

# **Policy on Service of Process and Receipt of Other Legal Documents and Communications**

## **I. POLICY STATEMENT**

To ensure that the university's legal responsibilities are met and its rights and interests are protected, the President and the General Counsel are the sole university officials authorized to receive and to accept service of legal process directed to the university or any of its constituent parts.

## **II. POLICY PRINCIPLES**

The President of the university is the designated official to accept service of legal process, including service of a summons and complaint or a subpoena, directed to the university or any of its constituent parts. The General Counsel of the university is also authorized by the President to accept service of legal process directed to the university or any of its constituent parts. No other office or employee is authorized to accept service of legal process directed to the university or any of its constituent parts, except authorized representatives from the President's or the General Counsel's office may accept service on behalf of the President or the General Counsel. In accordance with the above, service directed to the university or any of its constituent parts must be delivered to either the Office of the President or the Office of the General Counsel at the addresses listed below:

Office of the President  
182 South College Street  
107 Samford Hall  
Auburn University, AL 36849

Office of the General Counsel  
182 South College Street  
101 Samford Hall  
Auburn University, AL 36849

Service delivered to the President's office should be forwarded to the Office of the General Counsel as soon as practicable after receipt, along with all accompanying documents, including packaging and/or envelopes, as well as a statement of the date, time, and manner of delivery.

Sometimes a law enforcement officer or process server may attempt to physically serve legal process directed to the university or any of its constituent parts on an individual who is not authorized to accept such service. In this instance, the intended recipient must inform the individual who is attempting service that they are not authorized to accept the service, and the recipient must redirect the individual to the Office of the General Counsel at the address provided above. If the individual who is attempting service on the university insists on leaving documents with the recipient even after the recipient has informed the individual they are not authorized to accept the service, the recipient must immediately notify the Office of the General Counsel by telephone at 334-844-5176 and then forward all documents left with them, including any envelopes or packaging, to the Office of the General Counsel, along with a statement of the date, time, and manner of delivery, that same day or as soon as possible after receipt.

If legal process directed to the university or any of its constituent parts is received by mail by an office or individual other than those authorized to accept service under this policy, the recipient must

immediately notify the Office of the General Counsel by telephone at 334-844-5176 and then forward all documents received, including any envelopes or packaging, along with a statement of the date, time, and manner of delivery, to the Office of the General Counsel that same day or as soon as possible after receipt.

Service of legal process through facsimile or electronic mail is not an appropriate method of service, and no office, employee, or other individual is authorized to accept service of legal process directed to the university or any of its constituent parts through facsimile or electronic mail without prior written authorization by the Office of the General Counsel.

Service of legal process that names or is directed to an individual employee of the university can be accepted by that individual on his or her own behalf. However, when the legal process relates to or involves the employee's job duties at the university, including when the individual employee is named in their official or titled capacity, the employee must notate the date, time, and manner of delivery, and then immediately contact the Office of the General Counsel by telephone at 334-844-5176 for further instruction.

Subpoenas for the production of university records and documents must be forwarded to the Office of the General Counsel immediately upon receipt. The Office of the General Counsel is responsible for responding to subpoenas for the production of university records and documents and will coordinate with appropriate units on campus to prepare an appropriate response. A subpoena, notice of deposition, or notice of hearing requiring attendance at a deposition, trial, or other court proceeding must be forwarded to the Office of the General Counsel if the recipient is requested to appear in their official capacity as a university employee or to testify about matters related to the performance of their job duties.

Other communications from outside attorneys, law enforcement authorities, and other governmental or administrative investigators related to university business must be referred to the Office of the General Counsel for response unless it is clearly within the scope of the receiving employee's job duties to respond.

If an individual receives legal process, documents, or communications that are purely personal in nature and do not relate to university business, they must act on their own behalf and should not contact the Office of the General Counsel, as that office does not provide personal legal services.

### **III. EFFECTIVE DATE**

March 29, 2022

### **IV. APPLICABILITY**

This policy applies to all university employees and agents.

### **V. POLICY MANAGEMENT**

**Responsible Office:** Office of the General Counsel

**Responsible Executive:** General Counsel, Office of the General Counsel

**Responsible Officer:** University Counsel, Office of the General Counsel

### **VI. DEFINITIONS**

**Summons** – A document that notifies an individual or entity that a lawsuit has been commenced against them.

Complaint – A document that is filed with a court to commence a legal action, which usually sets forth an aggrieved party’s claims for relief.

Subpoena – A order issued by a court or an authorized attorney that compels the production of records or requires a person to appear at a particular time and place to testify in person.

**VII. POLICY PROCEDURES**

The below chart provides a quick reference for how to respond appropriately to receipt of legal documents.

<b>Summons and Complaint</b>	
<b>Parties Named in the Summons and Complaint</b>	<b>Required Action</b>
University Only	Refer process server to the Office of the General Counsel.  If documents are received by mail, forward them to the Office of the General Counsel immediately.
University and Employee	Refer process server to the Office of the General Counsel for service on the university.  If documents are received by mail, forward them to the Office of the General Counsel for service on the university.  Employee may accept service on their own behalf (but not on behalf of the university) and must then notify the Office of the General Counsel immediately for further instruction.
Employee only, work-related (including being named individually as a defendant in your official capacity)	Employee may accept summons and complaint and must contact the Office of the General Counsel immediately for further instruction.
Employee only, non-work-related	Employee must act on their own behalf.
If named employee is unavailable	Do not accept service on behalf of another employee. Contact the Office of the General Counsel for instructions.

<b>Subpoena for Records/Testimony/Testimony and Records</b>	
<b>Type of Subpoena</b>	<b>Required Action</b>
Subpoena for university records	Refer process server to the Office of the General Counsel.  If documents are received by mail, forward them to the Office of the General Counsel immediately.

Subpoena for testimony or for testimony/records directed to an employee (work-related)	Forward subpoena to the Office of the General Counsel and contact that office immediately for further instructions.
Subpoena for testimony or for testimony/records directed to an employee (non-work-related)	Employee must act on their own behalf.

**VIII. SANCTIONS**

Failure to adhere to this policy may place the university and the employee at risk or disadvantage in legal proceedings. Failure to adhere to this policy may also result in disciplinary action, up to and including termination, in accordance with applicable university policy and procedures.

**IX. EXCLUSIONS**

There are no exclusions to this policy.

**X. INTERPRETATION**

General Counsel, Office of the General Counsel