

Policy Number: 104
Effective Date: 11/29/2005, amended 12/01/2016
Applicability: Faculty and Staff

ACCEPTANCE OF LEGAL DOCUMENTS POLICY

Purpose

To ensure that all members of the University community who are contacted by any individual attempting to serve University-related legal documents understand how to route such legal documents.

Definition of Legal Documents:

Documents issued by a court, officer of the court, attorney, government agency or administrative agency requiring the University or any unit of the University to appear in court, provide testimony, documents, records, or property, or to take or refrain from taking some action. Examples of legal documents include subpoenas, court pleadings pertaining to a lawsuit (summons, complaints, court orders, interrogatories, notices of deposition, requests for production of documents, notices to admit, and all other forms of demands for disclosure), search warrants, restraining orders, garnishments and mechanics liens.

Policy

The University must be able to properly coordinate its responses, formulate its position, meet deadlines, and otherwise comply with legal obligations with respect to legal proceedings.

Procedures:

Service of legal documents on the University or any unit of the University may be accepted only by the following officers or representatives of the University:

University General Counsel, Deputy General Counsel, or Assistant General Counsel
President
Provost
Vice President for Finance and Administration

Service in Person:

When the President, Provost or Vice President for Finance and Administration accepts service of legal documents, he or she must forward such documents to the General Counsel's Office, together with the envelope, any packaging, and identifying the time, date, and manner of delivery.

All other faculty members, staff members, or students must direct anyone attempting to serve legal documents pertaining to the University or any unit of the University to the General Counsel's Office.

Note: If, after you inform a process server that you are not authorized to accept legal documents on behalf of the University, the process server insists on leaving documents with you, promptly deliver any documents left with you to the General Counsel's Office, together with the envelope, any packaging, and an explanation of when and how you came to be in possession of the legal documents.

Note: If anyone not affiliated with the University makes a request for a sworn statement from you in your capacity as a University employee, or for University records without providing a subpoena or similar legal paper, immediately contact the General Counsel's Office, which will determine if the material may be provided under applicable law and if a legal paper is required prior to disclosure.

Service by Mail:

If University-related legal documents are delivered by mail to any individual who is not authorized by this policy to accept legal documents on behalf of the University, he or she should immediately deliver the legal documents to the General Counsel's Office, together with the envelope, any packaging, and a statement identifying the time, date, and manner of delivery of the legal documents.

Service by Fax or Electronic Mail:

If an individual contacts you and requests consent to fax legal documents or send them via electronic mail, do not agree to accept service. The University does not accept service made by fax or electronic mail unless there are exceptional circumstances and only with the explicit permission of the General Counsel's Office.

Service of Legal Documents on Named Individuals:

Service of legal documents that name a specific individual employee of the University can be accepted by that individual. If the legal documents relate to performance of job responsibilities at the University, contact the General Counsel's Office.

Release or Access:

All requests for release or access to confidential information maintained in the records of the University must be directed to the Office of the General Counsel. Disposition of such requests will be made by the Office of the General Counsel in accordance with legal requirements and University policies and in consultation with the appropriate custodian of the particular University record(s).

Unannounced Appearances by Law Enforcement or Regulatory Agency Personnel:

If an individual from a law enforcement or governmental agency appears on campus, the Office of the General Counsel should be contacted immediately. University personnel should not release information, formally or informally, in writing or verbally, except when a search warrant has been produced and its validity confirmed by the Office of the General Counsel.

Keywords: Legal, Lawsuit, Subpoena