

INFORMATION MANAGEMENT

The Board of Education recognizes its responsibility, in certain circumstances, to maintain information created, maintained or otherwise stored by the District outside the records retention schedule established by State law. In such situations, a "litigation Hold" procedure will be utilized to identify and preserve information relevant to a specific matter. "Information" includes both paper documents (such as writings, drawings, graphs, charts, photographs, and blueprints) and electronically stored information ("ESI") (including, but not limited to e-mails, e-mail attachments, word processing files, spreadsheets, digital pictures, application program and data files, audio and video recordings, and voice mails).

When implementing the "Litigation Hold," the District will identify individuals in possession or custody of paper documents, ESI and electronic media containing ESI, and inform them of their obligation to preserve the documents and ESI outside the records retention schedule established by State law. The District will also identify third parties with custody or control over paper documents, ESI, or electronic media storing ESI, and request them to preserve that information. All information falling within a "Litigation Hold," which is under the control of the District, must be preserved in a readily accessible form and cannot be disposed of under records disposal requirements of State law. Failure to comply with a Litigation Hold notice may result in disciplinary action, up to and including possible termination.

Instances where the Board must maintain information outside the records retention schedule include:

- A. when the Board has specific information and/or written notice from an individual, parent or student of an intent to file an appeal of student discipline to State court;
- B. when the Board has specific information and/or written notice that litigation is imminent even though the litigation has not yet been filed in Federal or State court;
- C. when the Board is served with litigation, including, but not limited to, notice of a lawsuit in Federal or State court, or notice of a student disciplinary appeal to State court;

- D. when the Board receives specific information and/or written notification from an employee, labor union, or other person of an intent to file a claim against the Board, its members, employees or agents at an administrative agency such as the Equal Employment Opportunity Commission, Illinois Civil Rights Commission, State Employment Relations Board, U.S. Department of Education Office for Civil Rights, State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board, its members, employees or agents;
- E. when the Board receives specific information and/or written notification from an administrative agency such as the Equal Employment Opportunity Commission, Illinois Civil Rights Commission, State Employment Relations Board, U.S. Department of Education Office for Civil Rights, State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board, its members, employees or agents;
- F. when the Board receives written notification from a third party requesting that the Board maintain information that could be at issue in litigation or potential litigation against that third party;
- G. when the Superintendent recommends the termination of an employee to the Board pursuant to a labor contract;
- H. when the Board explores, contemplates or initiates litigation.

Initiation and Removal of a “Litigation Hold”

The Board or the Superintendent may initiate a “Litigation Hold” under this policy. If the Superintendent initiates a “Litigation Hold,” s/he or the Board’s legal counsel will notify the Board of the reason the “Litigation Hold” was instituted and its scope. When implementing a “Litigation Hold,” the Board or Superintendent may utilize an Electronically Stored Information Team (“ESI Team”). The Board’s legal counsel shall be involved in implementation of the “Litigation Hold Procedure” outlined in AG 8315.

A “Litigation Hold” shall remain in place until removed by the Board. A “Litigation Hold” may be removed when the litigation or administrative agency matter has been resolved or can no longer be initiated.

The Superintendent shall develop administrative guidelines outlining the procedures to be followed by Board members and employees when initiating and implementing a "Litigation Hold."

This policy and its related administrative guidelines shall be posted and distributed in the manner described in AG 8315.

Federal Rules of Civil Procedure 34,37(f)
50 ILCS 205/1 *et seq.*, Local Records Act
Illinois Supreme Court Rules 201 and 214

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