

SUBPOENAS: Frequently Asked Questions

1. What is a subpoena?

CSU General Counsel tells us: “A subpoena is a legal document that commands a person or entity to attend at a particular time and place to testify as a witness (at a deposition, trial, or other hearing), and/or to produce documents or other tangible objects in a legal proceeding. It is equivalent to a direct order from a court.” Most often, subpoenas for student records are merely for the production of records.

2. Does a subpoena for student records mean the university is being sued?

Not necessarily. In fact, that is hardly ever the case. Most subpoenas are related to a student’s personal business. Some examples of the most common kinds of cases for which we receive subpoenas are:

- Worker’s Compensation claims or other accident related lawsuits
- Divorce a/o child custody cases
- Lawsuits against a hospital or doctor
- Arbitration or litigation related to insurance claims or contractual disputes
- Law enforcement investigations (though these are extremely rare)

3. Whose responsibility is it to process subpoenas for student records?

The Vice President for Student Affairs is the designated custodian of student records at CSUN. The responsibility for coordinating the university’s response to subpoenas for student records that are served on the *CSUN Custodian of Student Records falls on the Office of the VP for Student Affairs (VPSA).

The VPSA office will:

- Verify the validity of the records request;
- Notify the student of our intent to comply and their rights, when appropriate;
- Request and compile the records identified on the subpoena from the record holders (THIS IS WHERE YOU COME IN);
- Respond to the court or copy service by the due date listed on the subpoena.

* NOTE: Subpoenas issued directly to an individual must be served directly on the named individual. In this instance, the named individual will be responsible for responding to the entity identified on the subpoena. (Guidance can be solicited from the CSU Office of General Council.)

4. What is my responsibility related to a subpoena for student records?

If you have been approached by the VPSA office for records related to a student, it is because you have been identified as a “possible” record holder for the kind(s) of record(s) specified in the subpoena.

Your responsibility is to:

- check to see if you have retained the requested records, either in hard copy or electronically;
- produce *ACTUAL COPIES of the requested records to the VPSA office employee who requested them
- Ensure that records are submitted by the due date listed on the request.

* ***IMPORTANT: Subpoenas require production (or reproduction) of the actual record(s) retained. Reproductions are acceptable in the form of a photocopy, fax copy, or pdf of the actual record(s). We cannot accept an email of summary information or recollections of a student's performance in lieu of the actual document.***

5. What kinds of record(s) am I obligated to produce? Are there any exceptions?

When you receive a request for student records from the VPSA office, the kind(s) of record(s) being sought will be identified on the request. You are obligated to provide all of the records specified for that particular student which are in your possession. If dates are specified in the request, please be sure to only submit records from within that timeframe. If you have any questions about whether or not a record falls within the scope of the records requested, give the VPSA office a call to discuss (ext. 2391)

6. What if other students' information appears on a requested record?
(A common example of this would be a class grade roster or attendance record.)

The VPSA office will redact any information that does not pertain to the student specified before submitting it to the requesting entity. If you are more comfortable doing this yourself, you may certainly do so before submitting it to the VPSA Office.