

State Open Meeting and Records Laws: Their Effects on How Public College and University Governing Boards Fulfill Their Public Responsibilities

Project Overview

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The “State Open Meeting and Records Laws” project seeks to address the development, application, and effectiveness of state “sunshine” laws as they relate to public systems of higher education. Such laws, in place in many states around the country, have been criticized and praised, but rarely investigated systematically. This project encompasses a comprehensive review of the existing literature on these laws, new empirical analysis of the laws as they have been implemented in selected states, and recommendations for future revisions and implementations of such laws.

The project will have three phases. Phase 1 will focus upon the production of an annotated bibliography of relevant literature and the design of a data-collection and analysis plan. Phase 2 will focus on data collection in six chosen states with sunshine laws of various kinds. The six states for the empirical analysis will be selected based on prior studies of sunshine laws. We will identify three states where higher education governing boards have apparently managed to establish shared understandings with the public, the news media, and other stakeholders in balancing the public’s need to know with the board’s need for, and individuals’ rights to, privacy. We will also identify three states where higher education governing boards’ effectiveness, and ultimately the effectiveness of institutional management, appear to be threatened by the application of open meeting and records laws to critical decisions. In these six states, we will conduct confidential personal interviews in person and by phone. Key persons to be interviewed include governing board chairs and vice chairs, presidents and chancellors, heads of faculty senates on affected campuses, university general counsel, university board secretaries, newspaper editors and education reporters, state attorneys general, governors’ education policy advisors, and the chairs of education committees of state legislatures. The focus of the interviews will be on learning from individuals who have considerable knowledge of open meeting and records laws in their states, evidence of the laws’ effectiveness in contributing to the public good in that state, and observations regarding how the laws affect the work and responsibilities of public academic governing boards and institutional leaders. Phase 3 will focus on data analysis and the preparation of a final report containing case analysis and policy recommendations. Phase 3 will also be pointed