

## **Subpoenas, Search Warrants, Court Orders, Service of Process, and Information Requests**

### **FAQs**

#### **General Information**

The Office of Legal Affairs at SMU is responsible for determining the appropriate response to a subpoena or other request for information received by an SMU employee or faculty member relating to SMU business records. Should you receive such a subpoena, or other written request for information, you should call the Office of Legal Affairs immediately (x8-3233) so that we may determine the next step.

Federal and state laws govern current and former student and employee records, as well as requests for “public” information under the federal Freedom of Information Act (“FOIA”) and the Texas Public Information Act. Additionally, SMU Policy 13.8, Policy for Service of Subpoenas and Responding to Subpoenas or Other Requests for Records of Current or Former Students and Employees, <http://smu.edu/policy/S13/subpoena.html>, provides additional instructions and guidance.

#### **Frequently Asked Questions**

##### **What is a subpoena and what am I supposed to do with it?**

A subpoena is a legal document which may be issued by a court or agency (state and federal), and, in some states, including Texas, by an attorney acting as an officer of the court. A subpoena is used in a court or agency process to gather records and other information. It may be used to require someone to appear and give testimony at a deposition, court or agency hearing, or appear as a witness in a civil or criminal trial. A subpoena may also be used by a party to request information, records, or other items in a civil lawsuit.

Should you receive a subpoena, or other written request for information, you should call the Office of Legal Affairs immediately (x8-3233). Before SMU responds to a subpoena, a determination must be made whether it meets several specific requirements as to its legal enforceability. There is usually a deadline for response by SMU stated in a subpoena, so it is very important that you provide the original subpoena and any attachments, along with the envelope, certified mail receipt, or other information to the Office of Legal Affairs so that it may be reviewed in a timely manner. Failure to respond appropriately, or in a tim

A FOIA request is generally a request for information made to SMU by an individual or entity claiming a right to the information under the federal “Freedom Of Information Act.” As a private institution, SMU is generally **not** subject to these requests and declines to provide any information under a FOIA request (see next FAQ). However, please check with the Office of Legal Affairs to determine whether the request you receive is valid, and if any response is necessary. The Office of Legal Affairs will coordinate any response on behalf of SMU.

**What laws govern the release of employee and student records to third parties?**

Federal and state laws govern current and former student and employee records, as well

**I was involved in an auto accident on the SMU campus and SMUPD responded. How can I get a copy of the report for my insurance company?**

Please contact the SMUPD directly, at the non-emergency number: 214-768-3388, or via email: