

Records Management Policy

Policy Statement

Louisiana Revised Statute (LRS 44-410) requires a Records Management Program to ensure vital records are identified and maintained. [The Office of the Secretary of State, Division of Archives](#) has established policies and practices to assist State agencies in establishing and maintaining their Records Management Programs (LAC 4:XVII, Chapters 1-15).

Purpose of Policy

The purpose of this policy is to establish a systematic process that will effectively maintain Southeastern Louisiana University records. Louisiana Revised Statute 44:1 and 44:36 are included below.

[Louisiana Revised Statute 44:1 \(General definitions\):](#)

All books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, **including information contained in electronic data processing equipment**, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of this state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of this state, **are "public records"**, except as otherwise provided in this Chapter or the Constitution of Louisiana.

As used in this Chapter, the word "**custodian**" means the public official or head of any public body having custody or control of a public record, or a representative specifically authorized by the custodian to respond to requests to inspect any such public records.

[Louisiana Revised Statute 44:36 \(Preservation of records\):](#)

All persons mortgage, or other permanent records required by existing law to be kept for all time, shall exercise diligence and care in **preserving the public record for the period or periods of time specified for such public records in formal records retention schedules developed and approved by the state archivist** and director of the division of archives, records management, and history of the Department of State. However, **in all instances in which a formal retention schedule has not been executed, such public records shall be preserved and maintained for a period of at least three years from the date on which the public record was made.**

All existing records or records hereafter accumulated by the various services of the state or its subdivisions which participate in **federal programs or receive federal grants** may be destroyed after three years from *the* date on which the records were made in those cases where this provision is not superseded by guidelines for the operative federal program or grant requiring longer retention periods for the records in question; provided that these records shall not be destroyed in any case where litigation with reference thereto is pending, or until the appropriate state or federal audits have been conducted.

All records created by Southeastern Louisiana University officers or employees in the course of their duties are retained for as long as they are required to meet the legal, administrative and operational requirements, after which time they are either destroyed or transferred to the Southeastern Louisiana University Archives and Special Collections, Sims Memorial Library. The final disposition (either destruction or transfer to the Records Center) of records is carried out according to approved records schedules and policies by the Records Officer. Records Officer Designation Form, SS ARC 940 must be signed by the Agency Chief Executive by and submitted to the Office of the Secretary of State by July 1 of each state fiscal year.

Applicability

Records Retention Schedule

The State Retention Schedule, Form [SS ARC 932](#), a standardized form created by State Archives, provides a format for each State agency to identify and classify its records by type. State Archives defines record types as "records series." As a University is a very diverse agency, records series will differ greatly from one department to another. Each department is responsible for using the resources available through the Louisiana Secretary of State's Records Division to identify records series and prepare a Records Retention Schedule.

Department/unit heads are responsible for submitting their complete and accurate schedules to the Southeastern Records Officer who will accumulate the SS ARC 932 forms for submission to State Archives for approval. The Records Officer will provide copies of the approved schedules to department/unit heads for their records. Department/unit schedules should be reviewed by the department/unit on an annual basis. Schedules are subject to the State Archives approval process every five years.

Disposal of Records

State Records Management Policies and Practices, LAC 4: XVII, Chapter 9, contains specific provisions relating to record disposal. Departments/units are advised to review these provisions prior to disposing records. Departments/units should be aware that, even though a record might not be listed on their current Record Retention Schedule, Chapter 9 of the Records Management Policies and Practices still applies. Also, if a record is considered to be either confidential or sensitive, the record should be disposed of in a manner that will maintain confidentiality.

General Procedures for completing [SS ARC 930](#):

1. Complete university/departmental/unit information on the SS ARC 930 form as required.
2. Select the series to be disposed from the Records Retention Schedule, [SS ARC 932](#) and transcribe the relevant information to SS ARC 930, including series titles, item numbers, inclusive dates, etc.
3. Forward the completed SS ARC 930 form to the Records Officer who will then forward the document to State Archives for approval. Once the approved SS ARC 930 is received by the Records Retention Officer, a copy will be sent to the department/unit for its records and its use.
4. Once a department/unit head receives an approved SS ARC 930 from the Records Retention Officer, the department/unit may dispose of the record by shredding or by an alternate method described in the State Records Management Policies and Practices, LAC 4: XVII, Chapter 9, Section 913.

Certificate of Destruction

1. Departments/units must complete a Certificate of Destruction, [SS ARC 933](#), for the records they dispose.
2. After disposal of records send a signed copy of the Certificate of Destruction, SS ARC 933, to the Records Retention Officer.
3. The department/unit should file a copy of the Certificate of Destruction, SS ARC 933, in the Records Management file for future reference.

Records Center Storage

The Southeastern Louisiana University in Hammond, LA does not maintain a Records Center. Department/units are expected to maintain their records for the full duration of retention periods indicated on the approved Records Retention Schedule, Form SS ARC 932.

Litigation Hold Requirements

There are circumstances when Southeastern Louisiana University records are involved in litigation, or can be reasonably anticipated to relate to foreseeable actions, and these records must be preserved until the resolution of the litigation. A litigation hold requires the retention of relevant paper or electronic records for an indefinite period of time as a result of pending litigation. Any and all records that might provide insight into the litigation must be maintained until the completion of the issue.

Severe and potentially costly penalties under Federal law for not retaining such documents exist, and accordingly, special care should be taken to preserve records that may be involved in State or Federal investigations or litigation.

Southeastern Louisiana University EEO/ADA & Title IX Officer is designated as the Litigation Hold Officer (LHO) who shall be responsible for coordinating with Southeastern departments/units that become involved in Federal or State investigations or litigation. As Litigation Hold Officer, Southeastern's 01 EEO/ADA & Title IX Officer will also coordinate these matters with the University of Louisiana System staff.

Litigation Notification Process

Any University personnel who become aware of litigation, threat of litigation, other legal action or investigation by any administrative, civil, or criminal authority shall immediately notify the Litigation Hold Officer. University personnel who receive official notice of pending or potential claims or action against the University must submit such notice to the Litigation Hold Officer within two business days of receipt. The Litigation Hold Officer shall notify the General Counsel for the UL System within three business days of the LHO's receipt of notice from University personnel.

Litigation Record Hold Process

Southeastern Louisiana University has a legal obligation to preserve evidence and records, including electronically stored information (ESI), that may be relevant to pending or potential legal actions, such as lawsuits, government audits, and administrative hearings. Federal law requires the institution to take action in the form of a litigation hold to preserve all paper and ESI information that may be relevant to the claim. The following procedures shall be followed:

1. The Litigation Hold Officer will issue an official Litigation Hold Notice regarding the matter to the appropriate individuals, including the institution's Computing Center, within three (3) business days of receipt of notification of pending litigation.
2. The notice shall provide the categories of electronic and paper documents, including ESI, that must be retained and preserved in their original format.
3. 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.
4. All employees who receive the litigation hold notice must compile paper and electronic documents and data as instructed in the notice letter, and in addition, retention shall extend to any new electronic information that may be relevant to the subject of the notice after the hold has been put into place.
5. It shall be the responsibility of the Litigation Hold Officer 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 a system server or electronic storage service that is not subject to automatic or unannounced deletions).
6. If affected personnel use electronic devices and electronic storage services for institutional-related business (including email on institutional accounts) they must preserve the data on the respective format.
7. Such retention efforts could actually predate any official notification. Records relating to any complaints, grievances or controversies that could reasonably rise to the level of a lawsuit shall be retained.

[End of Policy]