



SOUTHEASTERN

L O U I S I A N A U N I V E R S I T Y

Litigation Hold Policy

I. Definitions:

- A. **Electronically Stored Information (ESI)** includes but is not limited to electronic files, communications including email and instant messages sent or received and voicemail; data produced by calendar software; and information management software. In addition to specific data that are electronically stored and readily retrievable, ESI includes data that may not be visible that is generated by computer hard-drive, email and instant messaging, information management software handheld computer devices (i.e. Blackberry), telecommunications devices and back-up storage devices. ESI may be stored on different electronic devices and removable devices (i.e. internal and external drives, PDAs, smart phones, servers, laptops, backup tapes, thumb drives, CDs, DVDs) and may also reside at different locations (i.e. on the home or work systems, owned by Southeastern Louisiana University (hereinafter referred to as Southeastern) or personal systems in department files, etc.
- B. **Evidence** includes all records, whether electronic or paper form, created, received, or maintained in the transaction of Southeastern business, whether conducted at home or at work.
- C. **Litigation Hold Notice** is an order to cease destruction and to preserve all records whether paper or electronic that must be retained during litigation notwithstanding Southeastern's records retention and disposition schedule.
- D. **Litigation Hold Officer** is the individual appointed to serve as the official institutional representative with the authority and responsibility to oversee

litigation hold procedures, coordinate with the University of Louisiana System office and determine appropriate actions relative to the disposal of documents.

- E. **Litigation Hold Procedures** are the suspension of normal operation of document destruction policies for particular records that are relevant to pending litigation.
- F. **Records** are all documents, papers, letters, books, drawings, maps, plats, phonographs, magnetic or optical media, microfilm, microphotograph, motion picture film, or other document or any other material, regardless of physical form or characteristic, generated or received under law or in connection with the transaction of official business, or preserved by an agency or political subdivision because of other informational or legal value. This term shall not be construed to include library and museum material developed or acquired and preserved solely for reference or exhibition purposes, extra copies maintained for convenience in reference or stock of standard publications, or processed documents.
- G. **Records Management** is the systematic application of management techniques to the creation, utilization, maintenance, retention, preservation, and disposal of records for the purpose of reducing costs and improving efficiency of records keeping. It includes management of filing and microfilming equipment and supplies; filing and information retrieval systems; files, correspondence, reports, and forms management; historical documentation; micrographics; retention programming; and vital records protection.
- H. **Records Retention Officer** is the individual appointed to oversee records management at the University level.
- I. **Retention and Disposal Schedule** is a set of disposition instructions prescribing how long, in what location, under what conditions, and in what form records series shall be kept.

Policy Statement

In accordance with Louisiana Revised Statutes 44:411, as amended, Southeastern Louisiana University maintains a formal records retention schedule which has been submitted to the State Archivist for approval. The schedule proposes the length of retention time for administrative, legal or fiscal purposes once a document has been created or received by Southeastern. Furthermore, Southeastern has a designated Records Retention Officer who has the authority to oversee records management of the University, including development of the retention schedule, compliance with legal requirements, and processing disposal requests and destruction of agency records as necessary.

There are circumstances when records that are involved in litigation, or which can be reasonably anticipated to relate to foreseeable actions must be preserved until the resolution of such litigation. A litigation hold requires the retention of relevant paper and electronic records for an indefinite period of time, due to the nature of litigation. Any and all records which might provide insight into the litigation must be maintained until resolution of the legal issue. It will be the responsibility of the Litigation Hold Officer for Southeastern to coordinate with the UL System Office and Southeastern personnel.

Notification Process:

The Litigation Hold Officer for Southeastern Louisiana University shall be the EEO/ADA Compliance Officer.

Any Southeastern personnel who become aware of litigation, a threat of litigation, other legal action or investigation by any administrative, civil or criminal authority, shall immediately notify the Litigation Hold Officer. Such notice must be submitted to the Litigation Hold Officer within two (2) business days of receipt of such notice.

Upon receipt of such notice the Litigation Hold Officer will issue an official Litigation Hold Notice, regarding the litigation to the appropriate individuals, including Southeastern's Chief Information Officer within three (3) business days of receipt of notification.

The Litigation Hold Officer shall also provide a copy of the Litigation Hold to the General Counsel for the University of Louisiana System within three (3) business days of receipt of notification.

The notice shall provide the categories of electronic and paper documents including ESI that must be retained and preserved in their original format.

All employees who receive a litigation hold notice must acknowledge receipt, understanding and compliance with the notice by returning a signed copy of the notice to the Litigation Hold Officer.

All employees who receive the litigation hold notice must compile paper and electronic documents and data as instructed in the notice letter.

Retention shall extend to any new records generated after the hold has been put into place and which may be relevant to the subject of the notice.

It shall be the responsibility of the subject employees to retain all records responsive to the notice until receipt of written notification that the litigation hold has been removed.

Electronic records must be retained in the original format (saved to a disk/CD and/or saved in a secure folder on the system server that is not subject to automatic or unannounced deletions.)

If affected personnel use home computers for institutional related business (including e-mail on institutional accounts), they must preserve the data on those computers.

Such retention efforts could actually predate any official notification. Records relating to any complaints, grievances or controversies which could potentially rise to the level of a lawsuit shall be retained.