

**STATE OF VERMONT SPECIFIC RECORD SCHEDULE**

**Issued to: Human Rights Commission**

**Published: 5/21/2024**



Vermont State Archives and Records Administration

Vermont Office of the Secretary of State

**AGENCY SPECIFIC RECORD SCHEDULE FOR: Human Rights Commission**

- Authority:** A custodian of public records shall not destroy, give away, sell, discard, or damage any record or records in his or her charge, unless specifically authorized by law or under a record schedule, as defined in 3 V.S.A. § 117(a)(6), that has been approved by the State Archivist. (1 V.S.A. § 317a)
- Scope:** This agency specific record schedule is applicable only to the records listed on this record schedule that are produced or acquired during the course of agency business. Records are any written or recorded information, regardless of physical form or characteristics, and includes electronic or digital records and data. (1 V.S.A. § 317)
- Use:** This is an agency specific record schedule (SRS). The agency (Human Rights Commission) may develop its own internal policies and procedures to assure that the requirements outlined in this record schedule are being applied across the agency. For records required to be retained until OBSOLETE, an internal policy that clearly states specific retention requirements that best meet the agency's administrative needs is highly advised. Specific Record Schedule (SRS) numbers shall be cited in all internal policies to demonstrate compliance with 1 V.S.A. § 317a.
- Exemptions:** It is the policy of Title 1, Chapter 5, Subchapter 3 of Vermont Statutes Annotated to provide for free and open examination of records consistent with Chapter 1, Article 6 of the Vermont Constitution. All people, however, have a right to privacy in their personal and economic pursuits, which ought to be protected unless specific information is needed to review the action of a governmental officer. Some records listed on this record schedule may be exempt from public inspection and copying for this reason. Security measures to protect records and information from unauthorized access, use, and disclosure are necessary if the records are exempt pursuant to 1 V.S.A. §§ 315-320. Please see Appendix B for Access Requirements and Appendix E for related legal references regarding exemptions from public inspection and copying.
- Retention:** This agency specific record schedule reflects the retention and disposition requirements for the following records regardless of their media, format, or mode of transmission. Duplicate records within the same agency that are used for specific legal, fiscal, or administrative purposes may be either retained using the retention requirement listed in this schedule or in accordance to an internal policy. Any copies of records made only for convenience of reference or informational purposes may be discarded when no longer needed unless otherwise directed through an internal policy. Duplicates or copies of records shall not be retained longer than the original records.

**Adopted by:** **Signature on file. Signed by Chair Kevin Christie on 5/20/2024**

*Kevin Christie, Chair / Human Rights Commission* *Date*

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**SRS-1938.1033: Human Rights Commission Investigation Case Files**

*SRS-1938.1033: This schedule is reserved for recorded evidence of activities and transactions that relate to or affect, in a specific manner, the enforcement of human rights.*

**Classification:** Human rights (Enforcing)

**Retention:** Retain complaints, evidence, reports, and subpoenas until completed/closed, plus six (6) years, and then destroy by shredding. Completed/closed means a complaint is dismissed, settled, or the Commission has issued a final determination, and all settlement negotiations or related civil actions are final.

Registers or systems that serve as the official recording of activities related to enforcing human rights shall be retained until the register is superseded and then destroyed.

For major or significant enforcement cases, gather all existing records and contact the Vermont State Archives and Records Administration for further appraisal; records must meet the criteria of major or significant in "Vermont Archival Records" to be identified as permanent (archival).

Other records shall be retained as specified in this schedule with the exception of transitory records. Transitory records created or received as part of the enforcement process may be weeded as appropriate in accordance with GRS-1000.1000 (Transitory Records).

**SPECIFIC RECORDKEEPING REQUIREMENTS for SRS-1938.1033 (see APPENDIX E for related legal references)**

<b>Record Category/Type:</b>	<b>Applicability/Use:</b>	<b>Appraised Value:</b>	<b>Retention/Disposition:</b>
<b>SRS-1938.1033.5</b> <b>Agreements</b> Public Access: <i>General</i>	Use for written agreements approved by the Commission, entered into by the parties to resolve a complaint. Includes conciliation agreements and final settlement agreements.	Temporary (Legal)	RETAIN UNTIL: Expired PLUS: 6 Year(s) THEN: Destroy (General)
<b>SRS-1938.1033.24</b> <b>Complaints</b> Public Access: <i>Redact</i>	Use for complaints filed under oath with the Commission. The Commission may, at its discretion, separate and destroy initial complaints not accepted for investigation.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 6 Year(s) THEN: Destroy (Shred)
<b>SRS-1938.1033.136</b> <b>Evidence</b> Public Access: <i>Redact</i>	Use for documentary evidence gathered as part of an investigation.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 6 Year(s) THEN: Destroy (Shred)

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<p><b>SRS-1938.1033.50</b>  <b>Notices, Legal</b>  Public Access: <i>Redact</i></p>	<p>Use for official, written statements, notices, or announcements required by law.</p>	<p>Temporary (Legal)</p>	<p>RETAIN UNTIL: Completed/Closed  PLUS: 1 Year(s)  THEN: Destroy (Shred)</p>
<p><b>SRS-1938.1033.81</b>  <b>Registers</b>  Public Access: <i>Redact</i></p>	<p>Use for registers, databases, systems, and similar records that provide for the systematic and regular recording of activities related to the enforcement of human rights.</p>	<p>Temporary (Administrative)</p>	<p>RETAIN UNTIL: Superseded  PLUS: 0 Year(s)  THEN: Destroy (Shred)</p>
<p><b>SRS-1938.1033.144</b>  <b>Reports</b>  Public Access: <i>Redact</i></p>	<p>Use for use for final investigative reports prepared and submitted to the executive director.</p>	<p>Temporary (Legal)</p>	<p>RETAIN UNTIL: Completed/Closed  PLUS: 6 Year(s)  THEN: Destroy (Shred)</p>
<p><b>SRS-1938.1033.121</b>  <b>Subpoenas</b>  Public Access: <i>Redact</i></p>	<p>Use for subpoenas issued by the Commission.</p>	<p>Temporary (Legal)</p>	<p>RETAIN UNTIL: Completed/Closed  PLUS: 6 Year(s)  THEN: Destroy (Shred)</p>
<p><b>SRS-1938.1033.36</b>  <b>Supporting material</b>  Public Access: <i>Redact</i></p>	<p>Use for written or recorded information that supports, supplements, or complements the enforcement of human rights that is not specified elsewhere in this schedule. Includes attorney work product.</p>	<p>Temporary (Administrative)</p>	<p>RETAIN UNTIL: Completed/Closed  PLUS: 6 Year(s)  THEN: Destroy (Shred)</p>

*SRS-1938.1033 was approved by the Vermont State Archivist on 3/19/2024.*

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**SRS-1938.1113: Unlawful Discrimination Litigation Case Files**

*SRS-1938.1113: This schedule is reserved for recorded evidence of activities and transactions that relate to or affect, in a specific manner, the litigation of human rights.*

**Classification:** Human rights (Litigating)

**Retention:** Retain supporting materials until the case is completed/closed, plus six (6) years, then destroy by shredding. Completed/closed means the Civil Division of the Vermont Superior Court or other adjudicative body delivers a final decision, and any amendments or appeals are final.

Registers or systems that serve as the official recording of activities related to litigating human rights shall be retained until the register is superseded and then destroyed.

For major or significant litigation cases, gather all existing records and contact the Vermont State Archives and Records Administration (VSARA) for further appraisal; records must meet the criteria of major or significant in "Vermont Archival Records" to be identified as permanent (archival).

Other records shall be retained as specified in this schedule with the exception of transitory records. Transitory records created or received as part of the lititgating process may be weeded as appropriate in accordance with GRS-1000.1000 (Transitory Records).

**SPECIFIC RECORDKEEPING REQUIREMENTS for SRS-1938.1113 (see APPENDIX E for related legal references)**

<b>Record Category/Type:</b>	<b>Applicability/Use:</b>	<b>Appraised Value:</b>	<b>Retention/Disposition:</b>
<b>SRS-1938.1113.5</b> <b>Agreements</b> Public Access: <i>General</i>	Use for formal agreements related to human rights. Includes waivers, stipulations and negotiated settlements.	Temporary (Legal)	RETAIN UNTIL: Expired PLUS: 6 Year(s) THEN: Destroy (General)
<b>SRS-1938.1113.24</b> <b>Complaints</b> Public Access: <i>General</i>	Use for initiating written or recorded information or indictment that formally set forth the essential facts indicating unlawful discrimination.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 6 Year(s) THEN: Destroy (General)
<b>SRS-1938.1113.32</b> <b>Declarations</b> Public Access: <i>General</i>	Use for formal statements intended to testify to a right or document a fact. Includes affidavits, depositions, and oaths.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 6 Year(s) THEN: Destroy (General)

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<p><b>SRS-1938.1113.136</b> <b>Evidence</b> Public Access: <i>General</i></p>	<p>Use for written or recorded information presented in a proceeding for the purpose of establishing the truth or falsity of an allegation or fact.</p>	<p>Temporary (Legal)</p>	<p>RETAIN UNTIL: Completed/Closed PLUS: 6 Year(s) THEN: Destroy (General)</p>
<p><b>SRS-1938.1113.50</b> <b>Notices, Legal</b> Public Access: <i>General</i></p>	<p>Use for formal announcements, notifications, or warnings required by law. Includes court hearing notices.</p>	<p>Temporary (Legal)</p>	<p>RETAIN UNTIL: Completed/Closed PLUS: 1 Year(s) THEN: Destroy (General)</p>
<p><b>SRS-1938.1113.63</b> <b>Orders</b> Public Access: <i>General</i></p>	<p>Use for directions or commands delivered by the court and entered into the record. Includes any decisions, dispositions, or writs.</p>	<p>Temporary (Legal)</p>	<p>RETAIN UNTIL: Completed/Closed PLUS: 6 Year(s) THEN: Destroy (General)</p>
<p><b>SRS-1938.1113.67</b> <b>Petitions</b> Public Access: <i>General</i></p>	<p>Use for formal written applications or motions made in a judicial proceeding requesting action on certain matters.</p>	<p>Temporary (Legal)</p>	<p>RETAIN UNTIL: Completed/Closed PLUS: 6 Year(s) THEN: Destroy (General)</p>
<p><b>SRS-1938.1113.126</b> <b>Pleadings</b> Public Access: <i>General</i></p>	<p>Use for written statements of substantive claims and defenses by parties in a judicial proceeding. Includes motions to dismiss, briefs, and similar filings.</p>	<p>Temporary (Legal)</p>	<p>RETAIN UNTIL: Completed/Closed PLUS: 6 Year(s) THEN: Destroy (General)</p>
<p><b>SRS-1938.1113.81</b> <b>Registers</b> Public Access: <i>General</i></p>	<p>Use for registers, databases, and similar systems that provide for the systematic and regular recording of activities related to litigation. Includes case management systems.</p>	<p>Temporary (Administrative)</p>	<p>RETAIN UNTIL: Superseded PLUS: 0 Year(s) THEN: Destroy (General)</p>
<p><b>SRS-1938.1113.121</b> <b>Subpoenas</b> Public Access: <i>General</i></p>	<p>Use for copies of instruments delivered by a sheriff or other appropriate party, notifying a person that a court action has commenced, that the person is required to appear in court on the day named to answer the complaint, or to command the production of documents.</p>	<p>Temporary (Legal)</p>	<p>RETAIN UNTIL: Completed/Closed PLUS: 6 Year(s) THEN: Destroy (General)</p>
<p><b>SRS-1938.1113.36</b> <b>Supporting material</b> Public Access: <i>Redact</i></p>	<p>Use for supplemental records, not otherwise specified in this schedule, created or received during the course of litigation associated with unlawful discrimination. Includes attorney work product.</p>	<p>Temporary (Administrative)</p>	<p>RETAIN UNTIL: Completed/Closed PLUS: 6 Year(s) THEN: Destroy (Shred)</p>

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*SRS-1938.1113 was approved by the Vermont State Archivist on 3/19/2024.*

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## Appendix A: Appraisal Values

*An appraisal value establishes the usefulness or importance of a record after its original purpose has passed. The value of a record also dictates how it must be disposed after retention requirements are met (also see "Retention Requirements"). The appraisal values below represent categories of values that may be assigned to records following the record appraisal process. See "Vermont Archival Records" in the Archives and Records Management Handbook for conditions a record must meet to be appraised as "archival."*

Appraisal Value	Description	Usage
Conditional Archival	Records may have archival value.	Assigned to records that meet the conditions of a "Vermont Archival Record" under special conditions.
Permanent (Archival)	Records have archival value.	Assigned to records that meet the conditions of a "Vermont Archival Record" and are therefore permanent (archival) records.
Temporary (Administrative)	Records have temporary administrative value.	Assigned to records that do not meet the conditions of a "Vermont Archival Record" but are needed for administrative reasons.
Temporary (Legal)	Records have temporary legal value.	Assigned to records that do not meet the conditions of a "Vermont Archival Record" but have legal requirements governing their retention.
Unappraised	Default value for records that have not been appraised.	Assigned to records that have not been appraised and do not yet have retention or disposition requirements.

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## Appendix B: Public Access Requirements

*A public access requirement is the availability of a record for public use and inspection pursuant to 1 V.S.A. §§ 315-320. Unless exempt from public inspection and copying pursuant to 1 V.S.A. § 317, records are expected to be promptly produced for public inspection upon request. Public agencies shall follow the procedure outlined in 1 V.S.A. § 318. The access requirements below represent actions agencies must take based on specific laws associated with the accessibility of their records. With general record schedules, the default requirement is always REVIEW unless it is clear that certain records or information within a record are exempt from public use and inspection pursuant to 1 V.S.A. § 317. Agencies using general record schedules should defer to their internal policies for specific access requirements.*

<b>Access</b>	<b>Description</b>	<b>Usage</b>
Exempt	Records shall not be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320.	Assigned to records that are wholly exempt from public use and inspection pursuant to 1 V.S.A. § 317.
General	Records may be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320.	Assigned to records that are not exempt from public inspection and copying pursuant to 1 V.S.A. § 317.
Redact	Records contain specific information that shall not be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320.	Assigned to records that contain specific information that is exempt from public inspection and copying pursuant to 1 V.S.A. § 317 and require exempt information to be redacted from the records prior to public use, inspection and/or copying.
Review	Records may be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320 but not always. Default value for general schedules, which require agencies to establish internal policies.	Assigned to records that are generally not exempt from public inspection and copying pursuant to 1 V.S.A. § 317 but, in limited circumstances, may be exempt. Internal review and/or policy is required.



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## Appendix C: Retention Requirements

*A retention requirement is the length of time a record must be retained by an agency before it may be destroyed or transferred to the State Archives or an agency archives (also see "Disposition Requirements"). The retention requirements below represent events or triggers that cause records to move from an active to inactive state. An "event" is tied to a specific time requirement: i.e. Retain Until "Calendar Year Ends" PLUS 3 Years.*

<b>Retention</b>	<b>Description</b>	<b>Usage</b>
Audit Complete	Retain until an audit or verification is complete.	Assigned to records that are actively used or needed until the information contained therein has been audited or verified.
Calendar Year Ends	Retain until the end of the calendar year.	Assigned to records that are actively used or needed until the end of the calendar year.
Completed/Closed	Retain until the activity or process supported by the record is completed.	Assigned to records that are actively used or needed until the activity is formally completed, closed, or finalized (includes appeals).
Expired	Retain until the conditions or requirements supported by the record are satisfied and no further action is needed.	Assigned to records that are actively used or needed until the conditions or requirements are satisfied and complete.
Fiscal Year Ends	Retain until the end of the fiscal year.	Assigned to records that are actively used or needed until the end of the fiscal year.
Life of Asset Ends	Retain for the life of the person, structure, object, organization, etc. that is the subject of the record.	Assigned to records that are actively used or needed for the life of person, structure, object, organization, etc.
Obsolete	Retain until the record is no longer needed and is valueless.	Assigned to records that have limited administrative value and may be purged when they no longer have any administrative value. Agency must develop internal policy that states when records no longer have administrative value.
Superseded	Retain until the record is superseded, updated, or revised.	Assigned to records that will be superseded, updated, or revised.

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## Appendix D: Disposition Requirements

*A disposition requirement is how an agency must dispose of a record from its legal custody once retention requirements have been met. Disposition is based on the record's appraisal value. If the record has been appraised as non-archival it will be destroyed after retention requirements are met. If appraised as archival the record will be transferred to the State Archives or agency archives for permanent preservation and access. The disposition requirements below represent actions that an agency must take once a record has met its retention requirements.*

Disposition	Description	Usage
Archives	Retain permanently. These records are eligible for transfer to the State Archives or agency archives.	Assigned to records that have been appraised as having archival value and are therefore permanent records.
Confirm	Confirm disposition with the Vermont State Archives and Records Administration after retention requirement has been met.	Assigned to records that are maintained in a centralized database or information system or are appraised as conditional archival.
Destroy (General)	Destroy by recycling or deleting the record.	Assigned to records that have been appraised as non-archival and are not exempt from public access. Agency discretion advised for general record schedules.
Destroy (Shred)	Destroy by shredding (includes electronic shredding).	Assigned to records that have been appraised as non-archival and are exempt from public access or contain sensitive information.
Unappraised	Default value for records that have not been appraised.	Assigned to records that have not been appraised and do not yet have retention or disposition requirements.
Weed	Separate records that meet the conditions of a "Vermont Archival Record" from those that do not (temporary).	Assigned to records that have been appraised as conditional archival. Upon weeding the temporary records from the archival records, transfer archival records to Archives and destroy temporary records.

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## Appendix E: Legal References

<b>SRS-1938.1033: Human Rights Commission Investigation Case Files</b>		<i>Review for Exemption?</i>
1 V.S.A. § 317	Definitions; public agency; public records and documents; exemptions	Yes
12 V.S.A. § 525	Actions based on discrimination	No
9 V.S.A. § 4502	Public accommodations [related to discrimination; public accommodations; rental and sale of real estate]	No
9 V.S.A. § 4506	Enforcement; civil action; retaliation prohibited [related to discrimination; public accommodations; rental and sale of real estate]	No
9 V.S.A. § 4552	Duties; jurisdiction [related to the Human Rights Commission]	No
9 V.S.A. § 4553	Powers [related to Human Rights Commission]	No
9 V.S.A. § 4554	Complaint; investigation and conciliation [related to Human Rights Commission]	No
9 V.S.A. § 4555	Information; disclosure and confidentiality [related to Human Rights Commission]	Yes
CVR 80-250-001	Rules of the Vermont Human Rights Commission	Yes
V.R.C.P. 26	General provisions governing discovery [related to rules of civil procedure]	Yes
<b>SRS-1938.1113: Unlawful Discrimination Litigation Case Files</b>		<i>Review for Exemption?</i>
1 V.S.A. § 317	Definitions; public agency; public records and documents; exemptions	Yes
12 V.S.A. § 525	Actions based on discrimination	No
9 V.S.A. § 4501	Definitions [related to discrimination; public accommodations; rental and sale of real estate]	No
9 V.S.A. § 4502	Public accommodations [related to discrimination; public accommodations; rental and sale of real estate]	No
9 V.S.A. § 4506	Enforcement; civil action; retaliation prohibited [related to discrimination; public accommodations; rental and sale of real estate]	No
9 V.S.A. § 4553	Powers [related to Human Rights Commission]	No

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<b>CVR 80-250-001</b>	Rules of the Vermont Human Rights Commission	Yes
<b>V.R.C.P. 16</b>	Pretrial procedure; formulating issues [related to rules of civil procedure]	No
<b>V.R.C.P. 16.2</b>	Scheduling orders [related to rules of civil procedure]	No
<b>V.R.C.P. 16.3</b>	Mediation [related to rules of civil procedure]	No
<b>V.R.C.P. 29</b>	Stipulations regarding discovery procedure [related to rules of civil procedure]	No
<b>V.R.C.P. 3</b>	Commencement of action [related to rules of civil procedure]	No
<b>V.R.C.P. 30</b>	Depositions upon oral examination [related to rules of civil procedure]	No
<b>V.R.C.P. 31</b>	Depositions upon written questions [related to rules of civil procedure]	No
<b>V.R.C.P. 32</b>	Use of depositions in court proceedings [related to rules of civil procedure]	No
<b>V.R.C.P. 34</b>	Production of documents and things and entry upon land for inspection and other purposes [related to rules of civil procedure]	No
<b>V.R.C.P. 36</b>	Requests for admission [related to rules of civil procedure]	No
<b>V.R.C.P. 4</b>	Process [related to rules of civil procedure]	No
<b>V.R.C.P. 40</b>	Calendar; assignment; continuances; disqualification [related to rules of civil procedure]	No
<b>V.R.C.P. 41</b>	Dismissal of actions [related to rules of civil procedure]	No
<b>V.R.C.P. 43</b>	Evidence [related to rules of civil procedure]	No
<b>V.R.C.P. 5</b>	Service and filing of pleadings and other papers [related to rules of civil procedure]	No
<b>V.R.C.P. 56</b>	Summary judgment [related to rules of civil procedure]	No
<b>V.R.C.P. 58</b>	Entry of judgement [related to rules of civil procedure]	No
<b>V.R.C.P. 7</b>	Pleadings allowed; form of motions	No
<b>V.R.C.P. 8</b>	General rules of pleading [related to rules of civil procedure]	No

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