



## UNIVERSITY POLICY

<b>Policy Name:</b>	Preservation of and Access to University Data and Property				
<b>Section #:</b>	100.4.1	<b>Section Title:</b>	Clinical, Compliance, Ethics, & Corporate Integrity: Investigative Policies and Procedures	<b>Formerly Book:</b>	n/a
<b>Approval Authority:</b>	President	<b>Adopted:</b>	08/17/2020	<b>Reviewed:</b>	
<b>Responsible Executive:</b>	Senior Vice President and Chief Enterprise Risk Management, Ethics, Audit, and Compliance Officer		<b>Revised:</b>		
<b>Responsible Office:</b>	University Ethics and Compliance		<b>Contact:</b>	University Ethics and Compliance 973.972.8000	

### 1. Policy Statement

This policy clarifies the authority and responsibility of Rutgers, The State University of New Jersey, to obtain access to and review non-electronic Rutgers data and property in response to credible allegations or reasonable suspicions of a violation of law; a violation of a University regulation, policy, or practice; or other non-compliance, misconduct, or wrongdoing. This policy applies to all members of the Rutgers community, including faculty, employees, students, volunteers, trainees, and other persons who utilize and/or hold possession of data and equipment acquired, produced, controlled and/or owned by Rutgers, The State University of New Jersey.

[University Policy 70.1.1: Acceptable Use Policy for Information Technology Resources](#) establishes the authority, responsibility, and procedures for the University to access and review Rutgers Information Technology Resources related to the investigative or review activity governed under this policy. Together, these policies clarify the authority and responsibility to obtain access to and review Rutgers resources for the purposes stated above.

Nothing in this policy should be interpreted as limiting or otherwise related to the University's ability to preserve and access the University's electronic and/or non-electronic resources in response to a hold request initiated by the Rutgers University Office of General Counsel in connection with pending, threatened, or anticipated litigation or with respect to the investigative authority of the University's Office of Employment Equity.

### 2. Reason for Policy

Ensuring an environment focused on ethical and appropriate business conduct requires that the University be able to respond appropriately to credible allegations or reasonable suspicions of a violation of law; a violation of a University regulation, policy, or practice; or other non-compliance, misconduct, or wrongdoing. Reasonable, fair, and complete due diligence in reviewing these incidents requires that electronic data and/or physical property be preserved to prevent intentional or accidental destruction of information. Preservation of and access to data and/or property is essential for managing the continuing activity of the University.

This policy clarifies the authority under which designated personnel within the University can take possession of or preserve Rutgers data and/or property and the authority under which the University will grant access to Rutgers data and/or property to other individuals.

### 3. **Who Should Read This Policy**

All members of the University community.

### 4. **Resources**

[University Policy 30.3.1: Police and Security Services](#)

[University Policy 30.4.5: Records Management](#)

[University Policy 50.3.1: Patent Policy](#)

[University Policy 50.3.14: Legacy UMDNJ Policies Associated with Intellectual Property: Patents](#)

[University Policy 50.3.15: Legacy UMDNJ Policies Associated with Intellectual Property: Copyrights & Royalties](#)

[University Policy 70.1.1: Acceptable Use Policy for Information Technology Resources](#)

[University Policy 70.1.3: Incident Management](#)

[University Policy 90.2.2: Research Misconduct](#)

[Office of University Ethics and Compliance](#)

[State of New Jersey Government Records Council](#)

<http://www.state.nj.us/grc/act.html>

### 5. **Definitions**

**Review Committee** refers to a panel convened by the Senior Vice President and Chief Enterprise Risk Management, Ethics, Audit, and Compliance Officer and including the Senior Vice President and General Counsel and the Senior Vice President and Chief Information Officer or their designees to evaluate and authorize requests to preserve, take possession of, or to allow others to access Rutgers data and/or property.

**Rutgers Data and/or Property** refers to data and tangible items that are obtained, controlled, and/or created by virtue of one's appointment to or employment by Rutgers, The State University of New Jersey. Data and property under this policy include, but are not limited to, original and non-identical copies of non-electronic information such as printed materials, notes, instructions, facsimiles, mechanically-produced documents and images, output resulting from the use of software programs, spreadsheets, charts, graphs, messages, letters, calendars, handwritten materials, ledgers, vouchers, invoices, drafts, meeting minutes, memoranda, work papers, drawings, diaries, notebooks, tools, and equipment, regardless of the location or format of storage.

[University Policy 70.1.1: Acceptable Use Policy for Information Technology Resources](#) provides the authority for Rutgers to preserve and review its information technology resources. Together, this policy and the Acceptable Use Policy for Information Technology Resources provide the authority for Rutgers to preserve and review Rutgers Data and Property and information technology resources in response to credible allegations or reasonable suspicions of a violation

of law; a violation of a University regulation, policy, or practice; or other non-compliance, misconduct, or wrongdoing.

## 6. The Policy

### I. Response to Allegations of Wrongdoing

At the time that a member or members of the Review Committee are made aware of credible allegation(s) of misconduct or reasonable suspicions of wrongdoing that will likely require the review of Rutgers data and/or property that should be preserved in its current form, the Review Committee will convene to consider the matter. Should the Review Committee make the determination to preserve data and/or property, the Committee will authorize the preservation of the appropriate categories of relevant data and/or property to preserve and determine the appropriate timing and procedure for obtaining custody of the data and/or property.

The Committee will document the business reason for preserving the data and/or property and a description of the data and/or property to be preserved

### II. Review Committee Actions to Secure Rutgers Data and/or Property

Following the determination to preserve Rutgers data and/or property, the Review Committee will direct appropriate University personnel to take possession of and ensure the maintenance of the relevant data and/or property.

In the event that the data and/or property must be utilized by multiple individuals in order to complete their professional responsibilities, the Review Committee will authorize reasonable and practical steps to provide temporary replacement of equipment, obtain copies of the Rutgers data and/or property where appropriate that will enable the continued use of the material or appropriate copies of the material, or work with the relevant chancellor(s), dean(s), and other University officials to determine an appropriate alternative operational approach.

An inventory including the description of each item of property preserved under this policy will be prepared by the Review Committee or its designee. Preserved data and/or property will be appropriately maintained and supported by records which demonstrate a chain of custody to ensure an appropriate level of care and due diligence throughout the review process.

### III. Review of Rutgers-Owned Data and/or Property

The review of data will include only the elements defined by the Review Committee to be within the approved scope. Should the initial review of material suggest that additional material be examined in order to achieve the defined objectives, the Committee will evaluate the appropriateness of extending the review and, if appropriate, direct the additional review to be conducted. The individuals or personnel preserving the data and/or property will make every effort to return the data and/or property as early as possible following the completion of the appropriate investigative or review activity.

### IV. Confidentiality

Disclosure of the identity of individuals formerly in possession of preserved data and/or property will be limited, as practical and possible, to individuals involved in the review process. Protection of confidentiality is subject to the limitations of applicable regulations and law.