

 <p>UNIVERSITY OF DENVER</p>	<b>UNIVERSITY OF DENVER</b> <b>POLICY MANUAL</b> <b>Litigation Hold Policy</b>	
<p><b><u>Responsible Department:</u></b> University Counsel  <b><u>Recommended By:</u></b> G. Kvistad, C. Woody  <b><u>Approved By:</u></b> Chancellor Coombe</p>	<b>Policy Number</b> 1.10.060	<b>Effective Date:</b> Sep. 24, 2011

## 1 INTRODUCTION

The University has a legal obligation to preserve evidence and records, including electronic documents, which are relevant to a pending or potential claim or action, such as a government audit, administrative proceeding or lawsuit.

## 2 POLICY

- A. Any employee who becomes aware of any litigation, threat of litigation, or other legal action or investigation by any court, agency or other governmental entity must immediately notify the Office of the University Counsel and immediately cease any destruction of any records related to the matter unless authorized otherwise by the University Counsel. This includes:
  - a. Receiving a subpoena, summons, complaint or other legal document of a legal action, order, or other. In this case, employees must also comply with Policy 1.10.050 (“Subpoenas, Service of Process, and Other Legal Papers”).
  - b. Receiving notice regardless of form (e.g. letter, e-mail, verbal) identifying the possibility of litigation or legal action.
  - c. Direct or indirect knowledge that certain events may lead to litigation or other legal action.
  
- B. Upon notice of pending litigation or anticipated, the University shall issue a Litigation Hold Notice that will require the retention of all

records related to the matter, whether paper or electronic, due to pending state or federal litigation.

- C. The Office of University Counsel shall evaluate the need for and issue the Litigation Hold Notice to all affected University departments, University Technology Services, and employees.
- D. Each employee of the University is responsible for acting in compliance with the Litigation Hold Notice regarding the preservation and maintenance of evidence relevant to pending litigation. Documents that are subject to a Litigation Hold Notice must be identified, segregated, and retained by the department until the hold is removed, regardless of any records retention or destruction schedule.
- E. "Records," as used in this policy, refers to paper (hard copy), recordings, videotapes, writings, material objects, photographs, drawings, diagrams, testimony, or other things relate in any way to the subject of the litigation, investigation, or similar matter. Records also means electronic data and documents including, but not limited to, electronic mail, word processing and other electronic documents (including metadata), calendars, voice messages, videos, digital photographs, information on servers, networked printers and photocopiers, personal digital assistants, mobile phones, office workstations, laptops, jump drives, CD's, DVD's, home computers, backup files, and in any other location where data may be stored.

Additional information is available on the University Counsel's website ([www.du.edu/counsel](http://www.du.edu/counsel))