



## PROCEDURE

### Accepting Service of Subpoenas, Court Orders and Other Legal Documents

Procedure Administrator: Associate VP for Human Resources

Authority: N.J.S.A. 18A:64-6

Effective Date: May 2, 2007, May 30, 2009, August 10, 2010; February 8, 2019

Index Cross-References: Policy VI-4: Accepting of Subpoenas, Court Orders and Other Legal Documents.

Procedure File Number: 6012

Approved By: Harvey Kesselman, President

The University community must exercise caution when presented with any documents concerning legal actions in which the University or its employees are involved. Failure to appropriately handle summons, complaints or subpoenas could place the University and the employee at risk or disadvantage in legal proceedings.

### Definitions

The below terms refer to legal documents that are used to notify a person or the University about a lawsuit, demand that a person or the University provide materials, information, or testimony to a court of law, or appear in court to testify. These documents often are delivered by a process server, but in some circumstances may arrive by mail.

**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).

**Legal Process** – as used in this Procedure “process” refers to legal documents that provide notice about the initiation of a lawsuit.

**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.

**Wage Garnishment or Attachment** - a wage garnishment or attachment requires an employer to withhold some portion of an employee’s wages so that the funds can be applied to a monetary obligation, e.g., child support, judgement, etc.

## **Legal Documents Naming the University**

If a process server asks you to accept any of the above documents on behalf of the University, you should decline, and you should inform the process server that he or she must bring the documents to the Office of General Counsel, which will accept the document officially on behalf of the University. The Office of the General Counsel is located in West Quad, Suite 110, 101 Vera King Farris Drive, Galloway, NJ 08205; 609-652-4295.

If you receive any of the documents in the mail, or, if you mistakenly accept such documents from a process server, you should contact the OGC immediately at 609-652-4295. Please bear in mind that a delay in responding to these documents can have serious legal consequences.

If the legal document names a constituent part of the University (e.g., a school, department, etc.), for service purposes it will be regarded as service upon the University and similarly handled. *Please note that this does not apply to legal documents for auxiliary organizations (e.g., SASI, the Foundation Board).*

## **Unavailability of Officer/Designee**

In the event that an effort to serve the Office of General Counsel is made at a time when no one is available to accept service on behalf of the University, the process server is to be referred to the Provost or a Vice President of the University who is present at the time of the attempted service. The University officer who accepts service should promptly deliver the document to the Office of General Counsel.

Under no circumstances should anyone who is not an officer of the University accept service of legal papers such as subpoenas, citations, court summonses, or violation notices that name the University as a defendant.

## **Legal Process Naming the University and One or More Individual Employee(s) of the University**

If a process server attempts to serve an employee who is personally named in a complaint along with the University, the employee may accept service of the Summons and Complaint only on his or her own behalf. The process server must be referred to the Office of the General Counsel for service of the Summons and Complaint on the University.

If an individual employee is served a work-related complaint based on actions that took place within the course and scope of his/her employment with the University, the employee must accept the complaint. Within one working day of receipt, the employee should notify the Office of General Counsel in writing, including a copy of the legal process and a written statement of reasons why the matter concerns the University. The employee may be entitled to defense by the New Jersey Office of the Attorney General.

## **Legal Process Naming an Individual Employee of the University but Not Naming the University as a Defendant**

On occasion, a process server may attempt to deliver a legal document directly to a Stockton employee involved in a personal legal matter related to conduct occurring outside the course and scope of employment. If this occurs, the individual who receives the legal document may consult privately with the employee to determine if he or she wishes to accept delivery of the document while at work.

## **Prohibition on Accepting Service for Other Persons**

No officer or other employee of the University shall accept service of legal papers that name persons or entities other than the University or its officers acting in their official capacities for the University as a party of an action or as a witness in an action. Service must be made directly upon the person or entity named in the legal papers.

Failure to follow required procedures may be cause for administrative and/or disciplinary action. Referral to another appropriate authority for review for possible violation of State and Federal statutes may also be appropriate.

## **Subpoena Relating to University Employment**

If an employee is served with a subpoena in his or her capacity as an employee or agent of the University, he/she must contact the Office of the General Counsel prior to accepting service. After contacting the OGC, within one working day the employee must provide a copy of the subpoena to OGC and to his or her supervisor,

## **Subpoena for University Records**

A subpoena *duces tecum* or a deposition subpoena is served upon the “custodian” of the required records. The Office of the Registrar is the custodian of all students’ academic records, and has been delegated responsibility to respond to its department’s subpoenaed University records. Additionally, the Police Department has been delegated responsibility to respond to its department’s subpoenas for police officer personal appearance. All other units must direct the process server to serve the subpoena to the Office of General Counsel for response on behalf of the University. The Office of General Counsel will coordinate the University’s efforts to locate and copy or provide for inspection of documents that appear to be responsive to the subpoena. If you have any questions about accepting a subpoena, contact the Office of General Counsel.

Review History:

	Date
Assoc. VP of Human Resources	1/21/2019
General Counsel	1/22/2019
Cabinet	1/24/2019
President	2/8/2019