

Policy Manual



Title: Receiving Legal Process	Number: 6Hx2-2.19
Legal Authority: 1001.63 Fla. Stat., College Policy 6Hx2-1.01	Page: Page 1 of 2

GENERAL STATEMENT

The Office of the General Counsel shall establish effective policies and procedures for the receipt and handling of legal process documents served upon Broward College and/or its personnel. All legal process shall be handled in a timely manner in accordance with applicable law.

THE POLICY and THE STUDENT

This policy, as well as the corresponding procedures, shall be structured to ensure the safeguarding of protected or privileged student information in accordance with applicable privacy laws.

THE POLICY and THE FACULTY AND STAFF

This policy, as well as the corresponding procedures, shall be structured to ensure the safeguarding of protected or privileged employee information in accordance with privacy laws.

This policy and its procedures are intended to provide guidance to college departments and personnel in the event they are served legal documents.

IMPLEMENTATION and OVERSIGHT

The Office of the General Counsel shall develop written procedures which outline the handling of legal process documents in at least the following situations:

- 1) The service of a Summons and Complaint upon the District Board of Trustees or the College as a defendant.
- 2) The service of a Summons and Complaint upon a College employee as an Individual Defendant.
- 3) The service of a Subpoena upon the College for the release of records.
- 4) The service of a Subpoena upon the College or an employee for a personal appearance in court or for a deposition.
- 5) The service of other legal documents or written legal communications.

The General Counsel has the authority and responsibility to oversee and implement this policy as well as the procedures promulgated from this policy.

VIOLATION OF POLICY

Policy violations shall be investigated by the General Counsel and/or his or her designee. Policy violations will result in appropriate disciplinary action up to and including termination.

History: Adopted as policy December 3, 2013

Approved by the
Board of Trustees

Date
12/03/2013

President's Signature

Date
12/3/2013

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DEFINITIONS

Complaint – The initial pleading that starts a civil action.

Legal Process – A summons, mandate, writ, or other such official documents issued by a court or its officers by which a defendant or thing is brought before court.

Service – Formal delivery of legal process (many legal deadlines are set based on the date this occurs).

Subpoena – A court order commanding a person to appear before the court and/or to present documents, records, or things (subject to contempt of court charges for failure to comply).

Summons – A writ or process requiring the defendant to appear and answer.

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