

LEGAL MATTERS POLICY

Table of Contents

[Section 1 - Purpose and Scope](#)

[Section 2 - Policy](#)

[Section 3 - Procedures](#)

[Back to Top](#)

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Section 1 - Purpose and Scope

The purpose of this policy is to inform administrators and employees of the American University of Beirut (AUB) and its Medical Center (AUBMC), hereinafter the "University", about procedures to be followed in respect of any and all legal matters and obtaining the assistance of legal counsel.

[Back to Top](#)

Section 2 - Policy

All legal matters pertaining to the University must be referred to the University's attorneys, hereinafter "legal counsel". Assistance of legal counsel must be requested for all contractual matters, existing or potential lawsuits, threats of violence, official inquiries, audits and compliance visits from regulatory agencies, or other situations that may have legal consequences.

Administrators and employees must request advice and assistance of the University's legal counsel before releasing university records, giving depositions, or communicating as a representative of the University, orally or in writing (including electronically), with any non-university attorney or other third party about any legal matter concerning the University, the AUBMC, or University/AUBMC employees, including, but not limited to, any pending or threatened lawsuit. This policy applies to all communications in which the administrator or employee is speaking (or could reasonably be viewed as speaking) for the University. It does not apply to communications about the administrator's or employee's own legal matters, even if they concern the University.

The president of the University must be informed of legal issues having potentially significant consequences to the University, and his/her approval will be sought in all non-routine and/or major legal cases.

In addition, the university legal counsel should be consulted in situations that by their nature give rise to legal concerns.

[Back to Top](#)

Section 3 – Procedures

1. [General Guidelines](#)
 2. [Legal Assistance](#)
 3. [Guidelines in Respect of Subpoenas Summons and Court Orders](#)
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1. General Guidelines

- a. The vice president for legal affairs is responsible for coordinating legal services for the University, reporting directly to the president. It is imperative that the vice president for legal affairs, hereinafter referred to as the "coordinator of legal affairs", be made aware of all matters requiring the services of legal counsel. The coordinator of legal affairs should be copied on all correspondences between legal counsels and university administrators. For confidentiality purposes, such correspondences related to patients at AUBMC may omit the name of the patient and other confidential information.
- b. Administrators who are faced with new matters that they believe require the assistance of legal counsel, or which by their nature give rise to legal concerns, should refer such matters to the coordinator of legal affairs prior to consulting with legal counsel and to the execution or implementation of any action in this respect. This referral may consist of a preliminary telephone conversation. However, all notices pertaining to new legal matters such as court appearances, injunctions, garnishments, attorneys' letters, lawsuits, summons, etc., should be transmitted to the coordinator of legal affairs immediately upon receipt who shall decide (following discussion with legal counsel, when needed) how to proceed.
- c. If the decision is made to involve legal counsel, the coordinator of legal affairs and the administrator faced with the matter shall determine who is best prepared to pursue the matter with legal counsel. Generally, the administrator will be given approval to pursue the matter further with legal counsel, keeping the coordinator of legal affairs informed of developments. In addition, the coordinator of legal affairs and the administrator shall develop a plan to keep each other apprised of events during the resolution of the matter.
- d. In matters that are already assigned to legal counsel or in emergencies, administrators may contact legal counsel directly. In these instances, the administrator must promptly inform the coordinator of legal affairs about the situation and the steps taken and thereafter shall keep the coordinator of legal affairs fully apprised of the situation and all developments.

2. Legal Assistance Needs to be Sought in the Following Instances:

- a. **All University Contracts and Agreements:** including, but not limited to, those related to construction and capital improvements, equipment, service and supply purchasing contracts, provision of services by the University, its personnel or REP, food services, sale, lease, and purchase of real property, employment and third party services, excepting when the contract templates contained in the appendices of the

Policy on Professional Services are used in connection with contracts established in accordance with that policy.

All bids, tenders, contracts, and requests for proposal issued by the University shall be issued in English. Where required, such bids, tenders, contracts, and RFPs may be translated into Arabic, however, in such cases, the English version shall prevail. Exceptionally, contracts with the Government of Lebanon or local governments (municipalities, etc.) may be in Arabic, in which case translations into English should be made available to the signatories at AUB.

- b. Health Care Matters:** regarding contracts affecting the university hospital and clinics, including contracts for health sciences programs, third-party payer agreements for physician services and hospital services, and joint venture agreements between the University and other parties.
- c. Employment Law:** regarding the development and implementation of university employment policies in compliance with applicable laws, the administrative process for discipline or termination of university employees, the employee grievance process, faculty claims pertaining to retention, promotion, discrimination, and tenure decisions.
- d. Student Matters:** policies governing students and the activities of student organizations.
- e. Policy Review:** on proposed university policies and procedures.
- f. Intellectual Property:** and development of policies regarding licensing of technology, review of sponsored research agreements and licensing agreements, general business matters, and copyright and trademark matters.
- g. Real Estate:** regarding real estate owned or to be purchased by the University, as well as leases of real property by and from the University.
- h. Litigation:** i.e., all lawsuits (including arbitration), either threatened or brought against or on behalf of the University (this would include malpractice cases, threat of violence and harassment, garnishments and liens).
- i. Legislation:** legal analysis and recommendations to the administration on legislation enforcement aspects, or legislative or administrative regulations and development.
- j. Ethical Issues:** either legally required under any applicable law, or pursuant to the university policies, rules, and regulations.

3. Guidelines in Respect of Subpoenas Summons and Court Orders

Upon being served any subpoenas, summons, and court orders, the administrator in charge must abide by the following procedures:

- a.** Clarify what records and/or information are requested, which are in the person's custody and which are not. Consult with the appropriate dean or senior administrator.

- b.** Search to see if requested records exist and contain the information requested, and compile data.
- c.** Report the request to the coordinator of legal affairs and to legal counsel, and share available records/information.
- d.** Legal counsel will respond or advise and review the administrator's response.
- e.** If called upon to make a deposition or give a court appearance related to university business, immediately contact legal counsel.
- f.** Document action(s) for file.
- g.** Make sure that all documents responsive to the request or relating to the underlying situation are preserved and are not destroyed. "Documents" includes all paper as well as electronic records.

[Back to Top](#)