

## 1.0 Purpose and Scope:

- 1.1 To outline administrative procedures for handling receipt of:
  - 1.1.1 a summons and complaint served upon the Los Rios Community College District or a College in a lawsuit where the District or one of its Colleges is a defendant;
  - 1.1.2 a summons and complaint served upon a District employee;
  - 1.1.3 a subpoena served upon the District or a College for the release of records in the custody of the District;
  - 1.1.4 a subpoena served upon a District employee requiring the appearance of the employee in court or for a deposition;
  - 1.1.5 any other legal documents.

## 2.0 Implementation

- 2.1 Service of Summons and Complaint Upon the District or a College as Defendant
  - 2.1.1 Refer the process server to the Office of the Chancellor. The Chancellor or General Counsel will accept service on behalf of the District.
- 2.2 Service of Summons and Complaint Upon a District Employee as an Individual Defendant
  - 2.2.1 If a 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.
  - 2.2.2 If a 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 then should be delivered to the employee at the earliest opportunity. Office staff should not sign any document offered by the process server.
  - 2.2.3 An employee served with a summons and complaint who has been sued based on conduct occurring during the course of employment with the District should immediately contact the Office of General Counsel.
  - 2.2.4 An employee served a summons and complaint who has been sued based on conduct unrelated to employment with the District may wish to consult a private attorney.

### 3.0 Service of Subpoena Upon the District or a College for Release of Records

- 3.1 Upon receipt, any subpoena should be date stamped and processed as follows:
  - 3.1.1 Student Records: Subpoenas should be sent to the Office of General Counsel immediately. Records should not be released without authorization of the General Counsel.
  - 3.1.2 Employee Records: Subpoenas should be sent to the Human Resources Office.
  - 3.1.3 All Other Records: Subpoenas should be sent to the Office of General Counsel with a copy to the supervisory employee charged with custody or control of the records requested.

### 4.0 Service of Subpoena for Personal Appearance (Trial or Deposition)

- 4.1 In all civil cases, the employee served shall request witness fees at the time of service of the subpoena. All witness fees must be endorsed to the District and remitted to Business Services immediately. Mileage expenses may be retained by the employee.
- 4.2 To arrange for a substitute, the supervisor of the employee served should be promptly notified of the date and time of appearance. The employee served also should promptly contact the General Counsel to allow for legal review of the subpoena.
- 4.3 If unrelated to employment with the District, a process server should be advised to serve the subpoena upon the employee to be subpoenaed during the employee's non-work hours.

### 5.0 Service of Other Documents

- 5.1 If an employee is served with documents relating to employment with the District other than those described herein, the documents should be date stamped and sent immediately to the General Counsel.