

Rollins College Policy for the Preservation of Electronically Stored Information

Policy Description

Purpose

Parties to a lawsuit have always been required to preserve and produce “evidence” that was relevant to the claims in that lawsuit. In the past, such requirements meant that paper documents were to be maintained. Now, courts recognize that evidence also includes “electronically stored information” (“ESI”). As a result, when a legal claim is filed against Rollins College, either in court or with an administrative enforcement agency, or when such a claim is reasonably anticipated, the College and its employees are obligated to preserve electronically stored information as well as all other traditionally preserved information that may be relevant to that claim (“information”). Similar obligations arise when the College receives a subpoena for information, even though the College may not be a party to the lawsuit. Failure to preserve such evidence may result in sanctions and liability imposed on both the College and those employees who fail to take appropriate steps to preserve evidence.

Although ESI and other Information must be preserved, it will not be produced to an opposing party without first being reviewed by College counsel to determine relevance and to remove legally privileged information.

The purpose of this policy is to assist College employees in fulfilling their responsibilities to preserve and produce relevant evidence.

Scope

This is a College-wide policy and commonly referred to as the “E-discovery policy.”

Policy

1. When a lawsuit is filed against the College, only the Office of Human Resources and Risk Management is authorized to accept receipt of the summons and complaint.
2. Upon receipt of summons and complaint or otherwise learning that a lawsuit or a charge with a state or federal administrative enforcement agency has been filed against the College, or that one is reasonably anticipated to be filed, the AVP of Human Resources and Risk Management (AVP) shall notify the Director of Information Technology (“IT”).
3. The AVP shall send a Document Preservation Notice to IT and all relevant College employees notifying them of their legal obligation to preserve and not delete, destroy, alter or modify ESI and other information, pertinent to the case.
4. Document Preservation Notices are confidential and may only be discussed by the recipient with other employees on a need to know basis.
5. Upon receipt of the Document Preservation Notice, immediate review and retention of all ESI and other information held or maintained by a College employee is required by law and pursuant to this College policy. Any employee who receives a Document Preservation Notice is required to follow the specific instructions in the Notice. Failure to do so may result in discipline and expose the employee to court imposed sanctions.