

KNOW YOUR RIGHTS:

Freedom of Information

The student press law center answers your most frequently asked questions about access to records and meetings

Q What information must college police or public-safety departments make available?

A. All colleges – public and private – are subject to the federal Clery Act, which requires them to maintain logs disclosing the “what, where and when” of serious reported crimes. In almost all states, a public college (and sometimes a private one, if its officers exercise arrest powers) must disclose “incident reports” that give a more detailed narrative of the investigator’s observations. And remember that federal student privacy laws do *not* apply to police reports.

Q At a public college, are student governments covered by open-government laws?

A. Student governments are rarely mentioned in open-records or open-meetings laws, but many courts and attorneys general have said that student government records and meetings are public like any government agency’s, if the student government is exercising government-like authority, such as budgeting student activity fee dollars.

Q Am I out of luck obtaining information if I am at a private school?

A. You can’t use state or federal freedom-of-information laws directly, but you may be able to use them indirectly, by getting information from the U.S. Department of Education and other agencies that deal with your school. And you are entitled to see the school’s IRS Form 990 report – which will include details about the school’s finances, including executive salaries – if the school is a nonprofit corporation, as most private schools are. Private colleges must also make available their periodic accreditation reports, which are a gold mine of statistics.

Q What meetings are journalists entitled to attend?

A. State laws generally say that, if a majority of any government body – decision-making or even advisory – meets to discuss public business, the meeting is open to the public with limited exceptions, such as discussion of legal strategy in a pending lawsuit. This includes “retreats” and other off-site meetings. And as long as you are not disruptive, the right to attend also means that the meeting may be photographed and recorded. Generally, there is no legal right to attend if the group is not a board or committee, such as three deans of a college meeting in the president’s office.

Q What if the school denies my request, or tries to charge excessive fees?

A. Try taking the request up the ladder – including a written request to the school’s legal counsel – and publicizing (and editorializing against) the denial. Look to state press associations and FOI coalitions as allies. And think about other agencies that might have the same information and be more cooperative. As to fees, learn – and enforce – any caps in your state law. Most limit agencies to charging only for the minimal cost of running the copy machine. If you think the charges are excessive, haggle back – and ask just to see, rather than copy, everything you’ve asked for.

