value. If an office has any doubt if a record should be maintained, the appropriate Vice President should be contacted.

In the event of a governmental audit, investigation, or pending litigation, record disposition may be suspended at the direction of a Vice President. When litigation against the College or its employees is filed or threatened, the law imposes a duty upon the College to preserve all documents and records that pertain to the issues.

As soon as the College is made aware of pending or threatened litigation, the appropriate College Vice President will notify the appropriate College employees/departments. The litigation hold directive overrides any records retention schedule that may have otherwise

called for disposal or destruction of the relevant documents. The appropriate Vice President will inform employees/departments when litigation holds are cleared. Any electronic documents such as e-mail and computer accounts will need to be immediately maintained by the appropriate departments as well as Information Resources and Technology until the hold is released. No employee or department who has been notified of a litigation hold may alter or delete any electronic records that falls within the scope of that hold. Violation of the hold may subject the individual to disciplinary action, up to and including dismissal, as well as personal liability for civil and/or criminal sanctions by the courts or law enforcement agencies.

Records Retention

Record retention periods may be increased by government regulation, judicial or administrative consent order, private or governmental contract, pending litigation or audit requirements. Such modifications supersede the requirements listed in this policy. No document list can be exhaustive. Questions regarding the retention period for any specific document or class of documents not included in these tables should be addressed to the appropriate Vice President.

Please see the Record Retention Policy Tables (Excel file) for further information.

Prepared September, 2010 by Jim Hstand, VP for Finance

Approved by Goshen College Board of Directors, October 2010