

Policy Number: 1-109	Policy Name: Initiation of Litigation
Policy Revision Dates: 3/93, 5/92, 9/83	Page 1

## 1-109 Initiation of Litigation

- A. Only the Arizona Board of Regents as a body corporate has the capacity to sue and be sued. Accordingly, all litigation to be brought by the Arizona Board of Regents on its own behalf or on behalf of any of the universities over which the Board has jurisdiction shall be brought in the name of the Arizona Board of Regents.
- B. Litigation shall not be initiated in the name of the Arizona Board of Regents without specific authorization by the Board, except as provided in paragraphs E and F below. In an emergency, tentative approval to initiate the emergency litigation may be granted by the Board's Counsel after notification of the Chair of the Board. Any emergency litigation is subject to ratification by the Board at its next meeting.
- C. Prior to the time that authorization to initiate litigation is sought from the Board, the university shall advise Counsel to the Board of the need to seek such authorization and shall supply to Counsel to the Board a summary of the facts, the legal basis for the proposed litigation, the relief sought by the university, and whether the litigation should be handled under any existing agreement regarding the provision of legal services (e.g., an existing collections agreement). Counsel to the Board will then submit the request for authorization to the Board with Counsel to the Board's recommendation.
- D. Once the Board has acted on the request for authorization to initiate litigation, Counsel to the Board shall advise the university in writing of the Board's decision. If the Board has authorized the initiation of litigation, Counsel to the Board, in consultation with the President of the institution affected, shall designate the manner in which the legal services necessary to handle the litigation will be provided.
- E. In order to assist the universities in complying with federal regulations governing, and requiring universities to use due diligence in, the collection of amounts due federally funded loan programs, the universities under the Board's jurisdiction may initiate litigation without prior approval of the Board to assist in the collection of student loans when the delinquent account does not exceed \$25,000.

Policy Number: 1-109	Policy Name: Initiation of Litigation
Policy Revision Dates: 3/93, 5/92, 9/83	Page 2

- F. The universities may initiate litigation without prior approval of the Board where the amount in controversy does not exceed \$25,000.