



Administrative Procedure

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Supercedes:	
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Subject: NOTICE OF LITIGATION

1.0. PURPOSE:

To establish the method for processing court subpoenas, claims, and summonses.

2.0. ORGANIZATIONS AFFECTED:

All University units, including auxiliaries.

3.0. REFERENCES:

N/A

4.0. POLICY:

- 4.1. The University will demonstrate a good faith effort to respond to subpoenas, claims, and summonses in a timely manner.
- 4.2. The Director of Personnel Management and Services will serve as the University officer of receipt and signature and designate two managers to act on behalf of the Director when the Director is unavailable.
- 4.3. The President, Vice President for Administration, and General Counsel will be apprised by the Director of Personnel Management and Services of the service and particulars of the notice of litigation immediately following service.
- 4.4. The Office of General Counsel will be provided a facsimile copy of the notice of litigation during the day of service or the first working day following service and a photocopy will be transmitted as backup by mail or courier.

5.0. DEFINITIONS:

N/A

Approved:

Date:

6.0. RESPONSIBILITIES:

6.1. The Director of Personnel Management and Services will:

6.1.1. Sign for all claims, summonses, and subpoenas served on the University.

6.1.2. Maintain a log of services including:

a. date and time served

b. authorized receipt signature

c. name(s) of plaintiff(s)

d. response deadline(s)

e. Personnel Office actions taken to date

6.1.3. Notify the President's Office and Office of the Vice President for Administration upon receipt of service including particulars a, c, and d above.

6.1.4. Develop in written form, proposed action steps and area or individuals responsible for responding to requirements of the claim, subpoena, or summons.

6.1.5. Ensure that timelines are established and monitored in developing the University's response. If it appears a deadline will be missed, advise the appropriate executive officer(s) prior to the response deadline.

6.1.6. Ensure that individual or privacy rights of employees are not violated in meeting the expectations of the summons or subpoena.

6.2. All University offices will refer process servers to the Office of Personnel Management and Services for signature of receipt.

6.3. The Office of the Vice President for Administration will:

6.3.1. Approve action steps prepared by the Director of Personnel Management and Services to meet the requirements of the court order.

6.3.2. Monitor completion of all action items.

7.0. PROCEDURES:

- 7.1. Individuals who indicate the intent to serve the University, President or other University officer with a claim, court order, summons, or subpoena will be directed to the Office of Personnel Management and Services for service and will be informed that Personnel is designated as the office of signature.
- 7.2. The Director of Personnel Management and Services will:
 - 7.2.1. Sign the service.
 - 7.2.2. Log all pertinent service information.
 - 7.2.3. Direct a staff member in the office to contact and transmit a facsimile of the document(s) to the campus attorney at the Office of General Counsel in the Chancellor's Office.

If facsimile equipment is not operable, make arrangements for courier delivery.
 - 7.2.4. Make and deliver a photocopy of the documents to the:
 - a. Office of General Counsel
 - b. President of the University
 - c. Vice President for Administration.
 - 7.2.5. After a review of document(s), develop written action steps necessary to comply with the request and deadline.
 - 7.2.6. Review with the Office of General Counsel any requests which appear to exceed normal or standard compliance procedures.
 - 7.2.7. Forward proposed action steps and General Counsel advice to the Vice President for Administration for approval.
- 7.3. The Vice President for Administration will:
 - 7.3.1. Approve action steps.
 - 7.3.2. Inform the President of response steps.
 - 7.3.3. Sign transmittal letters accompanying responses as appropriate.

8.0. APPENDICES:

N/A