



STATE OF INDIANA

MITCHELL E. DANIELS, JR., Governor

PUBLIC ACCESS COUNSELOR
ANDREW J. KOSSACK

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317)233-9435
Fax: (317)233-3091
1-800-228-6013
www.IN.gov/pac

February 18, 2011

Mr. Brandon Stookey
Via Electronic Mail: bwstookey@aol.com

Re: Informal Inquiry 11-INF-05; Purdue University Calumet

Dear Mr. Stookey:

This is in response to your informal inquiry regarding Purdue University Calumet ("PUC") and its search advisory committee ("Committee"). Pursuant to Ind. Code § 5-14-4-10(5), I issue the following opinion in response to your inquiry. My opinion is based on applicable provisions of the Indiana Public Access Records Act ("APRA"), I.C. § 5-14-3-1 *et seq.* and Indiana Open Door Law ("ODL"), I.C. § 5-14-1.5-1 *et seq.*

Your inquiry seeks advice regarding the Committee, which was formed by Purdue University ("Purdue") President France Córdoba to identify and interview candidates for PUC's open chancellor position. You question whether or not the APRA requires the Committee to release names of chancellor candidates, and whether or not the Committee may interview those candidates privately.

In response to your inquiry, Deborah B. Trice, attorney for PUC, argues that PUC is not required to provide information regarding applicants for the chancellor position because subsection 4(b)(8) of the APRA applies only to current and former public employees. She also argues that the ODL does not apply to the Committee because it was appointed by Purdue's president rather than Purdue's governing body or its presiding officer.

The APRA does not require public agencies to release information regarding individuals who merely applied for public employment (or who were candidates for public employment). Under the APRA, a public agency may choose to deny a request for "[p]ersonnel files of public employees and *files of applicants for public employment. . .*" I.C. § 5-14-3-4(b)(8). That subsection qualifies the exception insofar as certain information regarding "present or former officers or employees of the agency" must be released upon request. I.C. § 5-14-3-4(b)(8)(A). However, nothing requires a public agency to release any information about an individual who merely applied for or was considered a candidate for public employment.

The Committee is not subject to the ODL if Purdue's president formed the Committee. Under the ODL, a governing body is, among other things, two or more individuals who are "any committee appointed directly by the governing body or its presiding officer to which authority to take official action upon public business has been delegated." I.C. § 5-14-1.5-2(b)(3). Purdue University's governing body is its board of trustees. See I.C. § 21-27-7. Its "presiding officer" for purposes of the ODL is the board's chairman, who is currently Keith J. Krach. See *Purdue University - Board of Trustees - Trustees*, available at <http://www.purdue.edu/bot/trustees/index.shtml>, last accessed February 18, 2011. Because Purdue's president, rather than the board or its presiding officer, appointed the Committee to conduct the chancellor search and interview candidates, the Committee is not subject to the ODL.

If I can be of additional assistance, please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink that reads "Andrew J. Kossack". The signature is written in a cursive, slightly slanted style.

Andrew J. Kossack
Public Access Counselor

cc: Deborah B. Trice