

Procedure Manual



Title: Receiving Legal Process	Number: A6Hx2-2.19
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The Office of the General Counsel provides legal services and advice in responding to summonses, court orders, and subpoenas requiring either the personal appearance of a College employee for testimony relating to employment at the College or the production of College documents or records.

In all suits against The District Board of Trustees of Broward College, Florida, service of process should be made on the Chair of the Board of Trustees or, in the absence of the chair, the President of the College or the President's designee at:

Office of the President of Broward College
Willis Holcombe Center
111 East Las Olas Blvd., 12th Floor
Fort Lauderdale, Florida 33301

General legal process directed at the College, such as court orders, summonses, complaints, subpoenas, etc., should ideally be served upon:

Office of the General Counsel
Willis Holcombe Center
111 East Las Olas Blvd., 5th Floor
Fort Lauderdale, Florida 33301

In the event that process is served elsewhere the following procedures shall be followed:

COURT ORDERS, SUMMONSES and COMPLAINTS

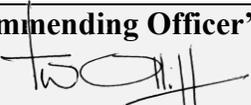
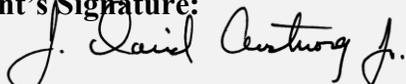
I. Service upon the District Board of Trustees or Broward College as a Defendant

Refer the process server to the Office of the President of the College or the Office of the General Counsel. The President or the General Counsel will accept service on behalf of the Board of Trustees or the College.

II. Service upon a College Employee as an Individual Defendant

If the process server wants to personally deliver the summons and complaint to the employee, the process server should be advised to serve the documents during the employee's non-work hours.

If the process server requests to leave the summons and complaint at the employee's office, office staff should accept the documents and note the time and date of service. The summons and complaint must then be delivered to the employee at the earliest opportunity. Office staff *should not* sign any document offered by the process server in this circumstance.

Recommending Officer's Signature: 	Date: 12/3/2013	President's Signature: 	Date: 12/3/2013
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College employees receiving a court order, summons, or notification that a lawsuit has been filed against them for actions taken during the course and within the scope of their employment must immediately contact the Office of the General Counsel as well as forward either the original or a copy of the court order, summons, or complaint with the date received indicated on the document.

Please Note: College employees receiving notification that a lawsuit has been filed against them for actions taken which are unrelated to their employment with the College may wish to consult a private attorney.

SUBPOENAS and OTHER LEGAL DOCUMENTS

I. Service upon the College for Release of Records

Upon receipt, the subpoena should be date stamped, scanned, and uploaded to the Legal Office section in MinuteTraq using the Subpoena submission form. The original subpoena, including the envelope if received by mail, should then be forwarded to the Office of the General Counsel via interoffice mail or hand delivery.

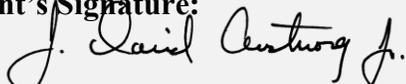
Please Note: The College is required to follow privacy and confidentiality safeguards per federal and state laws in certain instances prior to the release or disclosure of any records.

Under no circumstances should student or employee records be released to outside parties without express direction from the Office of the General Counsel or the respective Custodian of Records (*see* College Policies 6Hx2-3.20 and 6Hx2-5.35, *identifying the Records Custodians*).

II. Service upon the College or an Employee for Personal Appearance in Court or at a Deposition

If the employee is being subpoenaed individually for a matter unrelated to or outside of the course and scope of their employment with the College the process server should be advised to serve the subpoena upon the employee during the employee's non-work hours.

If the employee is subpoenaed to appear as a direct result of his or her employment with the College, the employee shall request witness fees at the time of service of the subpoena. All witness fees must be endorsed to Broward College and remitted to the Cashier's Office immediately. Pursuant to §92.142, Fla. Stat., the employee will be considered to be on duty during such appearance and shall be entitled to per diem and travel expenses in accordance with §112.061, Fla. Stat. and College Policy 6Hx2-6.21.

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An employee who is served a subpoena for appearance relating to his or her employment should contact the Office of the General Counsel at his or her earliest convenience for review of the subpoena and aid in preparation for testimony.

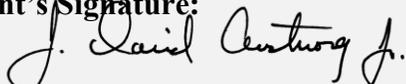
In either of the above circumstances, the employee must promptly inform his or her supervisor of the date and time of appearance so that arrangements can be made to cover his or her duty assignment.

Please Note: Pursuant to §92.57, Fla. Stat., A person who testifies in a judicial proceeding in response to a subpoena may not be dismissed from employment because of the nature of the person's testimony or because of absences from employment resulting from compliance with the subpoena.

III. Service of other Legal Documents or written Legal Communications

For all other legal documents not specifically covered in this procedure, the documents should be date stamped and sent immediately to the Office of the General Counsel.

For letters, correspondence, or other communications from lawyers or court officials, the recipient should acknowledge receipt and then contact the Office of the General Counsel for further guidance.

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