

Subpoenas, Public Records, Service of Process

University Operations- Administrative

EWU Policy 201-06

Effective: December 9, 2022

Authority: Board of Trustees

Proponent: Vice President for Business & Finance

Summary: This policy describes the standards for responding to public records requests, subpoenas, warrants, discovery, and other legal requirements.

History: This policy is new. It was approved by the Board of Trustees on December 9, 2022.

CHAPTER 1- TYPES OF LEGALLY REQUIRED DISCLOSURES

1-1. Public Records Requests

All public records requests for university records must be sent immediately to:

Public Records Manager
211 Tawanka Hall
pr@ewu.edu
inside.ewu.edu/rcp/pr/public-records/

The Public Records Manager is responsible for receiving and responding to all requests for records under the Public Records Act, RCW 42.56. EWU's regulations regarding public records requests are contained in WAC 172-10.

1-2. Subpoenas, Summons, Search Warrants & Court Orders

All subpoenas, summons, search warrants, or court orders requiring the disclosure of university records must be sent immediately to:

Risk Management
211 Tawanka Hall
riskmanager@ewu.edu

The Director of Risk Management and Public Records Manager will coordinate to review and properly respond to all legally-mandated disclosure requests. Any responses to these types of legally required disclosures must be coordinated through the Director of Risk Management and Public Records Manager to ensure that such disclosure is legally required and to redact/remove any information that is protected by data privacy laws or other legal requirements.

1-3. Service of Process

All individuals seeking to serve the university should be directed to Risk Management, 211 Tawanka Hall. If a department accidentally accepts service on behalf of the university or is served by an electronic means, the department must immediately contact Risk Management.

CHAPTER 2- EMPLOYEE RESPONSIBILITIES

All employees are responsible for complying with the Public Records Act and other laws that require the university to search for and produce university records, such as subpoenas, search warrants, and discovery requests. Employees must:

- (1) Immediately forward any requests that they receive for university records to the appropriate offices identified above;
- (2) Conduct reasonable searches for records in a timely manner when requested by the Public Records Manager, Director of Risk Management, or Associate Vice President for Civil Rights, Compliance & Enterprise Risk Management;
- (3) Produce all records to the appropriate department who is responding to the request without any alterations to the records; and,
- (4) Retain any responsive documents throughout the process in accordance with EWU Policy 201-02 (Records Retention, Preservation & Management); and,
- (5) Not provide any protected or confidential information to a person or entity outside of

the university who sends a public records request, subpoena, search warrant, or discovery request without going through the departments responsible for handling such requests. This allows EWU to review the records to determine what types of information should be redacted or withheld due to privacy laws, such as the Family Educational Rights and Privacy Act.