

Draft Proposal for Discussion at February 2013 Meeting

Board of Regents Meeting in January

Gathered from several editorial reports

Iowa's Sunshine Laws

The Iowa Senate unanimously approved an overhaul of the state's meetings and records yesterday in a plan designed to offer greater public access to government. "It puts more sunshine in the government," said Rep. Pam Jochum, D-Dubuque, the measure's main backer. "It opens the door a little bit." The new system would allow a resident who believes an open records law has been violated to instead go to the board, which would investigate the claim and could take the case to court. "This has been a long time coming," Jochum said.

"Every time we talk about public meetings and public records, I'm reminded that this is not about the media, this is about the public's right to know," said Sen. David Johnson, R-Ocheyedan.

Sen. Daryl Beall, D-Fort Dodge, said the measure was designed to remind local officials of their responsibility to operate in public. "I've never understood people who say they want to do the public's business and then go behind closed doors," Beall said.

A report to the Regents by Craig Lang with the advice of Bill Monroe (Governor Branstad's transparency adviser) from a meeting held between Bruce Rastetter, Bill Monroe and Craig Lang.

The amount of recent news stories regarding the apparent lack of transparency at Regents institutions is troublesome. We have all read the stories of concern in all of Iowa's major newspapers. The Cedar Rapids Gazette, The Iowa City Press Citizen, The Dubuque Telegraph Herald, The Waterloo-Cedar Falls Courier, The Ames Tribune, The Quad City Times and The Sioux City Journal. Bill Monroe, Gov. Branstad's transparency adviser, says he's concerned about the legal advice Mason is receiving. He and others argue the law gives agencies the discretion to release some records now being withheld.

My fear is, if the patterns of behavior highlighted in these numerous reports continue, the Regents universities and the Board of Regents itself risk an erosion of trust and support from the people of Iowa. A call to action by the Regents has already been suggested in an editorial by the Des Moines Register.

I'm concerned and troubled by how some people working in tax-supported government jobs push hard for more government funding but seem to push just as hard away from the transparent accountability that is part of the cost of receiving government financial support. This transparent accountability is absolutely critical. Government money received by the universities comes from the people of Iowa who trust those in power at the universities (and at the Board of Regents) to use resources with integrity and transparency. Iowans in general are willing to trust their educational leaders, but they insist on verification to assure that their trust is well placed.

Whenever a university official refuses to comply with both the spirit and the letter of Iowa's Sunshine Laws, at least three bad things happen.

First, taxpayers lose the trust that comes from a lack of verification of how the people who have benefited from tax dollars are operating the universities owned by the taxpayers of Iowa.

Second, a continued pattern of refusing to be as transparent as possible begs the question, "What are they covering up?" from the very people the universities need to provide tax, tuition and contribution support.

And third, there is a loss of consistency among Regents institutions on this important issue of trust. There is no defensible argument that if the other university can avoid transparency and accountability, why can't we?

A statement from Bill Monroe... "When Iowa's Sunshine Laws were written, the Iowa Legislature tried to make its legislative intent perfectly clear when it included this language"... "Ambiguity in the construction or application of this chapter should be resolved in favor of openness."

He went on to say..."In my opinion, what we're now seeing is a disturbing trend of transparency decisions being resolved in favor of secrecy, not openness. Should this continues, the very decision makers who are deciding to stonewall rather than provide transparency will put their institutions on a slippery slope toward operating more and more behind closed doors, eroding the trust of parents, lawmakers and contributors and the inevitable financial problems that will result from this culture."

So what will we do as Regents to bolster the trust of Iowans?

Iowans want to be proud of their universities. Alums want to support their alma mater. Fans want to cheer their favorite college sports teams. We want our students to have the very best educational experience and to feel safe throughout their college career. Iowans, for the most part, are reasonable people who understand that all people...even people in high places on campuses...make mistakes. What they expect is that those people

will report any problem and outline steps to make sure it never happens in the future.

But now I'm seeing the pride and support that is so critical to the financial health of the universities being placed at risk by decisions to try to make information regarding problems secret, ignore the spirit of the law or blame someone else for the problem.

So what do we do?

I believe the time has come for the Regents to establish new transparency policies based around Iowa's newly amended "Sunshine Laws" to enable the universities to regain the trust of their constituents and to make sure all future operations are conducted in as much sunlight as possible.

There are a few avenues open to the Regents should we decide to lead on this issue. Here are three suggestions:

- 1) Require each university to establish a Transparency Officer reporting directly to the Iowa Board of Regents and consulting with each respective University President. This person should be charged with developing recommendations for the President on improving transparency across the campus. Both the recommendations of the Transparency Officer and the action or lack of action taken on them by the University should be reported on a regular basis to the Regents and the public. I'm hopeful that this can be an individual already employed in the university system who can take on the extra duty along with their other responsibilities.
- 2) Appoint a nine member Transparency Task Force to develop recommendations for the Regents on ways to create and maintain maximum transparency at the Regents schools. This task force should include members of Iowa's Legislature, people from within the

Regents institutions and others who have expertise in this area. Before making any recommendations this group should identify best practices in public universities around the nation and hold public meetings to get valuable input.

- 3) This report should be completed and presented to the Regents at our March meeting for our consideration in order for us to show the public that we are dedicated to providing lowans with the transparency they deserve.

The important thing is to act and act as soon as possible and to make it clear to all lowans that the Regents take transparency on campuses and in their own operations very seriously.