

EDINBORO UNIVERSITY OF PENNSYLVANIA

**CONTACT WITH PASSHE OFFICE OF CHIEF COUNSEL/
UNIVERSITY LEGAL COUNSEL-Policy No. C015**

Supersedes Policy No. C015, Dated 4/30/89 & 1/12/93

Recommended for Approval By: Gordon J. Herbst, Vice President for Finance and Administration

Approved By: Jeremy D. Brown, President on September 15, 2008

Review Date: As Required

INTENT

All Edinboro University employees have an obligation to the Commonwealth of Pennsylvania to recognize the University's position as an arm of the Commonwealth.

It is the intent of this policy to identify the authorized employees and prescribe the appropriate situations under which contact occurs between authorized employees of Edinboro University and the University's attorney from the Pennsylvania State System of Higher Education (PASSHE) Office of Chief Counsel or University Legal Counsel.

Edinboro University employees, in the regular course of their responsibilities to provide various services to the community, come into contact with students, parents, auxiliary workers, volunteers, vendors and other members of the public. Most of these contacts are positive and productive and result in the satisfaction of the public interest and advancement of the University's mission. Other contacts with the public, on occasion, are viewed as or perceived to be less positive and less satisfactory, and might result in challenges, threats, or suggestions of legal action.

Additionally, there are instances when, after internal consultation or discussion, a legal issue is identified that prompts the need to consult with the PASSHE Office of Chief Counsel/University Legal Counsel. In these situations, the persons designated by the President shall contact the PASSHE Office of Chief Counsel/University Legal Counsel for advice and counsel.

POLICY

Resolution of or decisions in regards to legal matters involving Edinboro University can only be determined by the President or the President's designee and the PASSHE Office of Chief Counsel/University Legal Counsel.

As an arm of the Commonwealth, the University and its employees must refrain from providing any communication or indication, such as a gesture of conciliation or counter-threat that might be misunderstood as an official action or reaction on behalf of State government or an authoritative communication by an officer of the State. To do so without explicit authority is to act outside of the scope of his or her employment.

Violations of any part of this policy will result in timely disciplinary action that may range up to and including termination of employment or expulsion from the University in accordance with University policy.

CONTACT WITH PASSHE OFFICE OF CHIEF COUNSEL/UNIVERSITY LEGAL COUNSEL

All communication, whether by telephone, written or electronic, with the PASSHE Office of Chief Counsel/University Legal Counsel can only be made by the President, the functional group heads, and their authorized designee(s).

A list of these individuals will be maintained in the Office of the President and updated as appropriate.

The President or the President's designee must be copied on communications to the PASSHE Office of Chief Counsel/University Legal Counsel, as well as on communications involving issues that have or might have potential legal or other reputational ramifications for the University, the other System institutions, or PASSHE.

CONTACT WITH LEGAL REPRESENTATIVES

No University employee shall communicate with any attorney, paralegal, investigator or legal office representative(s) who represents the interest of a member(s) of the public, an employee of the University or a student on matters that reflect the interest of the University or PASSHE. Any and all communications shall be made by the PASSHE Office of Chief Counsel/University Legal Counsel, unless otherwise directed by the President or PASSHE Counsel.

PROCEDURE

The functional group heads are under instructions to consult with the President and the University attorney before offering any responses of a legal nature regarding the interests of the University, the Pennsylvania State System of Higher Education, and the Commonwealth of Pennsylvania.

In their dealings with various constituents, Edinboro University employees should take only those actions within the scope of their responsibility and authority to fulfill the purposes of the University and the needs of the public. If the actions do not satisfy those whom they serve, the incident should be reported to the proper supervisor, as well as the appropriate functional group head.

Occasionally, an employee might receive a request from a member of the public or from a legal representative for University information or for University-generated records or documents. The President's designee is authorized to serve as the central repository for these requests for University information and to contact the PASSHE Office of Chief Counsel/University Legal Counsel in these matters. Employees shall send the original request for information and a copy of the corresponding information to the President's designee.

No employee should accept legal service of any hand-delivered document. All legal service should be immediately directed to the Office of the President. In the event that service of a legal document is effectuated by mail, the document should be hand-delivered on the day of receipt to the Office of the President for proper processing.

EXCEPTIONS

Any exceptions to this policy are made by the President, upon written request and with full justification, and approved with the President's prior knowledge and consent.