

Effective: May 14, 1991

**Administrative Policy
RESPONSE to SUBPOENAS**

Approved: May 14, 1991
President's Advisory Council

This policy applies to the University's response to subpoenas and other legal documents which request access to information and/or copies of documents covering employees or students currently or formerly enrolled at the University.

This policy provides a uniform and expeditious procedure for review of subpoenas received by the University in order to ensure that the University and its employees will be protected from claims arising from the improper handling of such documents and subpoenas.

Definitions

A Subpoena is a command to appear at a certain time and place to give testimony upon a certain matter or produce certain designated documents or other evidence. Subpoenas may be served in criminal, civil or administrative cases and under federal or state law.

Records are the documentation of some act or transaction, written evidence of something done, or other information under the custody of the University. Records are also any information prepared, owned, used or retained by the University in connection with the transaction of public business.

Responsibilities

University employees who have access to records or who serve as official custodian of records (e.g., the Registrar' office, who serves as the custodian of student academic records or Human Resources, who serves as the custodian of employee records) has a responsibility to maintain the confidentiality of certain records.

University employees should, through appropriate channels, report to their Vice President the receipt of any subpoena or legal document from an attorney, court of law, or other agency requesting a University record.

University employees should not communicate directly with outside attorneys requesting information and records from the University.

The direct handling of routine subpoenas by the Registrar's office will continue under currently approved procedures. Other offices may be designated by the President in the future to directly handle routine subpoenas under approved procedures.

The Vice President will forward all subpoenas and other legal documents requesting information or University records to University Legal Counsel for review, evaluation and advice. In cases where a timely response precludes forwarding of documents, the University Legal Counsel should be consulted by telephone.

The Vice President will refer all contacts from outside attorneys and administrative or court officials requesting legal documents or University records to Legal Counsel for response.

The University Legal Counsel will review all subpoenas and legal documents referred by a Vice President or any other University source requesting information or University documents.

The University Legal Counsel will respond to all contacts or correspondence from outside attorneys and administrative or court officials requesting information or University records.

The University Legal Counsel will recommend to the Vice President or other appropriate University official the appropriate course of action in response to subpoenas and other legal documents requesting University records.