VIRGINIA MILITARY INSTITUTE
Lexington, Virginia

GENERAL ORDER)
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Records Management Policy

Purpose: The purpose of this general order is to outline the VMI Policy on the management, retention, and disposition of Virginia Military Institute records as mandated by the Virginia Public Records Act (VPRA), Virginia Code §§ 42.1-76 et seq.. This policy applies to all employees. This policy also details specific Institute requirements for the maintenance and retention of past and present cadet permanent records.

Background: The Virginia Public Records Act vests the records management function of state and local government in the State Library Board. This act authorizes the State Library Board to regulate and manage the preservation, filing, reformatting, and destruction of public records of all agencies.

Roles and Responsibilities: Virginia Code § 42.1-85 requires all state agencies to have a records management program and to appoint a records officer. At VMI, the Head of Archives and Records Management is the designated agency records officer (records manager). The records manager serves as a liaison to the Library of Virginia for the purposes of implementing and coordinating the agency records management program to meet regulatory requirements; coordinating the legal disposition of records, including destruction of obsolete records; disseminating information about records retention requirements; and providing support services for the efficient and economical management of Institute records based on their administrative, legal, fiscal, and historical value

Virginia Military Institute is committed to effectively managing its records, regardless of media type, by adhering to best practices and following a systematic and logical plan developed by the organizational units that maintain the records. The successful implementation and ongoing effectiveness of this policy is dependent on the cooperation of each organizational unit to ensure that permanent records are preserved, and non-permanent records are destroyed in a timely and approved manner. The administrator in charge of an organizational unit is responsible for all Institute records generated and received by the unit. Each unit can promote sound records management by identifying the persons responsible for records keeping and complying with established retention schedules provided by the Library of Virginia.

Institute records are the property of VMI. Employees who terminate their association with VMI must ensure that records are handed to their successor or returned to the appropriate office. Institute personnel are responsible for assuring compliance with Virginia and federal statutes pertaining to the confidentiality of Institute records.

Virginia Military Institute complies with all requirements for records retention and destruction as governed by the VPRA. Records retention and disposition schedules for state agencies are created and maintained by the Library of Virginia. Retention schedules are approved sets of clearly

identified, related records series that dictate the length of time a series must be kept and its required disposition. The retention schedules govern retention of electronic records in the same manner as paper records. Content, not format, determines records retention.

All VMI records must be managed in accordance with the most current Library of Virginia-approved records retention and disposition schedules. Links to current retention schedules, destruction procedures, and other detailed records management guidance for employees are found on VMI's official website at: https://www.vmi.edu/archives/records-management/.

Additional useful information about Records Management in Virginia is located on the Library of Virginia Records Management website at http://www.lva.virginia.gov/agencies/records/.

This policy is subject to periodic review and update by the VMI administration, and has been adopted to assure the following standards are met:

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

TABLE OF CONTENTS

Appendix I **CADET PERMANENT RECORD GUIDELINES**

I. Record Custodian(s) – Cadet Permanent Records
II. Family Educational Rights and Privacy Act (FERPA)
III. Records Retention Guidelines
IV. Definition of the Official Cadet Permanent Record
V. Historical Records
VI. Owner of Cadet Permanent Record / Right to Inspect Guidelines
VII. Policy on Dispute of Permanent Record
VIII. Policy on Permanent Record Access for Deceased Cadets
IX. Cadet Permanent Record Items Maintained after the Designated Retention Period
X. Exception to Record Retention Policy of Minimum Retention
XI. Policy Notification and Destruction Schedule

Appendix II **OTHER RECORDS – POLICIES PERTAINING TO OFFICIAL RECORDS NOT CONSIDERED PART OF THE PERMANENT CADET FILE**

I. Honor Court Records
II. Law Enforcement Records

III. Medical Records
IV. All Other Records

FOR THE SUPERINTENDENT:

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Chief of Staff

DIST: E, Cadets
OPR: Registrar, Head of Archives and Records Management

APPENDIX I

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

Registrar
Department 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). FERPA provides all cadets a number of rights concerning education 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 Virginia Public Records Act, Virginia Code §§ 42.1-76 et seq. Additional information regarding this item may be found at: http:/www.lva.virginia.gov/agencies/records/

For a complete schedule of the Commonwealth of Virginia retention requirements, please visit VMI's official website at: https://www.vmi.edu/archives/records-management/

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 through departure/alumni status as follows:

- ✓ Admissions: Application, Transcripts, and Official Documentation
- ✓ Documentation and official 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 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 Virginia 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, Miller Academic Center, Academic Department Files, Writing Center, Math Educational Resource Center, etc.)
- Athletic Records
- Career Services/Placement
- Commandant's Office Records
- Comptroller/Budget/Student Account Records
- Counseling Records
- Disability Services Records
- Financial Aid Records
- Records kept by the Cadet Honor Court (See Appendix II)
- Records kept by the Cadet Equity Association, the Officer of the Guard Association, and the Rat Disciplinary Committee
- Human Resources Grievance Records
- Human Resources Records
- Medical Records
- Non-Matriculant Files
- VMI Police Files/Law Enforcement Records (See Appendix II)
- Inspector General/Title IX Investigative Records
- Personal records maintained in the course of a cadet's attendance at the Institute – e.g., Committee Records, personal records pertaining to discipline, etc. (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 Virginia and federal law.

Records are maintained for the ***minimum*** period designated in accordance with the Commonwealth of Virginia guidelines. The Commonwealth 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 permanent 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 other privacy laws, and are closed to research, regardless of the age of the record. The individual alumnus/alumna may have access to his/her own record in accordance with FERPA. Release to a third party requires the written authorization of the alumnus/alumna.

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

The official cadet permanent record is owned by the Virginia Military Institute on behalf of the cadet; however, the cadet has a right to inspect his/her official cadet permanent record at any time (as permitted by Virginia 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 up to 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 own cadet permanent record upon written request as noted above. If a cadet feels the record contains information that is inaccurate, misleading, or in violation of the cadet's rights of privacy, the cadet has the right to 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 of 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 Records outlining what information is felt to be inaccurate, misleading, or in violation of the cadet's rights of privacy, 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 challenge the content of the cadet's record on the grounds that the information contained in the record is inaccurate, misleading, or in violation of the privacy rights of the cadet. The hearing may be requested at the time of filing the written dispute or after notification that the cadet's record will not be amended as requested. Hearings will be conducted in accordance with the FERPA Regulations, 34 C.F.R. Part 99.
- 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 decision and the right to a hearing if one has not already been conducted.

- If the information is found to be inaccurate, 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 amendment is warranted, the cadet has right to place a statement in his/her record commenting on the contested information in the record or stating why he/she disagrees with the Institute's decision, or both. 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 education 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 the cadet permanent record and other records pertaining to a former cadet only to the documented next of kin or executor of the deceased cadet's estate. 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 cadet permanent record have been deemed by the Institute to have historical significance, and will be maintained indefinitely in the Cadet Permanent File:

- VMI Transcript & Official Transcripts/Educational Documents from other Institutions
- Matriculation Statement
- Historical summary of official VMI notations relative to a cadet's attendance (e.g., 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
- Documents pertaining to disciplinary and honor dismissals

All other items will be destroyed in accordance with the Library of Virginia retention schedules, 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 under the Virginia Freedom of Information Act, administrative review, or other action involving the record is initiated before the expiration of a retention period for the record set by the Commonwealth of Virginia or in the approved records retention schedule of the Institute 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. The Virginia Military Institute complies with all required guidelines of records retention and destruction as governed by the Virginia Public Records Act (VPRA), Virginia Code §§ 42.1-76, et seq. For more information on the Institute's Records Retention Policy see http://www.vmi.edu/archives/records-management/.

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: Student Honor Council

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 the cadet was 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 permanent record.

2. Dismissed for Reasons Satisfactory to the Superintendent: The permanent record of any cadet found guilty of an honor code offense will include the Pre-Trial package, Pre-Trial Summary Sheet, Trial Summary Sheet, any exhibits from the Trial, transcript of the Trial if any, and the Dismissal Letter.

If an appeal is submitted and the conviction is upheld, all of the records listed above will be maintained in the former cadet's permanent file. If the appeal overturns the conviction, or remands for a new trial and the verdict is an acquittal, all honor records will be destroyed, except for those noted in Item #1 above.

3. Records which have been flagged: Cadet records that have been flagged (for instance a cadet who is suspended for discipline or academics, or on some other type of leave) due to an honor court investigation or after a Pre-Trial, will include all honor court records in case the cadet returns. Such records will be retained in the cadet's permanent file for future use and reference.

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:

The VMI Police Department serves as the official law enforcement unit of the Institute. In accordance with FERPA Regulations, 34 C.F.R. Part 99, the VMI Police Department may, at its discretion and without consent, disclose to third parties investigative reports and other records created by the VMI Police Department.

III. MEDICAL RECORDS:

VMI medical records and documentation maintained by the VMI Infirmary will be retained as confidential records for a period of six years after the cadet's graduation/departure from VMI. After the designated retention period has expired, these documents will be destroyed in accordance with the Commonwealth of Virginia retention schedule.

IV. ALL OTHER RECORDS:

All other records that are ***NOT*** maintained by the Institute as a part of the VMI permanent cadet record will be maintained for the minimal period as outlined by the Commonwealth of Virginia for the specified type of record, unless VMI policy requires a longer retention period. After the designated retention period has expired, these documents will be destroyed in accordance with the established Commonwealth of Virginia guidelines. Items designated as part of the permanent cadet record shall 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 Commonwealth of Virginia Records Retention and Destruction Schedule, please visit VMI's website at: https://www.vmi.edu/archives/records-management/