

655 OPEN DOOR/OPEN RECORDS LAWS

Policy 655 was included in the 2001 University Handbook revision.

655.1 Overview. It is the policy of Indiana State University to comply with the prescribed stipulations and the intent of legislation enacted by the Indiana General Assembly to make University meetings and records open to the public.

655.2 Open Door Law. The open door law requires that the governing body of any public agency and all public universities meet and conduct business in officially announced and open-to-the-public sessions. In addition, any committee of either an ad hoc or standing nature appointed directly by the governing body must conduct its meeting according to the same rules that inform meetings of the governing body. The intent of the statute is to ensure that decisions affecting the public and the public's interests are made in a public forum. The statute authorizes public observation. It does not authorize public participation.

655.2.1 Practice for Standing and Ad Hoc Committees. The Indiana General Assembly clearly designed the statute to except from the open meeting requirement administrative, faculty, and student committees which are not appointed directly by the ISU Board of Trustees. However, the practice of Indiana State University is to conduct meetings of these administrative, student, and faculty committees in open session even though statute has no such requirement. Only administrative and academic committees which address personnel matters are closed to the press and the public. All other standing and ad hoc committees of the institution will conduct open meetings.

655.2.2 Closed Sessions. The University reserves the right, however, to apply legislatively authorized and legal authority to close meetings of committees not appointed by the governing body. Meetings may be closed when a committee decides that the subject or nature of its deliberation is best served by meeting in closed session. The right to conduct a meeting closed to the public may also be exercised if the committee determines that an atmosphere of free and open discussion is jeopardized by an individual or group intent on the disruption of orderly processes. The chairperson of the committee, with the concurrence of a majority of the committee members, has the authority to close a meeting.

655.2.2.1 Disagreement Regarding Closing of Meeting. Should the committee be unable to agree or should anyone demand impediment toward the start or continuation of a meeting, the issue will be referred as soon as possible to the University Legal Affairs Office for review and decision. During the period of review, the activity of the committee will be suspended. When a meeting is closed without appropriate justification in the opinion of University legal counsel or the University President, the committee will be directed to conduct its business in public session.

655.3 Open (Access to Public) Records Law. The open records law of the State of Indiana requires that the public be afforded a right of access to public records. That right includes the inspection

and copying of documents and records of state agencies and of public universities, so long as the request is made with reasonable particularity.

- 655.3.1 Reasonable Particularity.** The legislation does not authorize a general examination or exploration of the files of any agency of the State, nor does it require the state agency to compose documents which do not already exist.
- 655.3.2 Specific Exceptions.** In enacting the statute, the General Assembly has specifically excepted certain kinds of documents and records. Such documents include all records which may be classified by state or federal law or public agency or Supreme Court rules as confidential, those which are considered trade secrets or contain personal financial information, and those which are the instruments and results of research conducted under the auspices of the University, grade transcripts, license examinations, and patient medical records. Documents of like nature are confidential and are, therefore, not subject to the Indiana law on open records.
- 655.3.3 Discretionary Exceptions.** There are additional categories of records which Indiana law excepts, and the exercise of the exceptions is at the discretion of the public agency. Exceptions include, but are not limited to, law enforcement investigation records, certain kinds of legal work, test questions and their results, most personnel records, computer programs, codes, filing systems and software, records that are intra-agency or inter-agency advisory or deliberative material which contain opinions or information designed to serve as the basis for decision-making, diaries, journals or other personal notes, donor records, and library records. The statute is not designed or meant to make every document or record of the University on any and every subject available at any time to any person who makes a request.
- 655.3.4 Appropriate Department to Respond.** Each request to review a University document or record presented under the prescribed stipulations and conditions of the public records law will be evaluated on its own merits. To facilitate the evaluation, the University will officially receive and respond to requests for review of or access to public records only in the Public Affairs Office for requests for information from the media, and in the University Legal Affairs Office for all other requests. All administrative or academic offices of the University will be instructed to refer all communications and requests to the appropriate office.
- 655.3.5 Standard of Review.** Under most conditions and circumstances, and in the majority of cases, documents and records will be made available upon request. Only in those instances in which the University is legally bound to maintain the confidentiality of records or in which it is authorized by law to make an exception will the University deny a request for access or review of a document or record. The exception and the grounds on which the exception is made will be expressed by the Public Affairs Office or the University Legal Affairs Office, as appropriate.

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