



**THE UNIVERSITY of
NEW ORLEANS**

ADMINISTERED BY: Office of the President

Policy No: AP-OP-08.2
TITLE: Public Record Requests and Service of Legal Documents
EFFECTIVE DATE: April 4, 2014*
 (*Policy Revised, see below)
CANCELLATION:
REVIEW DATE: Spring 2022

PURPOSE

To provide a systematic method for responding to requests for Public Records as well as service of various legal documents.

AUTHORITY

LA R.S. 44:1, et seq., University of Louisiana System Policy and Procedure Memorandum B.I.F-1 (Litigation).

DEFINITIONS

Legal Documents – Generally include any official summons or notice of pending legal action including but not limited to: lawsuits, administrative and judicial subpoenas and/or orders, notices of complaints, investigations, or hearings from governmental agencies, and any official correspondence of a legal nature or made in reference to any pending legal action. This definition of legal documents is not intended to be exclusive. Any questions regarding the handling of any suspect document should be resolved in favor of considering it a legal document. Documents related to wage garnishments should be forwarded to the Payroll Office.

Public Records - Subject to statutory exceptions, “Public Records” under the Louisiana Public Records Act include all books, records, writings, accounts, letters, memoranda, and papers, and all copies, duplicates, or other reproductions thereof, or any other documentary materials, regardless of physical form, including information contained in electronic data processing equipment used, prepared, possessed or retained for use in the conduct or performance of any business by or under the authority of any public body of this state. (LA R.S. 44:1(2)(a)).

Public Records Request – Any request for Public Records received by a University employee, department, college, or administrative unit.

GENERAL POLICY

- I. This policy establishes procedures for handling requests for Public Records along with procedures for managing service of legal documents. The University receives numerous document requests to which it is legally bound to respond in a proper and timely manner. The most common forms of

these requests include federal and state subpoena, requests pursuant to the Louisiana Public Records Act (La. R.S. 44:1, et seq.), and signed authorizations to release student or employee records for litigation purposes. The University's legal obligations may vary significantly depending on the nature of the request.

In order to ensure the University satisfies its legal obligations promptly and efficiently, document requests should be forwarded to the Office of Human Resource Management immediately -- even if the request seeks documents from a specific department. Once the request has been logged in and assessed, departments may then be asked to produce requested documents. Often the University faces strict legal deadlines for the production of documents. Timely cooperation is required so that these obligations are met.

- II. Subject to statutory exceptions, Public Records shall be available for inspection and/or reproduction through the Office of Human Resource Management in accordance with the Louisiana Public Records Act (LA R.S. 44:1, et seq.) and Article XII, Section 3 of the Louisiana Constitution. Public Records shall be available for inspection upon written request during regular office or working hours, except as provided under state and federal law. Copies of Public Records will be provided upon request, subject to a per page charge.
- III. Pursuant to University of Louisiana System guidelines for handling litigation, all legal documents will be forwarded, as appropriate, to the System employee designated to act as the agent for service of process at the System Office. In addition, upon receipt or notice of pending legal action, staff from the Office of Human Resource Management or other designated members of the University leadership team shall immediately inform the System Vice President for Administration and General Counsel as appropriate and necessary.
- IV. Supervisory personnel are responsible for the production and management of records within their administrative unit and for ensuring compliance with this policy. Pursuant to a public records request or subpoena and upon subsequent request by the Office of Human Resource Management, departments shall have the responsibility for reproducing the requested documents and forwarding to the Office of Human Resource Management in a timely and cooperative manner.

PROCEDURES

All employees shall adhere to the following procedures for managing requests for Public Records and service of legal documents.

PUBLIC RECORDS REQUEST – Any request for Public Records received by a University employee, department, college, or administrative unit must be **immediately** forwarded to the Office of Human Resource Management.

PERSONAL SERVICE OF LEGAL DOCUMENTS – Staff within the Office of Human Resource Management are designated as the proper persons to accept service of process. Please do not accept service of any summons or other notice of pending legal action. If asked, you shall inform the process server that you are not authorized to accept service on behalf of the University and direct the server to the Office of Human Resource Management.

SERVICE OF LEGAL DOCUMENTS BY MEANS OTHER THAN PERSONAL SERVICE – Legal documents are frequently delivered to the University by regular mail, facsimile transmittal and even by electronic mail. If you receive a document(s) from an attorney or federal or state court or agency, please forward the document(s) to the Office of Human Resource Management. Such documents should be delivered **immediately** by hand or electronic mail. Please do not send legal documents via campus mail.



John W. Nicklow
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**Policy Updates:
Revisions: 07/09/2020
07/19/2016*