



Loyola University of Chicago Office of the General Counsel  
Updated Guidance Regarding Subpoenas, Warrants, and Other Requests for Information

The Office of the General Counsel frequently receives inquiries regarding the appropriate response to subpoenas, warrants, and other requests for faculty or staff employment records, student education or health records, and/or other business records. As set forth in more detail below, this memorandum is intended to provide general guidance for Loyola's response to such requests.

x For routine Non-Adversarial Subpoenas you may respond directly to the sender in accordance with the steps outlined in this memorandum;

x For Adversarial Subpoenas, a subpoena for which you cannot determine if it is an Adversarial Subpoena or a Non-Adversarial Subpoena for records, a subpoena for testimony at a deposition, trial, hearing or other type of judicial proceeding, or a subpoena for which you question its validity please immediately contact the Office of the General Counsel at (312) 915-6200 and

x Regardless of whether a subpoena is an Adversarial or Non-Adversarial Subpoena, if it relates in any way to 1) undocumented students at Loyola, including, but not limit U.S. Immigration and Customs Enforcement

Chief of Police and Director of Campus Safety,

-280.8 .773) @umdriv  
and students do not otherwise eng

Preliminary Steps Upon Receipt of Subpoena

1. Review the subpoena carefully to determine the following:
  - (a) Whether it is, in fact, a subpoena for records. Generally, a subpoena may require an individual to do any or all of the following:
    - (i) Produce specified documents or records, including papers, files, stored electronic information, data or other tangible items;

(ii)

there are no jurisdictional restrictions on compliance with the subpoena. Many administrative agencies are authorized to issue subpoenas; please contact our office if you have questions about the subpoena authority of a particular administrative agency.

Generally, a valid subpoena will also (i) state the name of the court or administrative body that issued it; (ii) state the caption/title of the case name along with the case number; and (iii) provide sufficient information to allow for an adequate response, including a reasonable description of the information to be provided and a reasonable date, time and location for the documents to be provided (the deadline to respond can often be negotiated with the sender of the subpoena).

Please contact the Office of the General Counsel immediately if you receive:

- x An Adversarial Non-Adversarial Subpoena for records relating in any way to 1) undocumented students at Loyola, including, but not limited to DACA students, or 2) an immigration enforcement action;
- x an Adversarial Subpoena for records

(c) For subpoenas requesting faculty or staff employment records, pursuant to Loyola

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Retain for your files electronic copies of your cover letter, the subpoena, the responsive documents produced, and any signed forms regarding the completeness and accuracy of the document production.

### Special Issues

3. As explained in Step 1(b)(ii) above, Adversarial Subpoenas (subpoenas directed at Loyola activities, or that have potential criminal or quasi-criminal implications, or that otherwise involve investigations with serious potential results for Loyola or members of the Loyola community) may require different treatment. Prior to taking any action, you must immediately notify our office if you receive a records subpoena that raises any of the above issues. For example, certain subpoenas relating to criminal investigations, grand juries, or other law enforcement activities may include a court order precluding Loyola from notifying the subject of the subpoena about its existence.

4. If the subpoena for records calls for documents relating to the Stritch School of Medicine, WKH 0HGLFDO 6WXGLHV \$FW PD\ SURWHFW VRPH HYDOXDW UH YLHZ' GRFXPHQWV IURP Our Office should you have any questions as to which documents, if any, should be withheld.

5. If the subpoena calls for medical records, the subpoena must include an appropriate written consent from the employee or student to comply with federal laws applicable to the privacy of medical records and if the subpoena calls for (or responsive documents would include) mental health records, the subpoena must also comply with the Illinois Mental Health and Developmental Disabilities Confidentiality Act. WKH 3 & R Q I L G H Before such documents may be produced for mental health records, an appropriate court order or written consent authorizing disclosure of mental health records must accompany the subpoena and the subpoena itself must include the following O D Q J X D J H 3 1 R S H U V R Q V K D O O F R P S for mental health records or communications pursuant to Section 10 of the Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/10, unless the subpoena is accompanied by a written order that authorizes the issuance of the subpoena and the disclosure of records or communications or by the written consent under Section 5 of that Act of the person Z K R V H U H F R U G V D Under the Confidentiality Act, the written consent of the patient must specify: (i) the person or agency to whom disclosure is



ATTACHMENT 1  
(Notice for Faculty and Staff)

Confidential

> , Q G L Y [Name and Address]

Re: [Case Caption]  
Case No. \_\_\_\_\_

Dear \_\_\_\_\_:

Pursuant to the enclosed copy of a subpoena dated \_\_\_\_\_ which, was received by Loyola University of Chicago on \_\_\_\_\_, Loyola is required to disclose the following employment records in its possession:

[List of requested documents]

Please be advised that Loyola intends to comply with the subpoena on or before \_\_\_\_\_.

Loyola generally follows a policy of nondisclosure with respect to employee records, unless such disclosure is compelled by subpoena or court order.

Very truly yours,

\_\_\_\_\_

Enclosure



ATTACHMENT 2  
(Notice for Students)

Confidential

> 6 W X G H Q W \$ W r e s p P H D Q

Re: [Case Caption]  
Case No. \_\_\_\_\_

Dear \_\_\_\_\_:

Pursuant to the enclosed copy of a subpoena dated \_\_\_\_\_ which was served on Loyola University of Chicago on or about \_\_\_\_\_, Loyola is required  
WR GLVFORVH WKH IROORZLQJ UHFRUGV LQ /R\ROD¶V SRVV

ATTACHMENT 3  
(Subpoena Response Cover Letter)