

10:04:01:00 Response to Subpoenas and Search Warrants

Purpose:

The purpose of this policy is to describe the procedures expected to be followed in response to receiving a subpoena or search warrant regarding Dyersburg State Community College (DSCC).

Scope:

This policy applies to those employees who receive a subpoena or search warrant in regard to the College. This does not include those subpoenas received for the disclosure of student records.

Policy:

If a law enforcement officer presents a subpoena or search warrant:

- Refer the officer to the most senior administrator available on campus or at the off-campus location.
 1. President
 2. Vice President for the College
 3. Vice President for Finance and Administrative Services
 4. Vice President for Technology
 5. Vice President for Institutional Advancement
 6. Off-campus administrator
- Immediately contact the senior administrator to alert them
- The senior administrator will verify that the law enforcement officer is a legitimate official of a recognized law enforcement unit.
- The senior administrator will notify the law enforcement officer that the College will need to contact the Tennessee Board of Regents (TBR) Office of the General Counsel for counsel.
- The TBR Office of the General Counsel will provide advice and assistance concerning the subpoena or search warrant.

All DSCC staff involved in the process of responding to a subpoena or search warrant for institutional records presented by a law enforcement officer have the duty to maintain the confidentiality of the request such that the

matter may only be discussed with individuals who have a legitimate business need to know. DSCC will maintain accurate, comprehensive, and confidential written documentation of each request.

A subpoena or search warrant could be presented at non-standard times such as weekends and late nights (not likely to occur). The senior administrator will call the TBR Office of the General Counsel and leave a detailed voicemail message explaining the urgency of the situation. The TBR Office of the General Counsel will promptly respond to the call the next business day.

Compliance:

All faculty and staff are expected to adhere to this policy.

Definitions:

Subpoena – legal document requiring a specific person to appear at a particular time and place to testify as a witness and/or produce documents in the control of the witness (“subpoena duces tecum”). A subpoena is used to obtain testimony from a witness at both depositions (testimony under oath taken outside of court) and at trial.

Search Warrant – judicial document authorizing law enforcement officers to conduct searches of people, locations or vehicles in order to obtain evidence for presentation in criminal prosecutions.

Revision History:

Policy written in 2001. Policy revised April, 2013; approved by Administrative Council on 06/26/2013.