

Battle over open records

NKU Legal Affairs threatens *The Northerner* with litigation

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News Editor

Northern Kentucky University has threatened *The Northerner* with litigation in response to a recent decision by the Kentucky Attorney General relating to an open records request.

Jesse Call, the reporter who requested the documents and subsequent appeal to the Kentucky Attorney General, received an e-mail from Jay Manire, associate counsel for the Office for Legal Affairs, April 7 stating: "we intend to use the next 30 days to assess whether it would be more advantageous for the university to litigate the matter in Camp-

bell (County) Circuit Court or attempt to go through the voluminous records to provide you only the non-exempt correspondence."

NKU withheld records from *The Northerner* citing they were part of an ongoing investigation and considered preliminary as well as citing production of records would cause an unreasonable burden to produce.

The April 5 decision by the Kentucky Attorney General found that NKU's Legal Affairs was correct in that they did not have to provide a copy of the grievances filed by Mi-

chael Griffin and Blanche Pringle-Smith or "any records constituting part of the investigation ... until NKU takes final action on the grievances."

But the Kentucky Attorney General also found that NKU "improperly denied access to unrelated correspondence between its Human Resource office and certain named individuals where there was no clear and convincing evidence of an unreasonable burden."

Call requested documents between Human Resources and seven named individuals and their administrative assistants. NKU contended that

producing such documents would provide an unreasonable burden. The Kentucky Attorney General denied NKU's claim.

Citing case law, the Kentucky Attorney General's opinion read: "The obvious fact that complying with an open records request will consume both time and manpower is, standing alone, not sufficiently clear and convincing evidence of an unreasonable burden."

The Kentucky Attorney General also found NKU in violation of procedure in an April 12 decision.

NKU failed to respond to

a March 4 request by Call for records until March 13. Agencies that do not respond within three days can be fined.

"A final decision on Mr. Call's requests should have been communicated to him within three business days, or a detailed explanation of the cause for any further delay should have been supplied," according to the Kentucky Attorney General's decision.

If either part is aggrieved by the findings of the Kentucky Attorney General, they have the right to litigate in civil court within 30 days from the decision.

"WE BELIEVE WE HERE AT NKU HAVE A SPECIAL OBLIGATION TO DEMONSTRATE ENVIRONMENTAL RESPONSIBILITY."

- NKU PRESIDENT JAMES VOTRUBA

Have you ever stopped to celebrate your world? To give thanks for the environment? To appreciate all that's around you?

Start doing it on Earth Day - Thursday, April 22, as the Environmentally Concerned Organization of Students will spread a message to build a better environmental future. Join them on the plaza for music, entertainment and more as we come together to love the Earth.

At NKU, we dream of a day when everyone thinks of the environment first. And we're doing our part to make that a reality.

DREAMERS WELCOME.

NKU NORTHERN KENTUCKY UNIVERSITY

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