

## Community (faculty, staff and students)

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### Acceptance of Summons, Complaints and Subpoenas

Faculty and non-faculty employees must exercise care when presented with any documents concerning legal actions in which the university or its employees are involved. Only the Office of the General Counsel may accept service of summons and complaints on behalf of the university. Subpoenas for university records, regardless of the location of those records, must be directed to the Office of the General Counsel. Subpoenas for patient or other non-university records from private medical practice plans will be handled by the agent designated by each practice plan.

Failure to appropriately handle summons, complaints or subpoenas could place the university and the employee at risk or disadvantage in legal proceedings. Failure to follow required procedures may be cause for discipline, up to and including termination. For faculty employees, any such discipline will observe all provisions of the disciplinary procedures published in the Faculty Handbook.

#### Definitions

**Summons**—a legal document that notifies an individual or entity that a lawsuit has commenced and that the individual or entity served must respond to the complaint

**Complaint**—a legal document that sets forth the claims(s) in a lawsuit and the relief being sought by the plaintiff (one who commences a lawsuit to obtain a remedy for an alleged injury to his or her rights)

**Subpoena**--an order issued by a court or attorney for the production of records or for a person to appear at a deposition (oral testimony under oath) or in court

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## **Summons and Complaints**

### When the University is a party named in a Summons and Complaint

If a marshal or other process server attempts to serve a Summons and Complaint on the university to an employee, the process server must be referred to the Office of the General Counsel. Only the Office of the General Counsel may accept service on behalf of the university.

### When both the University and an employee are named as parties in a Summons and Complaint

If a marshal or other process server attempts to serve an employee who is personally named in a complaint along with the university, the employee may accept service of the Summons and Complaint only on his or her own behalf. In addition, the employee must immediately notify the Office of the General Counsel.

The process server must be referred to the Office of the General Counsel for service of the Summons and Complaint on the University. Only the Office of the General Counsel may accept service on behalf of the university. No other university office is authorized to accept service of process on the university's behalf.

### When a faculty or staff employee alone is a party named in a Summons and Complaint

#### *A Work-Related Complaint*

If the complaint, naming only the employee, is based on the employee's conduct within the course and scope of his or her employment with the university, the employee must accept the complaint and contact the Office of the General Counsel immediately.

#### *A Non-Work-Related Complaint*

If the complaint naming the employee is based on conduct occurring outside the course and scope of his or her

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employment with the university, the employee shall act on his or her own behalf without involving the university. The Department of Public Safety will normally escort the process server to the employee's place of work where the process server will effect service.

*Accepting Service on Behalf of Another Employee*

A faculty or staff employee asked by the process server to accept service of a Summons and Complaint on behalf of another employee should not do so. Contact the Office of the General Counsel for instructions.

**Subpoenas for Records**

Subpoenas for university records

Employees must not accept subpoenas for university records. Subpoenas for university records, regardless of the location of those records, must be directed to the Office of the General Counsel. University records do not include the patient or administrative records of private faculty medical practice plans.

Subpoenas for patient or non-university records from private medical practice plans

Each faculty practice plan must notify the Office of the General Counsel and USC Care Medical Group whether that faculty practice plan corporation (1) will accept subpoenas for patient or non-university records or (2) designate USC Care Medical Group to accept subpoenas for patient or non-university records on its behalf.

**Subpoenas for Testimony or for Testimony and Records (related to university employment or a faculty medical practice plan)**

Subpoena relating to university employment

If an employee is served with a subpoena in his or her capacity as an employee or agent of the university, he or she

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must contact the Office of the General Counsel prior to accepting service.

Subpoena relating to a faculty practice plan

A physician who is served within his or her capacity as an employee or agent of a faculty practice plan corporation can either accept the subpoena personally or designate USC Care Medical Group or the faculty practice plan corporation to accept subpoenas on his or her behalf.

**Subpoenas for Testimony or for Testimony and Records (NOT related to university employment)**

Subpoenas for individuals, served in their individual capacity and not as employees or agents of the University, must be personally served on the named individual. For example: the employee witnessed an incident (e.g. a car accident) unrelated to his employment and is being subpoenaed to testify as a witness.

**Questions Regarding This Policy**

Questions regarding this policy should be directed to the Office of the General Counsel at (213) 740-7922.

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## SUMMONS AND COMPLAINT

<b>Parties Named in Summons and Complaint</b>	<b>Required Action</b>
University only	Refer process server to Office of the General Counsel
University and employee	Refer process server to Office of the General Counsel for service on the university. Employee may accept service only on his or her own behalf and must notify Office of the General Counsel immediately.
Employee only, work-related	Employee must accept summons and complaint and contact Office of the General Counsel immediately.
Employee only, non-work-related	Employee must act on his or her own behalf without involving the university
If named employee is absent	Do not accept service on behalf of another employee. Contact the Office of the General Counsel for instructions.

## SUBPOENA FOR RECORDS

<b>Type of Record</b>	<b>Required Action</b>
University records	Employee must not accept subpoena. Direct the process server to Office of the General Counsel. Note: university records do not include the patient or administrative records of private faculty medical practice plans.
Patient or non-university records from private medical practice plans	Each faculty practice plan must notify Office of the General Counsel and USC Care Medical Group regarding who will accept subpoenas for non-university records.

## SUBPOENA FOR TESTIMONY OR FOR TESTIMONY AND RECORDS

<b>Type of Testimony or Record</b>	<b>Required Action</b>
Employment-related	Contact the Office of the General Counsel prior to accepting service.
Relating to a faculty practice plan	If testimony and/or records subpoenaed are within faculty member's capacity as an employee he or she may either accept subpoena or personally designate USC Care Medical Group or the faculty practice plan to accept subpoenas on his or her behalf.
Non-Employment-Related	Subpoenas for individuals served in their individual capacity and not as employees or agents of the university must be served on the named individual.