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
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Data Dashboards
Jorge Pérez
Associate Vice President for Institutional Effectiveness
UT System Dashboard Suite
https://data.tennessee.edu

Transparency Advisory Group — May 9, 2024
University of Tennessee System
Transparency Advisory Group

Toni Chadwick
Open Records Counsel
The Office of Open Records Counsel

Toni Chadwick, Open Records Counsel
J. Seth May, Assistant General Counsel
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
“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).*
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.
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
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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.t cog.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

Number of Requests by Campus/Institute

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<thead>
<tr>
<th>Campus/Institute</th>
<th>Requests</th>
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<tbody>
<tr>
<td>UTS</td>
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<tr>
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Online Payment Option
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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.

Submit Payment
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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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May 9, 2024