

Office of General Counsel
INSTRUCTIONS FOR SERVICE OF PROCESS

- I. COMPLAINTS AND SUBPOENAS:** All process servers must report to the Office of General Counsel. Only the Office of the General Counsel may accept service of summons and complaints on behalf of the University. All subpoenas for University records, regardless of the location of those records, must be directed to the Office of the General Counsel.

Definitions:

- Summons—a legal document that notifies an individual or entity that a lawsuit has commenced and that the individual or entity served must respond to the complaint;
- Complaint—a legal document that sets forth the claims(s) in a lawsuit and the relief being sought by the plaintiff (one who commences a lawsuit to obtain a remedy for an alleged injury to his or her rights);
- Subpoena—an order issued by a court or attorney for the production of records or for a person to appear at a deposition (oral testimony under oath) or in court.

II. SUMMONS AND COMPLAINTS:

- A. When the University is a party named in a Summons and Complaint:** If a Marshal or other process server attempts to serve a Summons and Complaint on the University to an employee of the University, the process server must be referred to the Office of the General Counsel. Only the Office of the General Counsel may accept service on behalf of the University. Similarly, all service of process on employees in their individual capacity (except for students) will occur in the offices of the Office of General Counsel. In every case of attempted serves of process on a student, the Dean of Students shall additionally be consulted, and his or her directives shall be followed.
- B. When both the University and an employee are named as parties in a Summons and Complaint:** The process server must be referred to the Office of the General Counsel for service of the Summons and Complaint on the University. Only the Office of the General Counsel may accept service on behalf of the University. No other university office is authorized to accept service of process on the University's behalf. If a Marshal or other process server attempts to serve an employee who is personally named in a complaint along with the University, the process server should be referred to the Office of General Counsel. The General Counsel will accept service on behalf of the University. The Office of General Counsel may also call the employee to appear at the General Counsel's offices, where the process server will effect service on the employee. Alternatively, the Office of General Counsel may accept service on behalf of an employee in matters relating to conduct within the course and scope of his or her employment with the University.
- C. When a faculty or staff employee alone is a party named in a Summons and Complaint:**
1. A Work-Related Complaint: If the complaint, naming only the employee, is based on the employee's conduct within the course and scope of his or her employment with the University, the process server should be referred to the Office of General Counsel. The Office of General Counsel will review the complaint and will attempt to call the employee and invite him or her to appear at the General Counsel office, where the process server will effect service on the employee. The Office of General Counsel may accept service on behalf of an employee in matters relating to conduct within the course and scope of his or her employment with the University.
 2. A Non-Work-Related Complaint: If the complaint naming the employee is based on conduct occurring outside the course and scope of his or her employment with the University, the employee shall, at all times, act on his or her own behalf. The Office of General Counsel will invite the employee to appear at the General Counsel office, where the process server may effect service on the employee. If the employee is not available, the Office of General Counsel will request a time

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that the employee is available, and will afford the employee the opportunity to be served in the Office of General Counsel at that time. A faculty or staff member who is asked by a process server to accept service of a Summons and Complaint on behalf of another employee for matters occurring outside the course and scope of the employee's job with the University should not do so. If in doubt, contact the Office of the General Counsel for instructions.

III. SUBPOENAS FOR RECORDS

- A. Subpoenas for University records (related to University employment):** All subpoenas for University records, regardless of the location of those records, must be directed to the Office of the General Counsel. Employees must not accept subpoenas for University records. If an employee is served with a subpoena in his or her capacity as an employee or agent of the University, he or she must first contact the Office of the General Counsel. The Office of General Counsel may accept service of a subpoena on behalf of an employee in matters relating to conduct within the course and scope of his or her employment with the University.
- B. Subpoenas for Testimony or for Testimony and Records (not related to University employment):** Subpoenas for individuals, served in their individual capacity and not as employees or agents of the University, must be personally served on the named individual. The Office of General Counsel will call the employee and invite him or her to appear at the General Counsel's office, where the process server may effect service on the employee. A faculty or staff member who is asked by a process server to accept service of a subpoena on behalf of another employee for matters occurring outside the course and scope of the employee's job with the University should not do so. If in doubt, contact the Office of the General Counsel for instructions.