

University of Tennessee System Transparency Advisory Group

May 9, 2024

History of the advisory group

November 2018:

- President Boyd announces “Transparent UT” initiative

January 2019:

- Advisory group begins meeting

February 2019:

- Dedicated website tennessee.edu/transparency goes live
- Advisory group meets quarterly to plan content

February 2020:

- COVID-19 information and dashboard added to site

November 2020:

- System-wide public records custodian hired

June 2023:

- COVID-19 information moved to archives

University of Tennessee System
Transparency Advisory Group

Data Dashboards

Jorge Pérez

Associate Vice President for
Institutional Effectiveness



ACADEMIC AFFAIRS, RESEARCH
AND STUDENT SUCCESS
Institutional Effectiveness

UT System Dashboard Suite

<https://data.tennessee.edu>

Transparency Advisory Group — May 9, 2024

Institutional Effectiveness



<https://ie.tennessee.edu>

University of Tennessee System
Transparency Advisory Group

Toni Chadwick
Open Records Counsel

**GOOD MORNING, SUNSHINE:
THE TENNESSEE PUBLIC RECORDS ACT &
TENNESSEE OPEN MEETINGS ACT**

The Office of Open Records Counsel

Toni Chadwick, Open Records Counsel

J. Seth May, Assistant General Counsel



ABOUT THE OORC

Office of Open Records Counsel

- ❖ Created in 2008
- ❖ Helps citizens and government officials better understand Tennessee's laws on public records and open meetings.
 - Respond to questions and concerns
 - Educational outreach
 - Develop forms, schedules, and policies for public record requests
 - Post resources online
 - Cannot enforce TOMA or TPRA



OFFICE OF OPEN RECORDS COUNSEL

OORC Website



- Policies, Guidelines & Forms
- Advisory Opinions
- Annual Report
- About the Office
- Open Records News & Updates



- Frequently Asked Questions
- Sunshine Laws
- Contacts for Public Record Requests
- Exceptions to the Tennessee Public Records Act
- Records Retention
- Advisory Committee on Open Government
- Public Records Training



Submit an Inquiry

TENNESSEE PUBLIC RECORDS ACT

Symbol of Transparency

“Facilitating access to governmental records promotes public awareness and knowledge of governmental actions and encourages governmental officials and agencies to remain accountable to the citizens of Tennessee.”

🌐 *Schneider v. City of Jackson*, 226 S.W.3d 332, 339 (Tenn. 2007).



TENNESSEE PUBLIC RECORDS ACT

Tenn. Code Ann. § 10-7-503

- 🌟 All public records
- 🌟 are open for inspection
- 🌟 by any citizen of the state
- 🌟 unless they're not, there are over 50 exceptions in the TPRA and over 700 exceptions found elsewhere
- 🌟 **Creates a presumption of openness!**
 - **Public records are open to Tennessee citizens unless state law provides otherwise**



TENNESSEE OPEN MEETINGS ACT

Tenn. Code Ann. § 8-44-101, *et. seq*

- The formation of public policy and decisions is public business and shall not be conducted in secret.
- Applies to all “meetings” of any “governing body.”
- Construed broadly in favor of the public.
- Provides the right to attend AND the right to participate.



TENNESSEE OPEN MEETINGS ACT

TOMA Requirements

- ❁ **Any meeting of a governing body must be open to the public**
- ❁ **Adequate Public Notice of the meeting**
- ❁ **Meeting Minutes**
 - **Persons present**
 - **Motions, proposals and resolutions offered**
 - **Results of any votes**
- ❁ **All votes by public vote, public ballot or public roll call**
- ❁ **Opportunity for public comment**



ANY TPRA OR TOMA QUERIES

Office of Open Records Counsel
Toni Chadwick or Seth May
615.401.7891



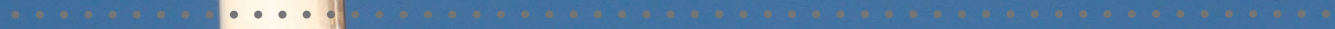
Open.Records@cot.tn.gov
<http://www.comptroller.tn.gov/openrecords>

University of Tennessee System
Transparency Advisory Group

Deborah Fisher
Executive Director
Tennessee Coalition for Open Government



TENNESSEE COALITION FOR OPEN GOVERNMENT



WHO IS TCOG?.....

- ▶ Mission: Preserve and promote transparency in government
- ▶ Alliance of news media, citizens and good government groups
- ▶ Formed in 2003 (21 years)
- ▶ PROGRAMS:
 - ▶ Advocacy
 - ▶ Tracking, research
 - ▶ Help Line, Newsletter
 - ▶ Workshops for journalists
 - ▶ Citizen presentations



WHY ARE PUBLIC RECORDS IMPORTANT



- ▶ In a free society, citizens have a right to know about their government.
- ▶ Government should not be a secret operation.
- ▶ Access to information in public records promotes an informed citizenry that can better participate in government.

A DETERRENT TO CORRUPTION.....

- ▶ Open records that are easily accessible to the public are a deterrent to government corruption, cronyism
- ▶ “Sunlight is said to be the best of disinfectants...”
 - ▶ Louis Brandeis in Harper’s Weekly while fighting corruption in Boston.
- ▶ Access to public records ensures facts can come to light.

WHAT TCOG IS SEEING

- ▶ Lack of understanding and knowledge about open government laws on the front lines.
- ▶ Not enough training of government officials. (Recent example of Carter County school board vote.)
- ▶ Need for better communication between requesters and government.



BIGGEST PROBLEMS.....

▶ Excessive delays. #1 problem

- ▶ It can take months and even years to get records requested, even when the records amount to fewer than 100 pages (Memphis case)
- ▶ Rolling automated responses (not ready, 30 more days)
- ▶ Questionable redactions and withholding of documents. We've seen numerous times that when a citizen hires a lawyer who challenges withheld information, redactions get removed and documents released
 - ▶ The “sue me” mentality. (I won't follow the law unless you hire a lawyer)
- ▶ Fees for copies can run into the hundreds and thousands of dollars.
 - ▶ Importance of free inspection — the safety valve that provides balance.

THE VALUE OF COMMUNICATION



What the Customer Described.



What the Engineer Designed.

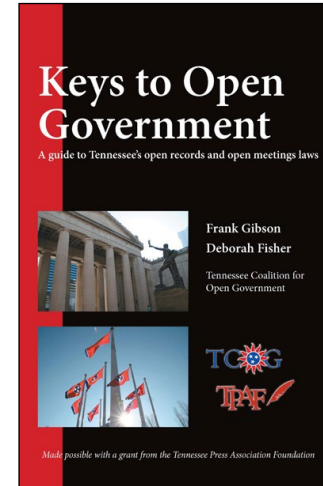


What the customer actually wanted.

..HELP.....

- ▶ TCOG

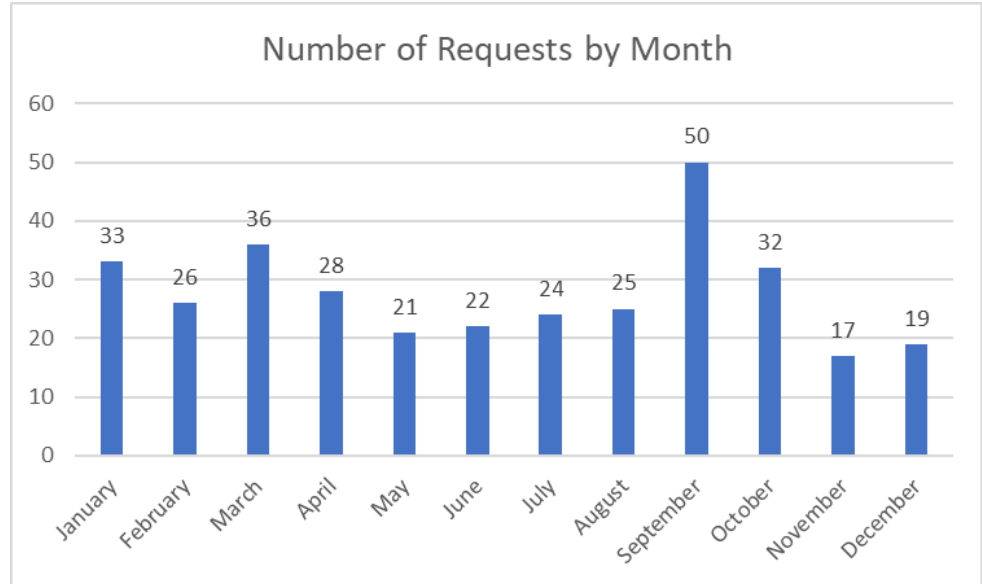
- ▶ fisher@tcog.info
- ▶ www.tcog.info
- ▶ Sign up for email newsletter
- ▶ Keys to Open Government online
- ▶ FAQs



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2023 Records Requests

- 333 requests received in 2023 (down 17% from previous year)
- Mid-semester spikes in March and September

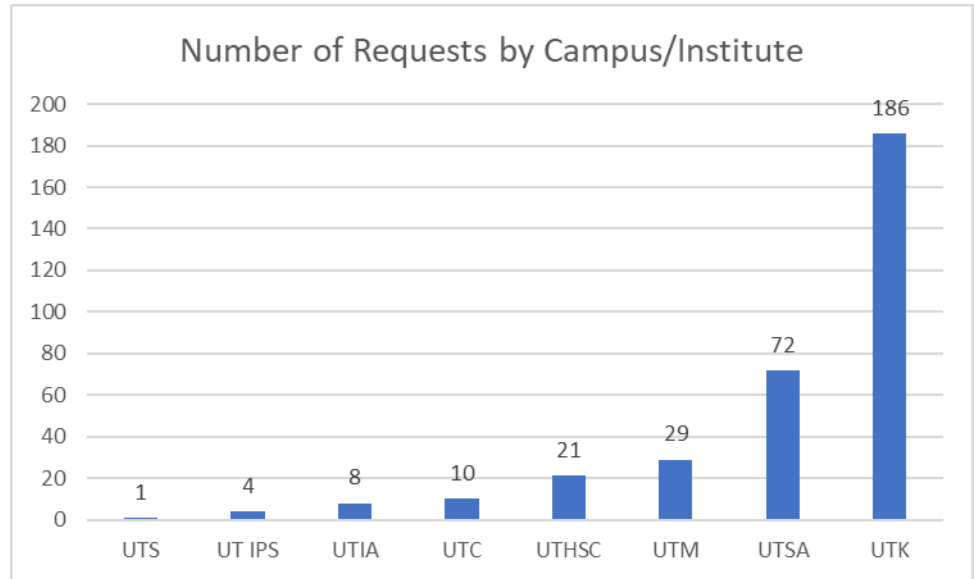


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2023 Records Requests

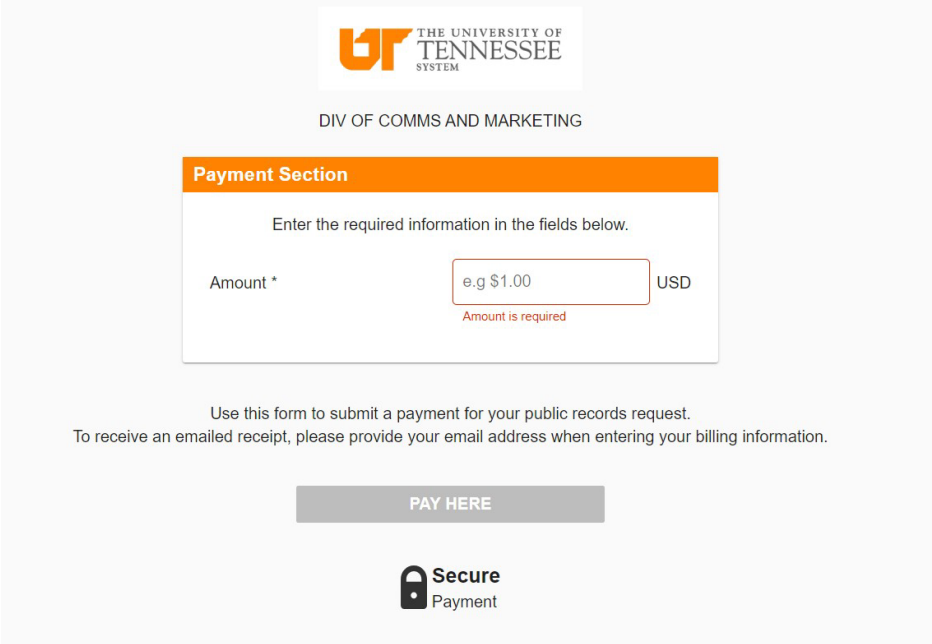
Most-requested records:

- Faculty and staff emails
- Faculty and staff personnel files
- Vendor contracts
- Athletics contracts
- Student directory information




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Online Payment Option






The screenshot shows a web page for the University of Tennessee System, Division of Comms and Marketing. At the top is the university logo and name. Below that is the text "DIV OF COMMS AND MARKETING". A section titled "Payment Section" in an orange header contains the instruction "Enter the required information in the fields below." There is a form field for "Amount *" with the placeholder text "e.g \$1.00" and a "USD" label to its right. A red error message "Amount is required" is displayed below the input field. Below the form is a paragraph: "Use this form to submit a payment for your public records request. To receive an emailed receipt, please provide your email address when entering your billing information." At the bottom of the form area is a grey button labeled "PAY HERE". Below the button is a "Secure Payment" logo featuring a padlock icon.

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DIV OF COMMS AND MARKETING

Payment Section	Billing Address
<p>Amount 1 USD</p>	<input style="width: 100%;" type="text" value="Company"/>
<p style="background-color: #f4a460; color: white; padding: 2px;">Payment</p> <p style="text-align: center; border-bottom: 1px solid black; margin-bottom: 5px;">PAYMENT CARD</p> <p style="font-size: small; margin-bottom: 5px;">VISA  </p> <input style="width: 90%; margin-bottom: 5px;" type="text" value="Card Number *"/> <div style="display: flex; justify-content: space-between;"><input style="width: 25%; margin-bottom: 5px;" type="text" value="Expiration Date(MMY)*"/><input style="width: 25%; margin-bottom: 5px;" type="text" value="CVV2 *"/> </div>	<input style="width: 100%;" type="text" value="First Name"/> <input style="width: 100%;" type="text" value="Last name"/> <input style="width: 100%;" type="text" value="Address1 *"/> <div style="display: flex; justify-content: space-between;"><input style="width: 25%; margin-bottom: 5px;" type="text" value="City"/> <input style="width: 25%; margin-bottom: 5px;" type="text" value="State/Province"/> <input style="width: 25%; margin-bottom: 5px;" type="text" value="Postal Code *"/></div> <input style="width: 100%; margin-bottom: 5px;" type="text" value="Country"/> <input style="width: 100%;" type="text" value="Email Address"/>

Use this form to submit a payment for your public records request.
To receive an emailed receipt, please provide your email address when entering your billing information.

DIV OF COMMS AND MARKETING
505 SUMMER PL
KNOXVILLE, TN 37902
Billing Issues: (865) 974-2529
Public records request questions: (865) 974-5100

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Feedback on Transparent UT website

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Future meeting schedule

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Questions?

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