

REPORTING RECEIPT OF LEGAL NOTICES AND PERSONAL AND PROPERTY DAMAGE

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Purpose: To provide departments with guidelines for processing of legal notices/inquiries regarding claims against the university and for reporting incidents involving personal injury or property damage.

Policy:

Legal Notices/Inquiries

Legal notices/inquiries either in the form of subpoenas, court and agency complaints or written communication from attorneys/law offices should be forwarded immediately to the President's Office. No response should be made by any employee directly to such inquiry no matter how innocent the request may seem, i.e. providing copies of health records, student records, employee data, etc.

Prompt contact with a System attorney is vital when universities receive legal notices/inquiries. The response time to such notices is usually short, sometimes 20 days or less, and the university and individual defendants risk having judgments made against them if responses are delayed. The President's Office shall forward all such communications to university legal counsel with a general indication of whether there are background documents available and a request for appropriate directions regarding submission of these documents to legal counsel. Legal counsel will advise the university on the need for background information, the action they intend to take and in most cases will provide the actual response to the attorney.

Procedures for receipt of legal notices/inquiries:

1. When legal notices are served in person by a processor, the server should be directed to the Office of the President.
2. When legal complaints are received by mail, the office receiving the notice should date stamp the papers, save the envelope and forward the documents received immediately to the Office of the President.

3. The President's Office will immediately fax a complete copy of all correspondence received to regional legal counsel. The office of legal counsel will be contacted by telephone to assure that the papers are brought to the attention of an attorney as soon as possible. If no attorney is available, the papers should be faxed to the Chief Legal Counsel at SSHE with a cover letter explaining that regional legal counsel was not in the office.

4. No later than the following day, the original set of papers, including all attachments and mailing envelope, will be mailed to regional legal counsel with a cover memorandum stating the name, address and phone number of the sender, and the manner in which service was made, i.e. U.S. mail, hand delivery by Sheriff or U.S. Marshal, etc.

5. When word has been received by the President's office from legal counsel regarding action to be taken in response to the notice, the President's office or designee will inform the receiving party of the status of the claim.

6. Once the legal notice has been forwarded to university legal counsel, individuals involved may be contacted directly by legal counsel. Cooperation with legal counsel in investigating such claims is imperative.

7. The Office of the President will provide the following offices with copies of notices/inquires which relate to their area as indicated:

- * Vice President: all notices related to respective division.

- * Social Equity: discrimination claims.

- * Human Resources: claims related to labor issues.

- * Public Safety: claims related to incidents/accidents which require notification being forwarded to the Bureau of Risk Management and Insurance (BRIM). A copy of the correspondence received should be attached. Public Safety should make no written response or communication to the attorney or to the named claimant.

8. If the above offices receive notices/inquires directly they will follow the process outlined and notify their direct supervisor accordingly.

Reporting of Incidents/Accidents

All reports of incidents involving personal injury or property damage, not in the form of legal notices as outlined previously, shall be reported to Public Safety immediately upon receiving notice of the same.

Procedures:

1. Any telephone calls, letters or other notification regarding personal injury or damage to personal property, should be referred directly to Public Safety.

2. Personal injury claims must be filed with the Bureau of Risk Management and Insurance (BRIM) in Harrisburg. Public Safety will provide details of the alleged incident to BRIM by completing their claim form. Public Safety will advise claimants of their right to contact BRIM directly by letter in which they should include their theory of negligence on the part of the university and copies of invoices for which they are requesting reimbursement.

3. Inquires regarding damage to personal property should also be referred to Public Safety. If the amount claimed is over \$500, the procedure described in paragraph 2 of this section would apply. If the amount is below \$500, the following steps should be taken:

* Information should be compiled as to the nature of the damage and why the university should be considered responsible for reimbursement.

* Public Safety will investigate the incident in conjunction with appropriate department(s), e.g. maintenance. If it is determined that the university was responsible, the claimant would be required to execute a Settlement For Claim of Damages, produce the damaged article, and provide the original receipt or verifiable estimated cost for the damaged item. This document must be signed by the claimant, the Vice President for Finance and Administration and regional legal counsel. Upon complete execution, payment will be processed with the cost to be charged to the department deemed responsible for the damage.