



## Policy and Procedure for Handling the Service of Summons and Complaints, Subpoenas, and Other Legal Documents

| Policy # | Origination Date | Responsible Office      | Status       | Approval Date |
|----------|------------------|-------------------------|--------------|---------------|
| 09-05-06 | 12/08/08         | Office of Legal Affairs | <b>FINAL</b> | 05-04-09      |

### Policy Statement

The Office of Legal Affairs is committed to providing proactive legal services that are relevant, timely and cost-effective to support the University's mission and program initiatives in an ethical and professional manner. To that end, we strive to (1) be involved early with our internal clients in the planning and structuring of program initiatives and resolution of disputes, (2) solve problems creatively, identifying legal risks and formulating alternatives to achieve our clients' business objectives, (3) communicate effectively with our clients, and (4) foster a climate of mutual respect and a team approach to meeting our clients' needs.

### Reason for Policy/Purpose

This policy and procedure provides a uniform and centralized system for the receipt and disposition of summons and complaints, civil and criminal subpoenas, and arrest and search warrants.

### Who Needs to Know This Policy

All units of the university.

### Policy/Procedures

#### SUMMONS AND COMPLAINTS

1. Where Dillard University is the named defendant.
  - a. Central Location: All summons and complaints served against Dillard University are accepted only by the Office of Legal Affairs.

All University employees will enforce Dillard University policy by informing process servers that service of summons and complaints will not be accepted on behalf of Dillard University except in the Office of Legal Affairs. Any question regarding service of process will be directed to the Office of Legal Affairs. If a summons and complaint are simply left at another location, they should be forwarded

immediately to the General Counsel and Vice President of Legal Affairs. The time, date, location of receipt, and name of the receiving University employee shall be noted before forwarding.

- b. Office of Legal Affairs: The Office of Legal Affairs staff will log in all summons and complaints noting the date and time of receipt. All summons and complaints are reviewed immediately and forwarded to the General Counsel and Vice President of Legal Affairs for handling.
- c. Cross Complaints: After logging the document, the General Counsel and Vice President of Legal Affairs shall determine whether or not Dillard has previously appeared in the action. If Dillard has not appeared and a copy of the underlying complaint is not attached to the cross complaint as an exhibit, the cross-complaint's attorney shall be contacted to request a copy of the complaint.

## 2. Summons and Complaint Against a Dillard Employee in His/Her Personal Capacity.

All summons and complaints naming an individual employee of Dillard in his/her personal capacity and not as an employee of Dillard will be refused. Dillard is not an agent for service of process on behalf of its employees in their personal affairs nor shall Dillard assume such responsibility.

### A. Civil Subpoenas

#### 1. Service.

A subpoena must be served personally. If the deponent named in the subpoena is Dillard University, service may be legally effected by delivering the subpoena to the agent for service of process. Please contact the Office of Legal Affairs to ascertain the validity of the agent(s) for service of process.

#### 2. If Directed Toward Dillard University.

Best efforts are made to ensure that all subpoenas are accepted only at one central location. Therefore, all subpoenas for the production of Dillard records or documents should be directed to the Office of Legal Affairs.

- a. If a Subpoena is Directed to Dillard: Where a subpoena is directed to Dillard, the Office of Legal Affairs is authorized to accept service.
- b. If a Subpoena is Directed to Dillard and a Dillard Employee: Where a subpoena is directed to Dillard and a Dillard employee, the General Counsel and Vice President of Legal Affairs is authorized to accept service.
- c. If a Subpoena is Directed to a Dillard Employee: Where a subpoena is directed to a Dillard employee and where the subpoena relates to activities of the employee acting on behalf of Dillard, Dillard may assist to effect personal service on the employee.

### 3. Directed Toward Individual Employees in Their Personal Capacity.

The University is not an agent for service for process on behalf of any of its individual employees. Consequently, Dillard will not accept service of a subpoena directed towards one of its employees nor will Dillard assist in the personal service of a summons and complaint. Under no circumstances will a process server be granted access to Dillard property to serve a subpoena on a Dillard employee nor should a employee be contacted ordinarily regarding such a request.

If a subpoena directed towards a Dillard employee is simply left at the University, it should be forwarded immediately to the Office of Legal Affairs. The subpoena should be returned to the attorney, with a letter stating that Dillard is not an agent for service of process of its employees. A copy of the documents should be forwarded to the employee with a letter explaining Dillard's position regarding accepting service on behalf of its employees.

### 4. Company Records.

A properly-served subpoena (personally served) directed to Dillard is complied with in the manner provided in these guidelines and within the time indicated in the body of the subpoena. Requests for health records are handled pursuant to privacy laws and the confidentiality policies adopted by the University.

### 5. Notification of Privacy Rights for Educational Records:

In accordance with the Family and Educational Privacy Act (FERPA) guidelines, the student to whom the educational records pertain must be notified by the University that his/her educational records are being sought and any objection to the records custodian furnishing the records must be filed with the court prior to the date set for production.

## D. Criminal Subpoenas

A subpoena for a criminal proceeding should generally be handled in the same manner as a civil subpoena.

## E. Search Warrants

A duly executed search warrant served on the University is immediately referred to the General Counsel and Vice President of Legal Affairs who will respond expeditiously. The search warrant must substantially contain the following information:

- Description of the place or person to be searched.
- Detailed description of the property being sought.
- Signature of a judge or magistrate.

Unless there is some question as to the validity of the warrant, the University will make every effort to honor the warrant. All questions should be directed to the General Counsel and Vice President of Legal Affairs.

#### F. Arrest Warrant

If a law enforcement agency contacts any department at Dillard regarding an arrest warrant, Dillard Security is contacted immediately. Security will coordinate with the employee's supervisor to make the employee available at a discreet location to limit disruption of the workplace and undue embarrassment to the employee. Security will coordinate with the Registrar regarding an arrest warrant issued for a student. The name of the person arrested and the circumstances surrounding the arrest are documented and reported to the Office of Legal Affairs.

#### G. Other Types of Requests for Information

##### Child and Spousal Support Enforcement.

1. Payroll will comply with requests from the district attorney for income information to aid in enforcing family support obligations. Any questions regarding the disclosure of such information should be directed to the Office of Legal Affairs.
2. Subpoena Request.  
Any request from the Office of Legal Affairs for the production of records and/or personnel in compliance with a subpoena shall be given immediate attention. Failure to respond to subpoenas in a timely manner could subject Dillard to civil penalties.
3. Payroll Levies.  
As with the other documents, payroll levies are directed to the Office of Legal Affairs. The General Counsel and Vice President of Legal Affairs will direct the levy to the appropriate accounting or payroll department for handling.
4. General Rule.  
Any legal requests for information are directed to the Office of Legal Affairs for handling.

#### Website Address(es) for this Policy

<http://www.dillard.edu/>

#### Contact(s)

For questions about this policy contact:  
Office of Legal Affairs  
(504) 816-4546

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## Related Information

## Who Approved this Policy

**Senior Cabinet Members**

## History/Revision Dates

**Origination Date:** 12/08/2008

**Approval Date:** 05/04/2009

**Updated:** 08/30/19

**Revised:** N/A

**Next Review Date:** 08/2021