

Depositions and Court Appearances:

WSU Extension employees are known to be highly qualified and credible sources of information; therefore, they are frequently asked to provide facts and opinions in legal actions in which WSU is not a party. It is difficult, if not impossible, to separate the testimony of any witness from the outcome of litigation. Hence, the Extension employee's testimony is usually perceived to have benefited one party and damaged another. This places the Extension employee in an adversarial position. While unintentional, the adversarial position impacts negatively not only upon the individual employee but also the university and the Cooperative Extension System. In recognition of this, the following policies have been developed.

Director's Office and Attorney General's Office Must be Notified

Extension employees who are requested to provide testimony through deposition or appearance in court will immediately notify the Director of Budget and Resource Planning or the office of the director to receive specific instructions. The employee will also notify his or her unit head and the attorney general's office at Washington State University, telephone 509-335-2636.

Voluntary Expert Opinion Testimony.

The provision of voluntary expert opinion testimony does not meet the university criteria for consulting in that it is outside the mission of WSU Extension, and it does not enhance the faculty member's professional development. Extension employees shall make no agreements to provide voluntary expert opinion testimony on university time using state resources.

Voluntary expert opinion testimony within the faculty member's subject matter area is highly discouraged, even on the employee's own time and using his or her own resources, because of the probability of adversarial situations involving constituents and possible detriment to the university's image. However, voluntary expert opinion testimony that is not within the Extension employee's subject matter and geographic area of employment may be given on their own time and without the use of state resources.

Subpoena for Expert Testimony within Subject Matter of Employment.

When a valid subpoena is served, compliance is required. Employees will take reasonable and legitimate steps to avoid and discourage their involvement in the legal claims, cases and suits of others. However, employees may receive a subpoena to provide testimony on factors that the employees have personal knowledge of and that concern their subject matter of employment. When a valid subpoena is served, compliance is required. All costs associated with preparation and participation will be billed by the University to the attorney at the established rate of pay and benefits plus any out-of-pocket expenditures.

If a valid subpoena is served, the summoned individual is required to comply under the laws of the state of Washington. Employees will consult with the WSU Attorney General's Office upon receipt of the subpoena and before giving a deposition or providing testimony. It is usually preferable to provide a deposition rather than appearing to testify. When providing testimony, it is important that the statements are factual and neutral.

Time and Expense Records Must be Maintained.

Employees who are required by subpoena to provide a deposition or appear to testify are expected to keep accurate records of time spent (dates, hours, and activity) and expenses incurred. As soon as possible following the court-required actions, the employee will provide:

1. Complete name, address, and telephone number of the attorney to be billed.
2. Names of the defendant and plaintiff of the case and the case number.
3. Complete record of time and expenses incurred.

This information is to be sent to the Director of Budget and Resource Planning, Business and Finance Office, 405 Hulbert Hall, Washington State University, Pullman, WA 99164-6241.

Subpoena for Expert Testimony Unrelated to Employee's Subject Matter of Employment.

Expert testimony under a subpoena that is received by employees for cases that do not relate to their field of employment as a WSU Extension employee shall be handled under the Faculty Manual, Section III.E.9 (b). http://www.wsu.edu/Faculty_Senate/

Subpoena for Non-Expert Testimony.

Refer to Faculty Manual, Section III.E.9 (c).
<http://facsen.wsu.edu/>