



Acceptance of Legal Documents and Release of Information Policy

Effective Date: June, 2018

Office: *Office of General Counsel*

PURPOSE: *This section should include reason or rationale for the policy.*

The purpose of this policy is to ensure that all members of the University community who are contacted by any individual attempting to serve University-related legal documents understand how to route such legal documents, as well as how to manage requests for release of information and documents.

**REFERENCE DOCUMENTS/
RELATED INFORMATION:** *List any other policies or information that should be cross referenced.*

[University of Indianapolis FERPA Policy](#)

SCOPE: All faculty and staff, including student employees and any individuals on campus who may receive legal documents, official inquiries from law enforcement and other officers, and those individuals on campus with access to sensitive and confidential information protected by FERPA and other laws, regulations or University policies.

POLICY HISTORY: *Include any information about previous versions or whether this replaces an existing policy.*

N/A

POLICY STATEMENT: *State the policy here. The policy statement should include the principles of the policy: what is permitted or prohibited, what is required, or how issues will be handled. If viewers read only this section, they will know what the policy is and how it extends to the University. If procedures are short in nature, please include in policy. If procedures are lengthy, please provide separate document.*

Occasionally, University personnel may receive legal documents through various channels. University personnel may also be contacted by members of the law enforcement community or investigators who seek certain information. This policy outlines steps to be taken upon receipt of legal documents or an official inquiry.

Legal Documents Received by the University. Examples of legal documents that may be received by the University include subpoenas, court pleadings pertaining to a lawsuit (summonses, complaints, court orders, interrogatories, notices of deposition, requests for production of documents, notices to admit, and all other forms of demands for disclosure), search warrants, restraining orders, garnishments, mechanics liens and cease and desist letters relating to potential intellectual property infringement.

The University may receive, in person or via U.S. mail or overnight courier, documents issued by a court, officer of the court, attorney, government agency or administrative agency (such as a police officer, federal agent, ICE official, investigator or process server) requiring the University or any unit of the University to appear in court, provide testimony, documents, records, or property, or to take or refrain from taking some action. **All legal documents must be directed to the Office of General Counsel immediately.**

Appearance of Law Enforcement Officer or Government Official on Campus; Contacts and Inquiries Via Phone and E-Mail. If an individual from a law enforcement or governmental agency appears on campus (with or without prior notice), and/or contacts any University personnel by phone or via e-mail seeking any sort of documents, information, data verification, inspection of records, or states any other reason whatsoever, the Office of General Counsel should be contacted immediately. University personnel **shall not** release information or records, formally or informally, in writing or verbally, except when a search warrant has been produced and its validity has been confirmed by the Office of General Counsel. Release of information contrary to this directive may result in a violation of federal privacy and other laws, including but not limited to FERPA, and could subject the University to fines, penalties and other sanctions.

Requests for Confidential Information. All requests for release of or access to confidential information maintained in the records of the University must be directed to the Office of General Counsel. Disposition of such requests will be made by the Office of General Counsel in accordance with legal requirements and University policies and in consultation with the appropriate custodian of the particular University record(s). As an exception to this requirement, personnel in the Registrar's Office may process FERPA-related requests consistent with the University's FERPA policy, but are encouraged to consult with the Office of General Counsel for assistance. The University occasionally receives requests for the release of HIPAA-protected information. These requests must be directed to the Office of General Counsel prior to the release of any information whatsoever.

Service of Process in Person. Any individual attempting to serve legal documents pertaining to the University or any business unit of the University should be directed to the Office of General Counsel. Note: If, after you inform a process server that you are not authorized to accept legal documents on behalf of the University, the process server insists on leaving documents with you, promptly deliver any documents left with you to the Office of General Counsel, together with the envelope, any packaging, and an explanation of when and how you came to be in possession of the legal documents.

Service by Fax or E-Mail. If an individual contacts you and requests consent to fax legal documents or send them via electronic mail, do not agree to accept service. The University does not accept service made by fax or electronic mail unless there are exceptional circumstances and only with the explicit permission of the Office of General Counsel.

Service of Legal Documents on Named Individuals. Service of legal documents that name a specific individual employee of the University can be accepted by that individual. If the legal documents relate to performance of job responsibilities at the University, contact the Office of General Counsel.

Sworn Statements. If anyone not affiliated with the University makes a request for a sworn statement from you in your capacity as a University employee, or for University records without providing a subpoena or similar legal paper, immediately contact the Office of General Counsel, which will determine if the material may be provided under applicable law and if any formal legal documents are required prior to disclosure.

Public Comment on Litigation. As a general rule, the University does not comment publicly on pending litigation. No employee shall give any public comment whatsoever on any litigation matter involving the University to any person or entity, including but not limited to a media outlet. Any exceptions to the policy must be approved by the University President and General Counsel.

Emergency Matters. Should the General Counsel be unavailable to assist with any emergency matter, please contact Brittany Gray, Executive Assistant, at (317) 791-2551 or John Knutson, Paralegal, at (317)788-3425 for assistance in contacting outside counsel.

Personnel Reference Inquiries. All inquiries from any third parties seeking employment reference or confirmation of employment information must be directed to Human Resources for evaluation and response.