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MSSU attorney balking at release of records

**Experts on Sunshine Law
define e-mails as public**

**By Andy Ostmeyer
and Greg Grisolano**
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An attorney advising Missouri Southern State University has balked at two requests by the Globe for e-mails that experts on Missouri's Sunshine Law say are "clearly" public records. The Globe on Aug. 7 and again on Aug. 28 filed requests for e-mails sent on MSSU accounts after May 1 for 13 top-ranking officials.

The list includes Bruce Speck, MSSU president; Terri Agee, sen-

ior vice president of business affairs who will step down at the end of the year; Jack Oakes, a former vice president; and Roger Chelf, faculty senate president.

Earlier this summer, Oakes announced that he would return to teaching after serving only 18 days as vice president of academic affairs. Oakes previously told the Globe that he and Speck could not come to an agreement concerning the position.

Last month, Agee announced that she would step down from her administrative position at

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Read copies of the Globe's requests under the Missouri Sunshine Law for **e-mails sent by top officials and faculty members** at Missouri Southern.





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E-mails

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the end of the year and that she plans to teach in the business department in the spring. Agee said the decision was a personal one.

On Monday, the faculty senate voted 23-2 to assemble an ad hoc committee to work on a potential vote of "no confidence" against Speck and to furnish the evidence for why such a vote is warranted.

After the faculty senate meeting, Chelf told reporters that there is a "vast amount of faculty displeasure" with Speck. He refused to be specific, saying he preferred that the evidence that is to be gathered by the committee speak for itself. Speck and the chairman of the MSSU Board of Governors also are keeping mum on the faculty senate's action.

Opposing views

Requests for the e-mail records were made to provide insight into the relationship among Speck, other members of the administration and the faculty.

After each request for the records, Jon Dermott, attorney for MSSU, cited section 610.010 of the Missouri Sunshine Law, which defines a governmental body.

"It does not seem to include individuals and exempts the staff of the college or university president," Dermott wrote.

But, Jean Maneke, attorney for the Missouri Press Association, and Charles Davis, executive director of the National Freedom of Information Coalition at the University of Missouri-Columbia, both said the e-mails are public records.

The Globe also requested all e-mails sent since May 1 by members of the Missouri Southern Board of Governors. Copies of those e-mails were released.

"There is no part of a public university of the state of Missouri that doesn't fall under the purview of the Missouri Sunshine Law, particularly the board of governors," Davis said. "There's nothing in my historical recollection to think that those would not be public." Asked about the administrative leadership, Davis said: "They are extensions of a

public body. I can't see what about them is not just an extension of a public body."

Maneke said: "These records are not records of individual faculty members. They are records that are part of the computer system of the university. Clearly, they are public record because they are records maintained by the university. These are records on the university system."

She said many previous cases make it clear that records of public bodies cannot be kept from the public.

"That's kind of basic Sunshine Law stuff," Maneke said. "It seems to be unclear only to the attorney of the university."

Dermott, in his replies to the Globe's requests, inquired about being put in touch with the Globe's attorney to discuss the issue. When asked Tuesday about the letters and his response, Dermott said he would have "no comment." He added later, after being told about the opposing interpretations of the Sunshine Law: "It does not appear to us to be the case."

Attempts to reach the Missouri attorney general's office for clarification were unsuccessful Tuesday. The attorney general's Web site states: "The Sunshine Law governs the actions of public governmental bodies, which are defined as legislative, administrative or other governmental entities created by the constitution or statutes of this state, or by order or ordinance of any political subdivision or district as well as judicial entities when operating in an administrative capacity.

"This includes not just state agencies and officials, but also governing bodies of institutions of higher education; and any department of any political subdivision of the state, county or municipal government, school district or special-purpose district, including sewer and water districts.

"The term 'public record' includes records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body."

E-mail costs

The cost for copies of e-mails sent by members of the Missouri Southern Board of Governors was \$116.55. It included a legal fee of \$70 for four-tenths of an hour for Jon Dermott's time.



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⁸⁰⁰ Culture of fear?

It's getting ridiculous. Our beloved university is turning into a joke, and it's all unfolding in the public eye.

OTHER VIEWS In the last week alone, Missouri Southern's faculty senate voted to create an ad hoc committee to investigate a no-confidence vote in Missouri Southern State University President Bruce Speck, and The Joplin Globe printed stories detailing Southern's refusal to submit to an open records request. The paper is seeking e-mails to and from 13 administrators since May 1.

Then, while attempting to get comments from faculty and staff on a late-breaking story, we had to wait while five phone calls were made, two of which were to University Relations and Marketing to make sure the employee was allowed to speak on the matter.

Rod Surber, director of public relations, is not to blame here. It is the culture of fear that has developed on campus that has people fearing for their jobs to the extent they are hesitant to speak with the campus newspaper.

What's going on here?

We at The Chart understand the faculty senate's decision to explore a vote of no confidence.

We know we're not the only ones who've heard the rumor of the president being replaced, and with the level of unrest around campus, this committee is necessary to determine if there really is a problem, and if a vote of no confidence is justified.

The campus is filled with paranoia and secrecy. Our local paper smells blood in the water.

And would-be comedians are taking their shots. Our school is quickly becoming a big punch line. And this joke is not funny.

— *The Chart, MSSU's campus newspaper*