

## **Executive Memorandum No. 29**

### **Records Management and Procedure for Issuance of Preservation Notices**

#### **Records Management**

- 1.

## Issuance of Preservation Notices

1. Policy. It is the policy of the University of Nebraska to preserve University records or materials that (a) may be relevant to pending or anticipated litigation involving the University, or (b) may be relevant to an audit or investigation conducted by a state, federal or other regulatory agency, or (c) are subject to a subpoena, warrant, or national security letter served upon the University.
2. Issuance of Preservation Notices. Either the University of Nebraska General Counsel's Office or the responsible campus office may issue a notice to preserve relevant University records and materials. The University officer issuing a notice shall provide copies of all notices they issue to (a) the records officer for University Administration, (b) the campus records officer, and (c) as appropriate persons determined to have a need to know. The records officer for University Administration may send a copy of an issued notice to the General Counsel, if necessary.
  - a. Notices by General Counsel. Notices to preserve University records or materials relevant to (i) pending or anticipated lawsuits, or (ii) subpoenas, warrants, or national security letters, shall be issued by the Office of the General Counsel. The Office of the General Counsel may also issue any notices which may be issued by a campus office.
  - b. Notices by Campus Offices. Notices to preserve University records or materials relevant to the following matters should ordinarily be issued by the responsible campus office
    - (i) Administrative charges filed with the Nebraska Equal Opportunity Commission, United States Equal Employment Opportunity Commission, Office of Civil Rights, Office of Federal Contract Compliance Programs, or other local, state or federal agency having jurisdiction over claims of violations of laws for the protection of civil rights or prohibiting discrimination;
    - (ii) Worker's Compensation claims;
    - (iii) Unemployment Compensation claims;
    - (iv) Claims under the Nebraska State Tort Claims Act, Nebraska Contract Claims Act, or Nebraska Miscellaneous Claims Act;
    - (v) University grievance proceedings (including proceedings to address claims of discrimination or harassment);
    - (vi) University bodies established to hear academic freedom and tenure complaints and/or complaints of professional misconduct, student academic or disciplinary cases as provided in the *Bylaws of the Board of Regents of the University of Nebraska*;
    - (vii) University bodies authorized to investigate allegations of research misconduct; or
    - (viii) other campus specific claims, complaints, audits or investigations.
  - c. Modification of Campus Office Notices. The Office of the General Counsel may amend, suspend or vacate any notice issued by a campus office.

- d. Repository of Notices. The records officer for University Administration shall maintain a record of all written notices issued under this Policy.
3. Form of Preservation Notices. Notices to preserve relevant University records or materials under this Policy may be issued verbally, but mu