

UC Santa Barbara
Policies

Policy 7045

Issuing Unit: Administrative Services

Date: September 1, 1978

SERVICE OF SUMMONS AND COMPLAINT

I. REFERENCES:

- A. State of California, Code of Civil Procedure, Section 416.50.
- B. General Counsel Cunningham's memorandum to President Hitch, et al., dated July 10, 1970.
- C. UCSB Policies Manual, Policy 7000, Acceptance of Subpoena Duces Tecum for Personal Records.

II. POLICY:

A. On Behalf of The Regents:

Administration and faculty personnel are not authorized to accept service of summons on behalf of The Regents. The proper persons to be served on behalf of The Regents are the Secretary of The Regents, the President of The Regents (the Governor), and the Chairman of The Board of Regents.

B. Individual as an Employee of the University:

If an individual University employee is named as a defendant in the lawsuit, he/she may accept service of summons on his/her own behalf, but the employee should make it clear that he/she cannot accept such service on behalf of The Regents. An individual employee who accepts service on his/her own behalf, in connection with employment by the University, should immediately notify his/her supervisor, who should then notify the appropriate Vice Chancellor. The Vice Chancellor will notify the General Counsel's office in order to insure that the employee's interests are fully protected. If the employee is unavailable, the summons may be left with a person "apparently in charge" of the department or place of business where the intended recipient works.

C. Individual in Legal Actions Unrelated to the University:

With respect to service of summons and complaint upon University employees involved in legal actions unrelated to the University, as one alternative to personal service, a copy of the summons and complaint against the employee may be left with a person "apparently in charge" of the department or place of business where the intended recipient works if the person to be served is not available (Code of Civil Procedure, Section 415.20(b)). The person who is actually given the summons must be informed of the contents of the summons by the process server, and a copy of the summons and complaint must be mailed to the recipient at his/her business address by the process server.

The summons should be accepted by the person in charge for only those under his/her immediate supervision or for a co-worker at that geographic location, and the supervisor or co-worker should give the summons to the intended recipient upon his/her return.

If the person does not work at the particular location (i.e., department or place of business, the process server must be so informed. If the process server insists upon leaving the summons in that incorrect location, the University has no duty with respect to the summons. If an employee does not have a permanent base of operation, then valid service cannot be made under this provision.

Please direct questions about these policies to Meta.Clow@vcadmin.ucsb.edu. For questions or comments regarding the format of the above information, please contact webcontact@ucsbuxa.ucsb.edu.

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