

Subject: Re: PCS Potential Litigation Hold for Identified Employees and Board Members
From: Terri Cunningham-Swanson <tcunninghamswanson@pcsd.org>
Date: 6/14/23, 7:46PM
To: Richard Hasty <rhasty@pcsd.org>

Just FYI, I am on vacation this week and next week. Leaving out of state tomorrow. I am not going to use any of my vacation time trying to figure out how to do this or searching all of my emails. I will not even me in this email. I will work on it when my vacation is done.

Terri

On Tue, Jun 13, 2023 at 4:52PM Richard Hasty <rhasty@pcsd.org> wrote:

Professionals,

Good afternoon. Our School Board and Superintendent recently received communication from the American Civil Liberties Union (ACLU) alleging that the Plattsmouth School Board's recent actions and proposed policy revisions to Policy 6300 threaten the First Amendment and the right to free speech leading us to believe that there is potential litigation. Documents in both hard copy files and computer systems may be requested by both parties during the discovery phase of a potential lawsuit and may also later be used as evidence. Based on feedback from our school attorney, we are directing you to take steps to ensure that all documents and electronic data (including personal emails and text messages) that might be relevant to this potential litigation are preserved.

The purpose of this memorandum is to inform you of our document retention obligations, due to the nature of your position/role relative to the topic of Policy 6300 Selection and Review of Instructional and Media Materials and the current review of library books. Specifically, we are asking for your assistance regarding the following procedures.

Effective immediately, please preserve and retain any documents and electronic data that are, or might be relevant to the litigation, regardless of any periodic or automatic document destruction practices that may ordinarily be in effect. Relevant data include all communications to, from, or about Policy 6300 and the removal and review of library books. This includes notes, drafts, correspondence, reports, charts and spreadsheets, day planners, voice mail messages, e-mail, computer system activity logs, internet usage files, network access information, and work product.

Please preserve electronic data by establishing a separate electronic folder for this litigation. Search all your current email folders and computer folders (including "deleted" folders that remain in Google) for potentially relevant documents that should be moved to the potential litigation folder. Continue to add documents to the folder as you send and receive them, so that none will be lost or deleted as a result of your mailbox and other storage sources possibly reaching their maximum capacity.

Please secure all relevant hard copy documents in a file or file cabinet so they cannot easily be loaned, transferred, or destroyed. Do not assume that you can discard related documents because another office or individual has primary responsibility for those documents. Similarly, do not discard electronic data because you already have a hard copy, or vice-versa; preserve both.

This applies to all documents (hard copy or electronic) that you may keep at home, in your desk, or in other "unofficial" file locations. It is important to preserve all these documents. Legal counsel would determine later if there are duplicates that can be eliminated.

If you know about individuals who are likely to have relevant data, please advise me of their names. If individuals with knowledge about this potential litigation leave their positions, please preserve their hard copy files and computers. It is essential that you suspend the normal “wiping” of electronic devices so that all data regarding this litigation can be collected and preserved for future use in potential litigation.

We apologize for the fact that this imposes additional document management obligations on you, but compliance with it is mandatory, per feedback from our school attorney. Thank you for your assistance.



Dr. Richard E. Hasty
Superintendent
Nebraska Children's Commission Executive Committee
Nebraska Department of Education School Safety Task Force
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Where your talents and the needs of the world cross, there lies your vocation. Aristotle

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*My One Word for 22–23 is **Blessed**.*



*Working together to achieve **A**cademic success, respectful **B**ehavior, and **C**areer readiness in a **S**afe environment.*

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