

## ABILENE CHRISTIAN UNIVERSITY SUBPOENA PROCEDURES

**Purpose:** To outline authority and responsibilities and describe general guidelines for the review and proper processing of all subpoenas served on the university.

**Subpoena:** A “subpoena” is a legal document issued by a court, an officer of a court, or an administrative agency that requires production of specific documents and/or attendance of a witness at a deposition, hearing or trial. While there are different types of subpoenas, they typically relate to student or employee records. If there are any questions regarding whether a request for documents or any other information constitutes a subpoena, please contact the ACU Office of General Counsel (OGC).

**Receiver:** The “receiver” is the employee, faculty or staff, of the university who is served with or receives the subpoena. This places the receiver in the role of initiating the subpoena process.

### Procedures:

- Upon receipt of a subpoena, the receiver should **immediately notify** OGC by phone at x2485 or by email at [ogc@acu.edu](mailto:ogc@acu.edu). OGC will review the subpoena to ensure that it is valid and meets legal requirements.
- If OGC determines that the subpoena is proper and legally valid, it will notify the appropriate ACU offices to provide copies of any documents that appear to be responsive to the subpoena. If necessary, OGC will notify students of any requests related to educational records pursuant to FERPA regulations. If OGC determines that the subpoena does not require production of documents or information and/or is invalid, OGC will communicate that determination to the receiver.
- Upon notification, the ACU offices should promptly respond by stating whether they have any responsive documents, and if they do have such documents, email or hand-deliver them in a sealed envelope (marked confidential) directly to OGC.
- OGC will then review any responsive documents and prepare a formal response to the subpoena. If the subpoena includes a business records affidavit, OGC will ensure that the appropriate custodian of record executes the affidavit.
- Reasonable efforts will be made to respond to subpoenas either by the date listed on the subpoena or within **14 days** from service/receipt of the subpoena.
- OGC will maintain a copy of all subpoenas, any responsive documents, and the formal response sent to the requesting party for two years after the date the response is sent.