

**UNIVERSITY OF WISCONSIN SYSTEM
LEGAL AFFAIRS
GENERAL RECORDS SCHEDULE**

November 2012



UNIVERSITY OF WISCONSIN: GENERAL RECORDS SCHEDULES FOR LEGAL AFFAIRS

I. INTRODUCTION AND PURPOSE

The University of Wisconsin System comprises fifteen distinct institutions, many of which create and receive records that are similar in purpose and utility. In the interest of efficiency, therefore, this records schedule identifies categories of records that are common to all University of Wisconsin institutions, so as to avoid making each institution secure a distinct retention schedule for the same categories of records.

The University of Wisconsin System Office of the General Counsel provides legal services to the University Of Wisconsin Board Of Regents, System President and Administration, and the chancellors and individual institutions. The legal affairs or legal services offices at UW-Madison and UW-Milwaukee provide primary legal services to their institutions.

The goals for these records schedules are to ensure compliance with legal requirements and to provide for an efficient filing, retention, and record retrieval system. This document amends and supersedes the relevant records retention schedules previously filed. The records described within this document include some confidential information that is subject to the attorney client privilege or the attorney work product doctrine and are likely to be exempt from public disclosure.

II. SCOPE

Records under this schedule are created and kept at the UWS General Counsel Office, the UW-Madison Administrative Legal Services or UW-Milwaukee Legal Affairs/Services. **These 3 University Legal Offices for the purposes of this schedule will be referred to as “Legal Affairs”.** Similar records may be held at the institution or in a subunit of the institution other than legal affairs, and those records would not be subject to this schedule.

The Legal Affairs record schedules described within this document include the following records:

- **MATTER CASE FILES**
- **LEGAL AFFAIRS CASE FILES – HISTORICALLY SIGNIFICANT**
- **LEGAL TRADEMARK AND INTELLECTUAL PROPERTY– FORMAL LEGAL DOCUMENTS**
- **CLIENT CONSULTATION RECORDS**
- **ADMINISTRATIVE RULE DEVELOPMENT – OFFICIAL FILE**

III. UTILITY AND FUNCTION OF INFORMATION PROVIDED WITHIN THIS GRS:

A. Preservation of Historic Records.

Historic records are those that must be retained indefinitely because of their historic character. It is expected that some legal affairs records will have historic value as so deemed by the general counsel or directors of the campus legal affairs offices. In such an event, the records will be held in the Board of Regents' archives, in the General Counsel's office, in the campus legal affairs office, or in the applicable UW Archives.

B. Use of the Systems Approach.

To as great an extent as possible, the records schedules included within this document were developed using a systems approach. That is, the substantive information contained within an individual document, rather than the document's format, is the basis for the descriptor of each document. This is consistent with the "records series" approach defined in Wis. Stat. § 16.61(2) (c).

C. Minimum Retention Established and Permanent Retention Procedure.

The records schedules included within this document established minimum retention periods for each type of record. The disposition of each record is assumed to be destruction after its minimum retention period. However, expired records may be retained for as long as they are needed as a resource for performing future projects on behalf of the University of Wisconsin.

D. Documents to be retained.

In accordance with Wisconsin law, records to be retained are those defined as "public records," by Wis. Stat. § 16.61(2) (b). There are some exclusions to the definition including:

1. Duplicates maintained by a University employee only for convenience or reference and for no other substantive purpose.
2. Unsolicited notices or invitations which are not related to any official action taken, proposed, or considered by the University of Wisconsin System.
3. Drafts, notes, preliminary computations and like materials intended for personal use by an individual University employee or prepared by a University employee in the name of the person for whom the employee is working.

4. Routing slips and envelopes.
5. Materials that are purely the personal property of a University employee and have no relation to his or her office.

Records that are not public records under the definition may be destroyed when no longer useful for conducting University business in the discretion of University administrators.

E. Documents held in electronic format only.

Records, other than copies, stored in electronic form only must comply with the legal requirements set forth in: Regent Policy Document 3-2: University of Wisconsin System Public Records Management; and Chapter Adm 12: Electronic Records Management-Standards and Requirements.

IV. CONDITIONS AFFECTING FINAL DISPOSITION

All recommended dispositions provided within this schedule may be carried out by University of Wisconsin administrators except that records may not be destroyed where required to be retained by law or policy including, but not limited to, a pending public records request, lawsuit, audit, or legal hold.

Many records are designated as “destroy confidentially.” Pursuit to Wis. Stats. §§ 19.62(56) and 905.03, these records may contain either or both personally identifiable information and confidential materials protected by the attorney-client or attorney work product privileges or other provisions of law applicable to specific types of cases..

Administrative Rule 12, Electronic Records Management

General record schedules cover records in all media. Administrative Rule 12, Electronic Records Management-Standards and Requirements, became effective May 1, 2001. The rule and related information regarding records management for electronic records can be found at

http://www.doa.state.wi.us/section_detail.asp?linkcatid=761&linkid=127&locid=0&sname

The purpose of this rule is to ensure that public records in electronic format are preserved, maintained, and remain accessible for their designated retention period. Because of frequent technological change, including hardware and software obsolescence and media degradation, agencies must take steps to manage and protect electronic records for as long as they are needed. To meet business needs and protect the legal, financial and historical interests of internal business operations and Wisconsin citizens, agencies must prepare and execute migration plans for electronic records as necessary to prevent them from becoming inaccessible during their retention periods.

UNIVERSITY LEGAL AFFAIRS

UWLA0001 MATTER CASE FILES

The legal affairs offices at UW System Administration, UW-Madison, and UW-Milwaukee serve as primary, advisory, or liaison counsel on a variety of litigated case files including, but not limited to: State of Wisconsin administrative proceedings; Federal or State court proceedings; internal proceedings; and federal enforcement actions and other campus legal matters. Legal matter files include but are not limited to pleadings and legal argument, correspondence, evidence, research, orders all documents related to a Legal Summons, and Subpoenas issued, May contain Client File; Expenses; Attorney Notes; Medical Records; Government Agency Filings; Discovery [for example Interrogatories, Request for Production of Documents; Deposition Transcripts; Evidence [for example photos, statements, etc. and/or related correspondence requesting specific records pertaining to University employees or University business transactions are included in this series. This retention period is consistent with that employed by the Wisconsin Department of Justice for similar records, and covers the longest expected applicable statute of limitations. The recommended retention period is ten years, unless the file is deemed historic. **SEE UWLA0002**

Retention Time Period

Original: EVT + 10 Years EVENT=Date the File was closed

Disposition: Destroy Confidential

Copies: When no longer needed for administrative or quality control purposes destroy confidentially

PII: Yes

Confidential: Yes

UWLA0002 LEGAL AFFAIRS CASE FILES – HISTORICALLY SIGNIFICANT

Matter Case files that are determined to be documentation of historically significant events that happen on the university campuses.

Retention Time Period

Original: CR + 20 Years CR = Creation Year

Disposition: Transfer to University Archives per institutional policy

Copies: When no longer needed for administrative or quality control purposes destroy confidentially

PII: No

Confidential: No

UWLA0003 LEGAL TRADEMARK AND INTELLECTUAL PROPERTY– FORMAL LEGAL DOCUMENTS

Official legal documents dealing with Trademarks and Intellectual Property which are retained by Legal Affairs. Examples of these documents include those related to, but not limited to: trademark, intellectual property, trusts, real estate, and certain legal agreements or court orders related to trademarks and intellectual property.

Retention Time Period

Original: CR + 50 Years CR = Creation Year

Disposition: Transfer to University Archives

Copies: When no longer needed for administrative or quality control purposes destroy confidentially

PII: Yes

Confidential: Yes

UWLA0004 CLIENT CONSULTATION RECORDS

The general counsel and legal affairs offices frequently consult with clients on legal questions and concerns. Related records should be retained for six years because that is the longest statute of limitations for potential, related claims to be filed, and because that is a reasonable length of time for such documents to be useful in resolving similar matters. **The minimum is EVT + 6 Years. UW-Madison has opted to keep records more than the minimum for operational purposes to EVT + 10 Years.*

Retention Time Period

Original: *EVT + 6 Years EVENT= Date of Issue resolution

Disposition: Destroy Confidentially

Copies: When no longer needed for administrative or quality control purposes destroy confidentially

PII: Yes

Confidential: Yes

UWLA0006 ADMINTRATIVE RULE DEVELOPMENT – OFFICIAL FILE

The University of Wisconsin System may promulgate administrative rules pursuant to Wis. Stat. chapter 36. The official rule drafting file should be should be retained permanently as is consistent with state-wide practice.

Retention Time Period

Original: Permanent

Disposition: Transfer to Archives per institutional policy

Copies: When no longer needed for administrative or quality control purposes destroy confidentially

PII: No

Confidential: No

NOTE: Refer to UWS Administrative GRS for the following General Retention Schedules:

- UWADM010 EXTERNAL COMPLAINTS
- UWADM011 LEGAL NOTICES
- UWADM012 PUBLIC RECORDS REQUESTS
- UWADM013 AGREEMENTS AND CONTRACTS
- UWADM016 UNIVERSITY SPEECHES/PRESENTATION

NOTE: For management of E-mail related Office Administration, General Correspondence, and other business records refer to the UWSA Business Communications schedule for appropriate Retention.

APPROVAL SUBJECT TO 10-YEAR
SUNSET. RESUBMITTAL REQUIRED
PRIOR TO November 2022

Mark Blum
State Archivist

NOV 20 2012

[Signature] 12/3/12
Executive Secretary PRB