

SUBPOENA PROCESS

The College frequently receives subpoenas seeking records or witness testimony. A subpoena is an order of the court. It may command you to appear at a specified date, time and location to testify, or a subpoena may command you to produce certain documents.

If a sheriff or process server arrives at your office and asks you to accept legal papers (such as a summons or subpoena), you may accept them if they are addressed to you by name or title, such as “registrar” or “custodian of records.” DO NOT accept a subpoena that is not addressed to you. Direct the official to the Office of System Counsel for NOVA and call Akiva Kirkland at (703) 425-5402 to alert us.

If you accept a subpoena, you should contact the Office of System Counsel for NOVA immediately. It is important to let us review the subpoena to determine the College’s rights and responsibilities for compliance. Do not ignore a subpoena, even if it addresses something you are unfamiliar with, or asks for documents you don’t have. Failure to respond to a subpoena could result in you or the College being held in contempt of court.

If you receive a subpoena, we ask that you do the following:

1. Scan and send copy of subpoena immediately to Akiva Kirkland, Paralegal, at akirkland@nvcc.edu
2. Keep copy of subpoena in student file.
3. Check to see if subpoena is a Virginia subpoena, out of state subpoena, or a federal subpoena. If it is an out of state subpoena, please forward it to the legal office without collecting any responsive documents.
4. If subpoena is a Virginia subpoena or a federal subpoena (in or out of state), please do the following:
 - gather all documents requested (read subpoena and determine what documents are being requested – academic records, financial aid records, finance records, etc.);
 - prepare and sign certificate of custodian of records;
 - obtain student contact information with a copy of the subpoena;
 - send a copy of the records, certificate of custodian of records, student contact info and subpoena either electronically by email or hard copy (**not** double sided) to Akiva Kirkland at akirkland@nvcc.edu or to Office of System Counsel, Brault - 376;
 - If there are no responsive records, please forward the subpoena to legal with a note indicating this.
5. Upon receipt of the subpoena and responsive documents, the legal office will handle the subpoena response and any other communications.

If you have any questions regarding subpoenas or this checklist, please do not hesitate to call Akiva Kirkland at (703) 425-5402.