



University Operating Procedure

Subpoenas, Complaints, Warrants, and other Legal Documents

Overview

The attorneys of the Office of the General Counsel, or persons at their request or direction, are the sole University officials and employees authorized to accept subpoenas, complaints, notices of class action, warrants, or other legal documents addressed to the University; its President, Senior Vice President and Provost, or other institutional officers; its Trustees; or other persons named in their capacities as University officials or employees.

Procedures

Attempted service or delivery of subpoena, complaint, notice of class action, or other legal documents

If service or delivery of a subpoena, complaint, notice of class action, or other legal document is attempted in person by a sheriff, process server, or other individual, the document should be politely declined and the individual referred to the Office of the General Counsel. If an officer or employee unknowingly or erroneously accepts such a document, he or she should immediately deliver the document to the Office of the General Counsel by e-mail, fax, hand delivery, or any expedient means, indicating his/her name and the date and time at which he/she accepted service.

If legal documents are delivered by mail or equivalent means to an officer or employee, the documents should be sent immediately to the Office of the General Counsel.

If there is any question as to whether a document or notice is a “legal document,” the General Counsel’s Office should be consulted as soon as possible.

Presentation of Search Warrants

If an employee is presented with a search warrant, the employee should politely request that the individual display law enforcement credentials. If the individual declines to produce credentials, the employee should immediately contact Police Services.

If the individual displays law enforcement credentials, the employee should ask the law enforcement officer to wait until the Office of the General Counsel has been contacted regarding the proposed search, and the employee should then immediately contact the Office of the General Counsel. If contact cannot be made with the Office of the General Counsel, or the law enforcement officer declines to delay the search, the employee should comply with directives from the law enforcement officer and as soon as possible contact Police Services. In the latter case, Police Services will notify the Office of the General Counsel of the execution of the search warrant.

Unannounced Appearances by Law Enforcement or Regulatory Agency Personnel

If an individual from a law enforcement or governmental agency appears, the General Counsel's Office should be contacted immediately. Unless the individual presents a valid search warrant, University personnel are not to release information, formally or informally, without contacting the General Counsel's Office.

Other requests for information

Requests for written or oral information from external attorneys, agencies, or courts should be directed to the General Counsel's Office. No University employee should speak to an outside attorney, except on his or her personal business, without the express consent of the General Counsel's Office.

Definitions

Complaint: a legal document stating a civil (non-criminal) claim against entities or individuals for the alleged violations of the rights of another entity or individual(s). A complaint and summons are the legal documents that initiate a lawsuit. Formal responses to complaints usually must be filed with the court within twenty days.

Legal documents: within the scope of this policy are documents such as a subpoena, summons, complaint, notice of class action, or warrant, directed to the University; its President, Senior Vice President and Provost, or other institutional officers; its Trustees; or any individual named in his or her capacity as an official or employee of the University.

Search warrants: court orders authorizing law enforcement personnel to search a defined area and seize the property described in the warrant. Search warrants require immediate attention.

Subpoenas: court orders directing the testimony of an individual or the production of documents at a specified time and place. A subpoena usually requires a prompt, but not an immediate, response.

Contacts/Responsible Official

Questions related to the daily operational interpretation of this operating procedure should be addressed to:

Office of the General Counsel
(802) 656-8585

or

UVM Police Services (for external law enforcement contacts, warrants, or if the General Counsel or other University attorneys are unavailable)
(802) 656-3473
(802) 656-8077 fax

EMERGENCY PHONE: 9-1-1 (from on-campus)

The General Counsel is the University official responsible for interpretation and administration of this policy.

Forms

None

Related Documents/Policies

Government Reviews Procedure
http://www.uvm.edu/policies/general_html/govreviews.pdf

Effective Date

Approved by the Vice President for Legal Affairs and General Counsel April 3, 2013