

Summary of Proposed Action State Board of Higher Education Meeting – September 28, 2017

1. **Issue:** New records retention – litigation hold policy/procedure and policy update to incorporate changes to open records statute from last session.
2. **Proposed actions:** Approve first reading of [SBHE Policy 1912](#)
3. **Background:** There is nothing in NDUS policy or procedure that addresses the implications of litigation or potential litigation on the records management program. In response to this void, the proposed amendment to policy defines litigation hold while the new procedure outlines the correlated steps to follow in the preservation of records involved in litigation.

Also, the policy was updated to add new provisions to the open record statute (N.D.C.C. 44-04) that resulted from the last legislative session. Specifically, the following are now either exempt from or confidential under the open records law: applications for employment from those that are not deemed finalists by the hiring entity; university research records and personally identifiable study information; and Title IX records.

4. **Financial implications:** NA
5. **Legal/policy issues:** Reviewed by legal.
6. **Academic issues:** NA
7. **Coordination:**
8. **Enclosures:** Amendment to Policy 1912; [New Procedure 1912](#)
9. **Contact person:** Jerry Rostad, jerry.rostad@ndus.edu, 701-239-6668 and Nick Vaughn, nvaughn@nd.gov, 701-328-3611.
10. **Chancellor's Cabinet recommendation:** Chancellor Approved