



Policies and Procedures Manual

Title: Legal Notices
Policy Administrator: Vice President, Administration and Finance/Treasurer
Effective Date: Feb-22-2017
Approved by: General Counsel

Legal Notices and Communication with Representatives of Governmental Agencies, Law Enforcement, and External Attorneys

From time to time, College employees receive official legal notices and documents, such as subpoenas requiring the College to produce copies of records in court proceedings, summons and complaints notifying the College that a lawsuit has been commenced against it, notices notifying the College of an agency proceeding, and notices of bankruptcy or rights to participate in class action suits. Notices are sometimes addressed to the College itself (e.g., “College of the Holy Cross” or “Trustees of the College of the Holy Cross”) or to named officers or employees of the College. Legal notices may also be received by mail or hand-delivered by a process server. In addition, from time to time, College employees are contacted by representatives of governmental agencies, law enforcement personnel, and external attorneys.

It is important that all College personnel be aware of the appropriate course of action to take in response to these documents and communications. By following this policy, employees will facilitate the prompt review of the matter by the Office of the General Counsel who will assist in determining the appropriate response in compliance with applicable law.

The following legal notices, visits, and communications must be sent immediately to the Office of the General Counsel for review prior to taking any action:

- **Subpoenas and Court Orders.** A subpoena is a court order directing the testimony of an individual or the production of documents at a specified time and place. A court order is a direction of a court or judge which directs some step. In general, you should not accept subpoena or court order that is addressed to the College or to another individual or department. If service or delivery of such a subpoena or court order is attempted by a process server or other individual, the document should be politely declined and the individual referred to the Office of the General Counsel. If an employee erroneously accepts such a document, the employee should immediately deliver the document to the Office of the General Counsel and keep a record of the date, time and method of delivery (by hand or mail) by which it was received. If a lawyer or process server calls you to ask how to serve your office or the College, do not give permission to send it by facsimile and instead inform the caller that it should be hand delivered to the Office of the General Counsel.

- Summons and Complaints. Summonses and complaints are legal documents stating a legal claim against an entity or individual to initiate a lawsuit. If service or delivery of a summons and complaint is attempted by a process server or other individual, the document should be politely declined and the individual referred to the Office of the General Counsel. If an employee erroneously accepts such a document, the employee should immediately deliver the document to the Office of the General Counsel.
- Warrants (search or arrest). Please request that the individual display official credentials, including a photograph. If the individual declines to present credentials, immediately contact the Department of Public Safety. If the individual displays law enforcement or governmental agency credentials, please request that the law enforcement officer or governmental official wait until the General Counsel has been contacted regarding the proposed search and immediately contact the general counsel (or director of risk management or director of public safety if the general counsel is not available).

If the general counsel, director of risk management, or director of public safety cannot be contacted or the law enforcement officer declines to delay the search the employee should comply with the directives of the law enforcement officer as generally you may not stop law enforcement officers from executing the warrant while you obtain legal advice.

If the warrant does not appear to have been issued by a court, judge or magistrate but instead appears to have been signed by an official of a governmental agency, please also respectfully tell the governmental official that it is not within your power to consent to their entry into any non-public area of the College (such as a residence hall) in which there may be a reasonable expectation of privacy. Please document that communication.

- Non-Routine Communications and Visits from Governmental Agencies and Agents. Calls, letters, other communications and unannounced visits from any representative of a governmental agency (federal, state or local) or law enforcement official (other than contacts with the Department of Public Safety by local police for routine matters). Please refer them to the Office of the General Counsel and notify the general counsel (or director of risk management or director of public safety if the general counsel is not available) immediately.
- Communications from External Attorneys. If you are contacted for any reason by an external attorney, please refer the individual to the Office of the General Counsel.

It is critical that employees promptly refer these documents and individuals to the Office of the General Counsel (or director of risk management or director of public safety if the general counsel is not available) to enable the College to respond to their inquiries and determine the manner in which a response, if any, is to be made in compliance with law.

- Office of the General Counsel, O’Kane 158, (508) 793-3759
- Director of Risk Management and Contracts, O’Kane 155, (508) 793-2339
- Director of Public Safety, Department of Public Safety, O’Kane 5, (508) 793-2222

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