

Policy: **Responding to Legal Papers on College Business**

Responsibility for Policy: College President

Policy Number: **B-17**

Most recent approval date: Spring 2019

### **Policy Statement**

Only the following Finger Lakes Community College employees are authorized to accept legal papers on behalf of the College:

1. President of the College
2. Vice President of Administration & Finance
3. Director of Human Resources

In addition, an employee of the College who is specifically named in legal papers may accept the legal papers.

An authorized recipient of legal papers must immediately forward the legal papers (including the envelope in which they were delivered, if applicable), together with a statement indicating the time, date and manner of delivery of the papers, to the Office of the President. All members of the College who are not authorized to accept legal papers in accordance with this policy **must refuse** to accept legal papers on behalf of the College and should direct anyone attempting to serve papers to one of the above-listed authorized recipients. In the event that the individual serving legal papers insists on leaving the papers with someone other than the above listed authorized recipients, or if a member of the College community receives legal papers via email, regular mail, or another method other than personal service, the recipient must immediately direct the legal papers (including the envelope in which they were delivered, if applicable), together with a statement indicating the time, date and manner of delivery of the papers, to the Office of the President.

Upon receipt of legal papers in accordance with this policy, the Office of the President shall take such actions as are necessary to ensure an appropriate and timely response. Such steps may include, but are not necessarily limited to, coordinating with Ontario County Attorney's Office, delegating to appropriate College employees responsible for responding to the legal papers, and/or retaining outside experts or consultants to assist in generating a response.

### **Reason for Policy**

This policy is designed to ensure that the College will respond to legal papers in an efficient manner consistent with the College's best interests and applicable law.

### **Applicability of the Policy**

All employees of the College should be familiar with this policy.

### **Definitions**

Legal Papers- includes any document or other correspondence that requires the College or its employees to respond or potentially incur legal sanctions on behalf of the College. Examples include legal complaints or petitions, answers or other materials relating to litigation; subpoenas for documents or testimony; notices of court proceedings or hearings; notices of administrative proceedings or hearings; court orders; notices of deposition; requests for documents; orders to show cause; garnishments; mechanics' liens; restraining orders; or notices from governmental authorities.

### **Related Documents**

- New York Civil Practice Law and Rules
- Federal Rules of Civil Procedure
- Freedom of Information Law (FOIL) Policy

### **Procedures**

No separate procedures statement

**Forms/Online Processes**

- None

**Appendix**

- None

**Review dates/action taken:**

- September 2011: original approval date
- July 2012: non-substantive revisions
- Fall 2014: no revisions
- Spring 2019: non-substantive revisions