

Responding to Legal and Governmental Inquiries

Approved By: President's Council

Responsible Office: Office of the President – Ethics and Integrity Officer

Background and Purpose

From time to time, college employees, including student workers, receive official legal documents notifying the College of the commencement of a lawsuit or agency proceeding, requiring that the College produce copies of records related to court or agency proceedings, or requiring the College to take other action. These documents may take various forms, including summonses, subpoenas, search warrants, other court orders, and other notices from official personnel/entities (federal, state, or local.)

These legal documents are sometimes addressed to the College itself - - "Gettysburg College" or "The Board of Trustees of Gettysburg College" - - or to a particular office/school or named official of the College: for example, "The Provost's Office", "Financial Services, Gettysburg College," or "Registrar, Gettysburg College." In some cases, these types of notices are received by mail; in other instances, they may be hand-delivered by a "process server" (a law enforcement official, such as an FBI agent or deputy sheriff, or a private process server.)

It is important for all College employees, including student workers, to be aware of the appropriate course of action to take if approached by law enforcement officials with official legal documents or if employees receive such documents by mail. It is especially important for employees who work in the College's Library, Information Technology Services, Registrar, Human Resources, Financial Services, the Post Office, and any other office that maintains employee or student records, to be aware of this protocol, as these offices are the most likely to receive search warrants or subpoenas. By following this protocol, employees will facilitate prompt review of such documents by the College's Ethics and Integrity Officer and Director of Public Safety, who will assist in determining the validity of the document and the appropriate response on behalf of the College.

It is also important for all College employees, including student workers, to be aware of the appropriate course of action to take if visited or contacted by government regulatory or investigative agencies on routine background checks, or other, non-routine matters, or if contacted by attorneys or investigators representing government authorities or parties involved in litigation with the College. By following this protocol, employees will facilitate prompt review of the situation by the Ethics and Integrity Officer and Director of Public Safety, who will assist in determining whether the contact/site visit is authorized and legally permissible, and the appropriate response on behalf of the College.

The Ethics and Integrity Officer must be contacted at extension 6011, President's Office, Penn Hall, third floor. The Director of Public Safety may be contacted at extension 6321.

Acceptance of Hand-Delivered Summonses, Subpoenas, Search Warrants and Other Court Orders

You should not accept a hand-delivered summons, subpoena, search warrant, or other court order that is addressed to another individual or department, unless that individual or department has specifically authorized you to accept it. If you do not have specific authority to accept service of such a document addressed to another individual or department, tell the process server that you do not have authority to accept service of the document, and that the process server should take the document to the individual or department to whom it is addressed or the Ethics and Integrity Officer who can determine whether the document can be accepted by the College. You must notify the Ethics and Integrity Officer or Director of Public Safety immediately of the attempted service of process.

You should insist that law enforcement officials serving summonses, subpoenas, search warrants, or other court orders present official identification, including a photograph.

Responding to a Search Warrant

If a legitimate law enforcement official presents a search warrant addressed to you or your department, do not interfere with the search or seizure. Call your department head or supervisor and the Ethics and Integrity Officer or the Director of Public Safety immediately and provide the Ethics and Integrity Officer with a copy of the search warrant the same day, with the date and time served noted on the warrant. Prepare and maintain an inventory of any records provided pursuant to the search warrant.

Response to All Other Official Legal Documents

For all other hand-delivered or mailed official legal documents, including summonses, subpoenas, and other court orders, you must contact the Ethics and Integrity Officer or the Director of Public Safety immediately and provide a copy of the document to the Ethics and Integrity Officer the same day. You should note on the document the date, time and method (hand-delivered or mail) by which you received the document. You should not take any action in response to a summons, subpoena or other official legal document involving College business until the Ethics and Integrity Officer has confirmed the validity of the document and the appropriate response on behalf of the College. For instance, the Ethics and Integrity Officer may determine that the scope of the records requested in a subpoena is overly broad and that the College should object to the subpoena. Once the Ethics and Integrity Officer has determined the appropriate response to the document, she/he will work with the appropriate designated official and legal counsel to prepare an inventory of any records provided pursuant to the document.

Routine Background Checks

If you are approached by an FBI agent or other official conducting a routine background check, please refer them to the Human Resources Office.

Call-In Requests for Background Checks

In the case of a caller requesting information about a student or former employee, please refer them to the Human Resources Office.

Notice of Contacts by Government Regulatory/Investigative Personnel and Outside Attorneys or Investigators

If you are contacted on a non-routine matter by a government attorney, a representative of a government agency (federal, state, or local), or an attorney or investigator for any party to a lawsuit or other legal proceeding involving College business, you must refer them to the Ethics and Integrity Officer and notify the Ethics and Integrity Officer or the Director of Public Safety of the contact immediately.

Confidentiality

Employees, including student workers, should not communicate the fact of service of official legal documents, contacts by government personnel or private attorneys, or the details regarding any response to such circumstances, to anyone without a legitimate need to know in accordance with this College policy. Inappropriate disclosures of certain official legal documents or contacts to individuals without a legitimate need to know may in fact be illegal.