



RU Policy No. 10.1

Responsible Division: Office of the President (General Counsel)

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Revised Effective Date: 10/2017

Policy on Acceptance of Summonses, Complaints, and Subpoenas

Policy Statement

All members of the Roosevelt University community must exercise care when presented with any documents concerning legal actions in which the University or its Employees are involved. The failure to appropriately handle summonses, complaints, or subpoenas could place the University and the Employee at risk or disadvantage in legal proceedings.

While the University shall not impede the service of process, the University must also balance its obligation to protect students in our closed campus. To that end, the purpose of this Policy is to outline the University's policy with respect to accepting the service of process on its campus.

The University reserves the right to modify or amend this Policy at any time, at its sole discretion. Any change to this Policy will become effective at the time designated above, and the changes will apply to both prospective students and those already enrolled. This Policy does not constitute an express or implied contract between Roosevelt University and any past, present, or prospective student, employee (including administrator, faculty, or staff), contractor, or volunteer.

Unless otherwise stated, the following definitions shall apply to this Policy:

- **Employee** – all employees (including administrators, faculty, and staff), contractors, and volunteers, excluding student employees
- **Student** – all current students of the University, including student employees
- **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 for the claim(s) in a lawsuit and the relief being sought by the plaintiff
- **Subpoena** – an order issued by a court or attorney for the production of records or for a person to appear at a deposition or in court
- **University Process** – a Summons that names the University as a party, a Complaint that names the University as a party, a Subpoena that names the University as a party or requests records from the University, and any other legal request (including but not limited to a request for records or other information that is not accompanied by a subpoena)

Policy

Only the University's General Counsel or their designee shall accept service of process on behalf of the University. If any Employee or Student receives University Process, the Employee/Student shall not respond to the document or request, but shall immediately forward it to the General Counsel. No Employee or Student shall accept service on behalf of any other Employee or Student.

An Employee who violates this Policy will be subject to disciplinary action, up to and including termination. A Student who violates this Policy will also be deemed to have violated the Student Code of Conduct and will be subject to disciplinary action, up to and including expulsion.

When the University is named as a party in University Process

If a sheriff or other process server ("Process Server") attempts to serve University Process on the University, the Process Server shall be referred to the General Counsel or their designee. Only the General Counsel may accept service on behalf of the University.

When both the University and an Employee are named as parties in University Process

If a Process Server attempts to serve University Process on an Employee who is personally named in a Summons, Complaint, or Subpoena, the Employee may accept service of the document but only on their own behalf and not on behalf of the University. The Employee must immediately notify the General Counsel. The Process Server must be referred to the General Counsel or their designee for service of the University Process on the University. Only the General Counsel may accept service on behalf of the University.

When an Employee or Student alone are named in a Summons, Complaint, or Subpoena

A Work-Related Issue

If a Process Server attempts to serve a Summons, Complaint, or Subpoena on an Employee or Student based on conduct within the course and scope of their employment with the University, the Employee or Student may accept service on their own behalf and shall contact General Counsel immediately.

A Non-Work-Related Issue

If a Process Server attempts to serve a Summons, Complaint, or Subpoena on an Employee or Student based on conduct that is not within the course and scope of their employment with the University, the Employee or Student shall act on their own behalf without involving the University.

When an Employee or Student receives a request for University Records

No Employee or Student shall accept subpoenas or other requests for University records. All such subpoenas or requests, regardless of the location of those records, shall be directed to the General Counsel.

Entities Affected by this Policy

All Divisions of the University.

Related Documents

See Campus Safety Procedure No. 242 (“CS-242”) (Serving of Legal Documents by Law Enforcement Agents or Process Servers).

Revision and Implementation

The President of the University (and/or, as authorized by the President, the General Counsel) shall have the authority to revise this Policy, subject to the approval of the President’s Executive Council.

The following shall have the authority to establish any procedures necessary to implement this Policy:

- The Vice President of Human Resources; and
- The Vice President of Finance and Administration (and/or, as authorized by the VP, the Director of Campus Safety and Transportation); and
- The Vice President of Enrollment Management and Student Affairs (and/or, as authorized by the VP, the Associate Vice President of Student Affairs and Dean of Students).