

## State Policy Brief

March 2017

# Sunshine Laws in Higher Education

by James C. Hearn

Public colleges and universities receive substantial funding from the states and educate large proportions of their residents. State policymakers, officials, taxpayers, and the news media, therefore, have a legitimate expectation of transparency in the workings of those institutions. At the same time, states have traditionally afforded their institutions substantial governing and managerial autonomy. The public's right to know can clash with higher education's valued (and valuable) organizational traditions and principles, such as shared governance and academic freedom. At the center of this tension between transparency and autonomy lie state open-meetings and open-records laws, often termed "sunshine laws."

States began adopting such laws for their various agencies more than a century ago, but the laws proliferated and intensified in coverage during the 1950s, 60s, and 70s in the wake of numerous political and profiteering scandals. Today, the 50 states are consistent in requiring that meetings and records of all elements of state government be open to some degree, not only to the state authorities to which they report but also to concerned citizens and the news media. By restricting public agencies' freedom to deliberate, decide, implement, and evaluate in private, the laws serve to ensure that the work of governmentally supported boards and agencies is open to scrutiny. In this way, democracy is enhanced.

Although controversies and tensions are inevitable, open-meetings and open-records laws may be designed, applied, and enforced in fairly straightforward ways at agencies falling directly under state bureaucratic and financial control. With colleges and universities, however, the application of the laws can be more problematic.

---

#### About State Policy Briefs:

AGB periodically publishes informal papers on timely topics that reflect best policies and practices in state government's relationship with public and independent colleges and universities. The papers are intended for governors, state legislators, and their staffs as well as organizations concerned about effective public policy. For more information about, visit [AGB.org](http://AGB.org).

Copyright © 2017 Association of Governing Boards of Universities and Colleges  
1133 20th Street, N.W., Suite 300, Washington, D.C. 20036.

Every state has on its books sunshine laws affecting colleges and universities. The scope of these laws is broad, although some aspects dominate news media attention and legal disputes. For example, hardly a week passes without coverage in local or national news media of a fraught presidential search somewhere around the country. The extent to which such searches can be conducted effectively “in the sunlight” is hotly debated.<sup>1</sup> But numerous other arenas also prompt considerable attention. For example, disputes have arisen around whether the research logs of faculty members studying climate science are subject to sunshine laws,<sup>2</sup> and the extent to which universities’ athletic associations deserve special protections under the laws.<sup>3</sup>

Arguably, there is no more important governance challenge for college and university leaders than dealing effectively with what diplomat and educator Harland Cleveland termed the “trilemma” posed by sunshine laws: respecting the public’s legitimate right to know, protecting individual privacy, and serving the public good. It seems no exaggeration to suggest that institutional effectiveness depends on deftly balancing these three imperatives. With that priority in mind, this policy brief reviews the critical decisions and procedures associated with the various domains covered under open-meetings and records laws, concluding with a discussion of emerging issues relating to the laws.

## **The Domains of Contemporary Sunshine Laws**

Contemporary open-meetings and open-records laws can encompass all areas of operations in academic institutions. The depth and breadth of the laws vary substantially by state.<sup>4</sup> This diversity precludes a comprehensive discussion, but the various institutional domains covered by state sunshine laws are enumerated below, along with some critical issues and tensions regularly confronting institutional leaders in each area.

### *Executive Searches and Selection*

If the pages of the *Chronicle of Higher Education* and *Inside Higher Ed* are any indication, presidential searches and selection constitute the most visible aspect of open-meetings and records laws in higher education. Clearly, the consideration and choice of candidates for top leadership positions are important subjects for scrutiny by policymakers, news media, and the general public. After all, conducting successful presidential searches is arguably the most important task facing boards. Yet in practice, the process raises significant questions and disputes about the openness of meetings and records.

Importantly, does full openness in search processes serve institutional effectiveness and the public interest? When search committee interviews and meetings are fully or largely open to the public, deliberation and debate may be constrained. Board members may not be as candid about reservations over a candidate, for example, not wishing to critique a candidate in an open forum.

What is more, numerous observers have noted that open campus searches deter prospective candidates already occupying high-level positions on other campuses or in other organizations. Such candidates may be perfectly positioned for an available presidency, but being publicly considered may affect their leadership effectiveness in their current positions. Those risks may “chill” applications and reduce the chances of an institution’s search ending with the best possible hire. What’s more, the prospect of being publicly rejected in a candidacy may even further contribute to prospective candidates’ hesitance to apply.

---

1 Iacovone (2017).

2 Schiffman (2014).

3 Bluestein (2016).

4 See Piotrowski & Borry (2010), Open Government Guide (2011), Schwing (2011).

In response to such concerns, many states have created exemptions in sunshine laws to keep executive candidates out of public view until a search's finalist stage. Such exemptions can contribute to more vigorous committee discussions and provide at least some "cover" to candidates contemplating lateral moves from one executive position to another.<sup>5</sup>

At the same time, however, searches conducted largely outside of the public eye may not always serve the broader public interest and may reduce public trust. Notably, sunshine exemptions for searches may prevent appropriate vetting of candidates prior to appointment. Numerous examples may be provided of the dangers of excluding names from full public consideration before appointment.<sup>6</sup> A candidate who has been publically vetted and met with constituents beforehand often experiences a smoother leadership transition. At public institutions, in particular, it is important to ensure that the public and all university constituents—students, faculty, and alumni—feel involved in the process. In a recent executive search at the University of Iowa, accusations that the search committee violated open-meetings laws led to a faculty vote of no confidence in the regents.<sup>7</sup>

Finding a balance between protecting the board's task of selecting the best candidate for the institution and allowing others to feel involved in the process is not easy, and a failed search is costly. Ensuring adequate openness in executive searches and selection seems not only right but smart.

### *Human Resources*

Personnel policies are covered under federal and state laws protecting individual privacy, and thus in some respects are exempted from coverage under sunshine laws. That said, numerous aspects of an individual's work and career are accessible under the laws.<sup>8</sup> Many states provide easy public access to the salaries and non-university related income of institutional employees, including coaches.<sup>9</sup> The tension between access to information and protection of individual privacy is nowhere more evident than in matters relating to human resources. While the privacy of students is generally well-protected from state sunshine laws,<sup>10</sup> institutions maintain extensive, potentially disclosable personal information on employees. In agreeing to work for state-supported organizations, faculty and staff must accept some challenges to their privacy.

### *Academic Policy*

Teaching students and expanding knowledge via research are core activities of colleges and universities, and sunshine laws affect both activities in several ways. The freedom of faculty to disseminate and pursue ideas and information untethered by political or legal constraints is enshrined in academic freedom protections that have been upheld by the courts. Nonetheless, faculty members' controversial statements and records can still become enmeshed in sunshine disputes.<sup>11</sup> In particular, the ability of faculty to pursue research in politically sensitive areas such as climate science, stem cells, or abortion may be constrained by laws that open their identities and scholarly records to broader audiences.<sup>12</sup>

Beyond those controversies lies a series of other personnel-related issues. For one, allowing faculty research that is still in process to be publicly accessible can result in competitive threats from scientists outside the institution (for example, from corporations). Such availability can compromise the worth to

---

5 Dunn (2013).  
6 Hearn and McLendon (2004).  
7 Charis-Carlson (2015).  
8 Cate and Varn (1999).  
9 Meyers (1990).  
10 McGee-Tubb (2012).  
11 Schmidt & Woodard (2011).  
12 Schiffman (2014).

faculty and the institution of any potentially patentable or licensable intellectual property developed on campus. In response, some states are acting to protect such information from public records requests.<sup>13</sup>

In addition, concerns arise over the effectiveness of open personnel-review processes. External scholarly reviews of the productivity of candidates for promotion and tenure are a staple element in college and university advancement processes. Some states apply highly inclusive sunshine laws to these processes. For example, the manual for promotion and tenure processes at the Ohio State University states: “The Ohio Public Records Act ... requires that public records be made available upon request. Documents generated for P&T reviews are public records. Candidates and others may request access to these documents and units must provide them.” In such cases, the effectiveness of evaluation processes may be compromised by a reluctance among outside reviewers to be frank in their written statements for candidates’ advancement files.<sup>14</sup> The laws often apply to certain aspects of internal review processes, as well, such as the internal communications among deans and administrators conveying departmental and college-level evaluations.<sup>15</sup>

Although faculty candidates deserve protection from arbitrary, malicious, and ill-informed reviews, discouraging reviewer frankness via open records may expose reviewers to professional discomfort and bias subsequent evaluations of candidates. In the end, individual rights, as well as ultimate institutional effectiveness, can potentially be disserved by both open and closed review processes, leaving this an arena of significant tension.

### *Technology*

It appears that states have been slow to adapt their sunshine laws to the emerging demands of “e-governance,” that is, the increasing appropriateness and necessity of providing online meeting notices and records, procedural guides for citizens, web access to meetings, and the like. Worth noting are the reverse difficulties states face in ensuring the privacy of data meriting protection, such as personal records.<sup>16</sup> Numerous questions pertaining to technology remain unanswered in many states.

For example, to what extent does a web streaming service provide legal access to a meeting? Which emails are subject to public scrutiny? How do the laws cover “serial correspondence,” that is, forwarded emails, group emails with multiple responses, and the like? To what extent do individuals’ and institutions’ social media trails constitute covered open records under the law? How many parties to an email or Skype session constitute an effective quorum? Can a legally defined meeting take place entirely online?

Searches pose particularly difficult technological uncertainties for board members and others. Many of the search controversies noted earlier arose from a lack of knowledge or sensitivity regarding key technological ground rules. An open interview used to mean placing a candidate in a room with trustees, faculty, students, the news media, and a few others, but the advent of live streaming, recordings accessible on the web, and other technological developments raise many questions for policymakers and leaders seeking appropriate, effective search processes. As with many other aspects of sunshine laws, board members need clearer guidance on doing their work well within the rapidly evolving technological environment.

---

13 Ahlquist (2017).

14 Hearn, McLendon, and Gilchrist (2004).

15 UCLA (2003).

16 Dawes (2008), BGA-Alper Integrity Index (2013), Roeder (2013), and Svitek and Anderson, (2014).

### *Finances and Business Operations*

State-supported colleges' and universities' ongoing, non-academic operations are largely subject to open-meeting and open-records laws. For example, public institutions have long accepted the necessity of openness of budgets and financial reporting, and most institutions' annual financial statements are easily accessible online. Nonetheless, the application of sunshine laws to certain aspects of financial and business operations can raise important issues.<sup>17</sup>

In some cases, full-disclosure rules might reveal institutions' internal priorities and strategies going into negotiations with outside parties on real estate and other investments. In other cases, openness could provide outsiders access to negotiating details for salary and benefits in the recruiting of faculty, institutional leaders, and athletic coaches. In still other situations, openness might discourage or constrain meetings with prospective donors, business partners, and political allies or foes.<sup>18</sup> For those reason, boards have long sought legal exemptions for certain aspects of their financial and business operations.

### *Fundraising, Foundations, and Affiliated Enterprises*

Virtually all public institutions encompass operations that lie outside of their core educational and research enterprise. Development offices, university foundations, departments of intercollegiate athletics, university hospitals, and numerous other entities fall under state sunshine laws to varying extents. Because of their unusual, and often sizable, nature relative to strictly academic entities within institutions, these affiliated efforts raise special concerns in the application of the laws.

Most universities and some smaller institutions have one or more foundations associated with them, usually organized under separate legal statutes. Typically, these foundations focus on particular areas of institutions, such as fundraising, real estate transactions, and asset and endowment management.

Whether private foundations affiliated with public institutions should be subject to open-records/open-meetings laws remains a debated legal and policy question, as it was last year in the state of Connecticut.<sup>19</sup> To the extent that foundations are considered under the law to be public or quasi-public institutions, they can be held accountable to open-meeting and records laws. That legal responsibility, in turn, can shape their attractiveness to outside supporters such as donors and athletic boosters.<sup>20</sup> Past court cases on this question have most often been resolved by focusing on the exact nature of the relationship between a foundation and its "parent" institution—it appears that the closer that relationship, the more likely foundations are to be held to openness standards.<sup>21</sup> Understanding how and to what extent their foundation is held subject to these laws is a central responsibility for board members, who must be knowledgeable about existing laws, proactive in clarifying policies about disclosure, and prepared for future challenges to their exemptions from open-records and meetings laws.<sup>22</sup>

Fundraising more generally can also raise difficult transparency challenges for institutions. It is not unusual for controversy to arise when institutions detail the purposes or donors of newly announced campus initiatives.<sup>23</sup> In rare cases, courts might instruct institutions to reveal the specifics of gifts made by donors requesting anonymity.<sup>24</sup> Donors with particular political or economic viewpoints may use their donations to encourage acceptance of their perspectives on campuses.<sup>25</sup> Applying sunshine laws

---

17 Hearn, McLendon, and Gilchrist (2004).

18 Nicklin (1997).

19 AGB (2016).

20 Geenarghese (1996), Strout (2005).

21 Reinardy and Davis (2005).

22 McLendon and Hearn (2004).

23 Shimer (2016).

24 Joslyn (2017).

25 Mayer (2016).



to require early disclosure of gift details could lead to campus unrest, donor skittishness, and even abandonment of the initiative, but the same may be said of later disclosure. Either way, institutions and the public good could conceivably suffer.

### *Board Operations*

Because public higher education is a major target of state spending, understanding the decision making of its leaders is a fundamental expectation for a state's citizenry. Board appointments, development, communications, and deliberations are subject to open-meetings and records laws in virtually all states. The laws facilitate not only citizens' access to board governance, but also their involvement. In this respect, the laws can increase public confidence in a state's higher education spending and leadership.

Nonetheless, unfettered access by the public and its representatives in the news media may raise some tensions. Sunshine laws' disclosure requirements can discourage individuals with sensitive career, financial, and political histories to accept appointment to a board. Once appointed to a board, trustees often suggest that the presence of news media at regular board meetings can result in "sugar coated" discussions around controversial topics.<sup>26</sup>

Further, some board members express fear of exposing their ignorance on key governance topics (for example, tuition setting, hiring priorities, etc.) in front of wide audiences, and some board members express confusion over what qualifies as allowable personal communication under the laws. Those fears and uncertainties are especially apparent in states whose laws offer no exemptions for board learning opportunities, such as educational and informational retreats for board members. Anxiety and ambiguity among some members can bring disproportionate power to those who best understand the scope and details of the laws. Assertive, law-savvy board members are well-equipped to direct board deliberations and decisions in their favored directions, and other board members' uncertainties and reluctance to speak may compromise the quality of decisions.

It seems likely that sunshine laws limit the effectiveness of a boards' assessment of governance and leadership, including its own. Carrying out honest performance reviews of themselves and their chosen presidents in an open environment without unfairly airing disputes and "dirty laundry" is difficult. To avoid these concerns, boards should be provided, within reason, some exemptions for executive sessions to conduct assessments so as to provide ample opportunities for constructive interactions contributing to institutional improvement.<sup>27</sup>

Finally, all of the challenges noted earlier under the technology domain apply equally to board activities, the most visible features of college and university operations. It is among board members that some of the most fraught electronic conversations can occur. Effective board members must walk a difficult path between casual banter over university life and legally actionable violations of discourse restrictions.

### **Continuing and Emerging Themes For Discussion**

The primary goal of higher education leaders and stakeholders is, or at least should be, ensuring the effectiveness of the enterprise. Achieving success for students, advancing knowledge, and serving society all depend on establishing and maintaining conditions for efficient, fair, and wise decision making. Open-meeting and open-records laws can be central to achieving these goals at publicly supported colleges and

---

<sup>26</sup> McLendon and Hearn (2006).

<sup>27</sup> Reed (2013).

universities. Both board members and policymakers can contribute to the laws functioning effectively toward those ends.

For their part, *board members need to understand the strategic benefits of sunlight for their institutions.* The laws' complexities and restrictiveness can frustrate and even intimidate some board members and executives and can even constrain the very public debate the laws seek to ensure.<sup>28</sup> Yet sunshine laws are not simply arbitrary constraints on boards' freedom to function as decision makers, controllers, and overseers. Trustees' continuing commitment to faithfully following both the letter and spirit of the laws actually serves to buttress internal and external faith in the functioning and future of their institutions. By solidifying support in this way, the laws can actually maintain and create "space" for board decision making by providing boards the political good will and capital needed for making tough decisions.

In concert, *board members should aim to support and even expand information flows between institutions and external stakeholders and the news media.* Leaders often bemoan efforts by members of the public and the press to deploy the laws as heat-seeking weapons in trolling for information across wide areas of institutional functioning.<sup>29</sup> The costs to institutions of answering external requests for data and information include attorney salaries or fees, salaries for clerical staff, and expenses for record storage and reproduction. In a large state system, these costs can be formidable.

Institutions themselves can be equally guilty of "weaponization" in the reverse direction, however, by providing information in volumes or formats that can overwhelm requesters, charging too much for access to information, or delaying response times beyond reasonable expectations. Weaponization is lamentable, and it is too often a two-way street. Left unaddressed, tensions between requesters and institutions can rise to the point of hostility and ineffectiveness on both sides. Healthy information flows and interactions with external parties serve institutional effectiveness.<sup>30</sup> Maintaining cordial, understanding relations with the news media, in particular, seems especially important in this era of rising public distrust of major societal institutions.<sup>31</sup>

*Board members also need to work vigilantly toward ensuring their deliberations welcome frank, informed, and tough decision making while simultaneously honoring the public's right to know.* Sunshine laws impose highly legalized and highly public contexts on boards. The reality is that the laws can create an intimidating and difficult landscape for critical decision making. Board members sometimes express hesitancy to ask questions out of fear of appearing stupid, or hesitancy to express opinions publicly out of fear of some outsiders' reactions.<sup>32</sup> But when boards shrink from their duties out of concern over the constraining aspects of the laws, their effectiveness is compromised. Wisdom and courage are necessary.

Of course, wise and courageous board members alone are not enough to ensure effectiveness under sunshine laws. *Policymakers and other stakeholders must understand the contradictions inherent in asking institutions to respond more quickly and efficiently to emerging economic and demographic shifts while also imposing constraints and costs on their ability to do just that.* Scrutiny of the leadership, operations, and outcomes of colleges and universities is understandable and appropriate, but that scrutiny comes with costs. For example, state policymakers are increasingly implementing outcomes-based funding approaches for their public institutions, but those approaches can impose sizable data-gathering and measurement costs as well as difficult tradeoffs with other institutional and state goals<sup>33</sup>

---

28 Chaffee (2017).

29 McLendon and Hearn (2006)

30 Chaffee (2017), O'Neil and Levinson-Waldman (2012).

31 AGB (2002).

32 McLendon and Hearn (2006)

33 Hearn (2015).

Sunshine laws require boards to make key decisions under restraints on their public and private deliberations, such as refraining from discussion of board business outside of an open meeting. Policymakers should design these restraints with both efficiency and effectiveness in mind. As with any policy initiative, it is critical to examine not only sunshine laws' success in meeting their laudable goals but also the costs associated with that success. The laws need to be structured in ways that meet goals while respecting the imperative for colleges and universities to respond deftly to rapidly shifting circumstances.

Similar balance is called for in presidential searches. *Policymakers should provide boards with latitude in the openness of search processes, but should guard against potentials for abuse.* As noted earlier, fully open presidential searches can limit the range of applicants, complicate the choice of finalists, and slow hiring processes.<sup>34</sup> At the same time, secretive searches can diminish stakeholder supportiveness and bring harm to an institution's reputation and ability to attract leaders, faculty, and students.<sup>35</sup> More fundamentally, such searches run a strong risk of ending in wrong choices.<sup>36</sup> For example, given the opportunity provided by lax laws, boards may be tempted to name only one finalist and to make that announcement only after extensive discussions to ascertain the candidate's willingness to accept an offer. At their worst, such tactics can effectively close an open search process before it begins,<sup>37</sup> undermine boards' credibility, and threaten the spirit of transparency in sunshine laws. Some middle ground is essential, such as allowing a delay in the public identification of candidates until finalists are chosen. Policymakers and board members should support allowing selective lenience in the laws when they believe such latitude will ultimately enhance governance and benefit institutions.

*Finally, both policymakers and board members should commit to serving the double purposes of open government laws: transparency and voice.* Certainly, public institutions should be, and usually are, obliged to provide openness in their deliberations and decisions. Less considered than this informational purpose, though, is a second purpose of the laws: providing a voice for affected parties.<sup>38</sup> Open meetings must inform, but they also must work to potentially engage stakeholders' participation. Open processes always run a risk of going off-topic or even derailing, and that indeterminacy can make them distasteful to leaders committed to reaching decisions quickly and efficiently. Yet voice is to be valued in all democratic settings, and one could argue that it is especially needed in the current landscape of higher education.

Colleges and universities receive significant public funding and thus have substantial responsibilities to their stakeholders. At the same time, they must operate in a web of markets: students making enrollment choices among alternative institutions, scholars fighting to secure research funding, faculty members making employment choices among competing institutional offers, and institutions competing for prestige, rankings, and too-scarce leadership talent.

Underlying and intersecting this mixed public and private economic context are higher education's historic commitments to fairness, open debate, and serving the public good. Sunshine laws lie at this nexus of responsibilities, market demands, and value commitments. Perhaps necessarily, therefore, the laws remain a work in process in higher education. Crafting the laws appropriately for application in this special context, and working effectively within that context, require from leaders extraordinary attention and skill.

---

34 Barden (2010).  
35 Harris (2017).  
36 Hearn and McLendon (2004).  
37 Dunn (2013).  
38 Meijer, et al. (2010).



## References

- Ahlquist, S. House bill to further limit public access to records betrays a legislative bias against open government. *RI Future*, January 18, 2017.
- Association of Governing Boards of Universities and Colleges. *State Governance Action Report: State Policies and Legislation Affecting Public Higher Education Governance and Leadership*. Washington, D.C., 2016.
- Barden, D.M. Confidentiality is becoming the norm in presidential searches. *Chronicle of Higher Education*, November 28, 2010.
- Better Government Association (2013). BGA-Alper Integrity Index.
- Bluestein, G. With signature, Nathan Deal makes university athletic spending a 90-day state secret. *Atlanta Journal Constitution*, April 11, 2016.
- Brandeis, L. *Other people's money—and how the bankers use it*. New York, NY: Stokes Co., 1914.
- Cate, F.H. & Varn, R.J. *The public record: Information privacy and access: A new framework for finding the balance*. Washington, DC: Coalition for Sensible Public Records, 1999.
- Chafee, E.E. How to be sunshine savvy. *Trusteeship*, 25(1), 6, 2017.
- Charis-Carlson, J. Open meetings suit seeks to void UI presidential search. *Iowa City Press-Citizen*. September 16, 2015.
- Cleveland, H. The costs and benefits of openness. *Academe*, 73(5), 23-28, 1987.
- Dawes, S.S. The evolution and continuing challenges of e-governance. *Public Administration Review*, 68(1), S86-S102, 2008.
- Don't tamper with records, meetings laws. [Editorial] *Bismarck Tribune*, February 5, 2017.
- Dunn, S. More public colleges opt for closed searches. *Chronicle of Higher Education*, June 3, 2013.
- Geenarghese, S.G. Looking behind the foundation veil: University foundations and open records laws. *Journal of Law and Education*, 25(2), 219-236, 1996.
- Harris, A. Presidential search has faculty members fuming at Kentucky State. *Chronicle of Higher Education*, March 6, 2017.
- Hearn, J.C. *Outcomes-based funding in historical and comparative contexts*. A Lumina Issue Paper prepared for HCM Strategists. Indianapolis, IN: Lumina Foundation, 2015.
- Hearn, J.C. & McLendon, M.K. Choose public-college presidents in the sunshine, but know when to draw the shades. *Chronicle of Higher Education*, July 9, 2004.

- Hearn, J.C., McLendon, M.K., & Gilchrist, L.Z. The mixed blessings of sunshine laws. *Trusteeship*, 12(3), 19-24, 2004.
- Iacovone, R. Florida legislature tries to make university president applications secret. Miami/South Florida: WLRN Public Radio and Television, September 14, 2017.
- Is the press a trustee's friend or foe? *Trusteeship*, 10(2), 8-13, 2002.
- Joslyn, H. Demand for information on Harvard gift raises thorny issues for fundraisers. *Chronicle of Philanthropy*, March 9, 2017.
- Mayer, J. How right-wing billionaires infiltrated higher education. *Chronicle of Higher Education*, February 12, 2016.
- McGee-Tubb, M. Deciphering the supremacy of federal funding conditions: Why state open records laws must yield to FERPA. *Boston College Law Review*, 53(3), 1045-1088, 2012.
- McLendon, M.K. & Hearn, J.C. Why "sunshine" laws matter: Emerging issues for university governance, leadership, and policy. *Metropolitan Universities*, 15(1), 67-83, 2004.
- McLendon, M.K. & Hearn, J.C. Mandated openness in public higher education: A field study of state sunshine laws and institutional governance. *Journal of Higher Education*, 77(4), 645-683, 2006.
- Meijer, A.J., Curtin, D., & Hillebrandt, M. Open government: Connecting vision and voice. *International Review of Administrative Sciences*, 78(1), 10-29, 2012.
- Meyers, K.M. State open-records acts and the NCAA bylaw requiring coaches to disclose their "athletically-related" outside income: Emptying the coaches' pockets for public inspection? *Journal of College and University Law*, 16(3), 497-520, 1990.
- Nicklin, J. Fund raisers move to delete personal data from donor records. *Chronicle of Higher Education*, January 24, 1997.
- The Ohio State University. *Policies and procedures handbook, Volume 3: Promotion and tenure review* (revised June 2016). The Ohio State University Office of Academic Affairs.
- O'Neill, R. & Levinson-Waldman, R. Growing demands for public records: How should boards respond? *Trusteeship*, 20(1), 20-24, 2012.
- Open Government Guide. *Reporter's Committee for Freedom of the Press*. Arlington, VA: Reporters Committee for Freedom of the Press. 2011.
- Piotrowski, S. J. & Borry, E. An analytic framework for open meetings and transparency. *Public Administration and Management*, 15(1), 138-176, 2010.
- Reed, A. Evaluations of Texas A&M System Chancellor John Sharp, other Texas university system heads handled behind closed doors. *The Eagle*, June 30, 2013.

- Reinardy, S. & Davis, C.N. A real home field advantage: Access to public university foundation records. *Journal of Law and Education*, 34(3), 389-420, 2005.
- Roeder, C.B. Transparency trumps technology: Reconciling open meeting laws with modern technology. *William and Mary Law Review*, 2287, 55(6/7), 2013.
- Schiffman, R. Harassment of climate scientists needs to stop. *The Guardian*, January 9, 2014.
- Schmidt, P. & Woodard, C. "Academic freedom" offers little protection against new efforts to obtain professors' e-mails. *Chronicle of Higher Education*, March 29, 2011.
- Schwing, A.T. *Open Meeting Laws* (3rd ed.). Anchorage, AK: Fathom Publishing. 2011.
- Shimer, D. After naming controversy, alumni call for organization-specific donations. *Yale News*, May 3, 2016.
- Strout, E. The risks of sunshine. *Chronicle of Higher Education*, July 29, 2005.
- Svitek, P. and Anderson, N. University of Maryland computer security breach exposes 300,000 records. *Washington Post*, February 9, 2014.
- Tilsley, A. Too much sunshine can complicate presidential searches. *Chronicle of Higher Education*, August 8, 2010.
- University of California, Los Angeles. *Appendix 20: Access to personnel records (revised October, 2003)*. UCLA Academic Personnel Office. 2003.