



RUTGERS POLICY

Section: 50.3.2

Section Title: Legal Matters

Policy Name: Service of Legal Process

Formerly Book: 6.4.3

Approval Authority: Secretary of the University and Vice President and General Counsel

Responsible Executive: Secretary of the University and Vice President and General Counsel

Responsible Offices: Office of the Secretary of the University and Office of the Vice President and General Counsel

Originally Issued: 12/1980

Revisions: 9/23/2003; 7/21/2005; 6/27/2006 (title and format changes); 3/11/2011 (updated phone numbers)

Errors or changes? Contact: secretary@oldqueens.rutgers.edu

1. **Policy Statement**
On occasion employees of the university may be approached by legal process servers attempting to serve upon them papers giving notice of a legal action, usually in the form of a summons and complaint or subpoena. Such court-related papers require expeditious response. It is essential that employees so approached handle all such notice papers promptly in the manner specified in this policy.
2. **Reason for Policy**
To provide guidelines on service of legal process
3. **Who Should Read This Policy**
Members of the University Community
4. **Related Documents**
Section 50.3.3, University Indemnification Policy
5. **Contacts**
Office of the Secretary of the University: 848-932-7434

Office of the Vice President and General Counsel: 848-932-7697
6. **The Policy**

50.3.2 SERVICE OF LEGAL PROCESS

General Policy Statement

On occasion employees of the university may be approached by legal process servers attempting to serve upon them papers giving notice of a legal action, usually in the form of a summons and complaint or subpoena. Such court-related papers require expeditious response. It is essential that employees so approached handle all such notice papers promptly in the manner specified below, as determined by the nature of the legal process.

A. Legal Process in Which the University is Named and No Individual Employee or Agent of the University is Named:

As the university is a public body for purposes of service of process, legal service must be made personally on the appropriate officer of the university. The officer of the university designated to receive legal service is the Secretary of the University. Therefore, all process servers seeking to make service upon the university must be directed to one of the offices listed below.

Office of the Secretary of the University (Secretary)
Winants Hall, Room 112
7 College Avenue
New Brunswick, New Jersey 08901-1260

Office of the Vice President and General Counsel (OVPGC)
Winants Hall, Room 402
7 College Avenue
New Brunswick, New Jersey 08901

If legal process is inadvertently accepted elsewhere, the recipient must immediately notify by telephone the Secretary at 848-932-7434 or the OVPGC at 848-932-7697, and personally deliver or send the process server to the Secretary or to the OVPGC.

1. The Secretary maintains a log of all process received, including date, caption, jurisdiction, docket number and disposition.
2. Upon receipt and logging of all legal process, the Secretary shall forward all original documents to the OVPGC for response or other disposition.
3. If legal process names a constituent part of the university (e.g., a college, division, or department) such service shall be regarded as service upon the university and so handled.

B. Legal Process Naming the University and Also Naming One or More Individual Employees or Agents of the University

Individual employees of the university cannot refuse service of legal process naming them specifically. However, if that process also names the university as a corporate defendant, the individual should not accept service on behalf of the university but should direct the process server to the Secretary or the OVPGC. Upon receipt of individual service, an employee or agent who believes that he or she is entitled to be defended and indemnified in accordance with the policy of the Board of Governors (see Section 50.3.3, University Indemnification Policy, formerly Book 6.4.4) shall telephone the Secretary or the OVPGC immediately and then promptly deliver the legal papers to either office along with a written statement as to why the person served is entitled to defense by the university.

C. Legal Process Naming an Individual Employee of the University But Not Naming the University as a Defendant

An individual employee so served who believes the action giving rise to the legal process took place in the course of the performance of the duties of his or her position in the university may be entitled to indemnity by the university and should promptly telephone the OVPGC and then forward a copy of legal process to the OVPGC, along with a written statement of reasons why the matter concerns the university.

D. Subpoenaed University Employees

If a university employee is served a subpoena from any court or governmental jurisdiction concerning any matter involving the university either requesting the production of records or individual appearance, or both, or if an employee is requested to give a deposition in a matter involving the university, he or she must immediately contact the OVPGC by telephone and receive Counsel's instructions before taking any action. In confirmation of contact with the OVPGC the employee must, within one working day, give notice in writing to his or her supervisor, along with a copy of the subpoena. Copies of both the written notice and subpoena shall also be sent to the OVPGC by campus mail.