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Our Opinion: UIS should release records

THE STATE JOURNAL-REGISTER

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THE UNIVERSITY of Illinois at Springfield's recent denial of this newspaper's Freedom of Information Act request regarding three athletic coaches who resigned in March illustrates both the potential strengths and weaknesses of the reforms passed by the General Assembly in May.

The FOIA request was an attempt to answer simple questions: What sparked the coaches' resignations? What happened during that trip to Florida? What role did the coaches play?

University officials will not say, sparking discord on campus and accusations that administrators have not protected the safety and academic success of student athletes. The university needs to let people know what happened.

AS IS ALL-TOO-TYPICAL practice by public bodies in this state, UIS cited a blizzard of exemptions in partly denying this newspaper's records request. They were:

1. Information barred from release by state or federal law. In this case, information specifically barred from disclosure by the Federal Education Rights and Privacy Act.
2. Information that is an invasion of personal privacy.
3. Personal information maintained with respect to clients, patients, residents, students or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or public bodies.
4. Employee personnel files.
5. Preliminary drafts of records in which opinions are expressed, or policies or actions are formulated.
6. Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

THE NEW FOIA BILL, which has yet to be signed by Gov. Pat Quinn, eliminates the fourth exemption entirely and puts constraints on the second, clearly saying that information about the public duties of public employees is not exempt because of personal privacy concerns.

The proposed new law also provides that public bodies must release information that is not exempt from disclosure even if it is in the same document that contains exempt information. The university should provide documents without the names or identifying characteristics of student athletes, which would alleviate its concerns about violating the federal FERPA law.

Even if the new FOIA bill were to be signed, it does not remove an exemption for preliminary drafts, a big weakness because the public should be privy to how decisions are made.

There is no reason under the current FOIA law or the proposed one that UIS officials could not provide a full accounting of what happened. Exercising a FOIA exemption is optional, not required, by state law.

How can a public university believe that the actions that led to resignations by some of its highest-profile employees should be secret from those who fund and attend the university? We have appealed the university's partial denial and urge UIS to release the records so that the community and taxpayers can get a clear picture of what happened.

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