

Records: University president fields questions

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notepads.

The idea was to test the school's reaction to a student requesting budget documents, crime reports, utility bills, travel expenses or staff meeting minutes, among other requests.

The University handed over seven of 10 records requested, often in only a matter of minutes and, to date, all without charge. In fact, the Emerald was not denied any request.

But when the reporters asked for Frohnmayer's salary, documents outlining revenue from paid admission at the Jordan Schnitzer Museum of Art, the Athletics Department's contract with the Eugene Police Department for security at home football games and travel expenses from Interim Provost for Institutional Equity and Diversity Charles Martinez's trip to Georgia, they were told to put the request in writing.

The Emerald was told Friday that no documents exist regarding expenses from Martinez's Georgia trip.

As of Sunday at 8 p.m., the records from the other three requests were not received.

The museum e-mailed the wrong records, but they weren't attached in the e-mail. The reporter wrote back that the information hadn't been attached and that the description of the information wasn't what she asked for. She hasn't yet heard back.

Frohnmayer told the Emerald that he was impressed that the University released most of the records immediately.

"If you're getting five-minute compliance here, that's really pretty good, compared to public agencies that I know around the state in open government," Frohnmayer said.

The Chronicle of Higher Education recently reported Frohnmayer's total compensation package in a comparison to other university presidents in the nation. The Emerald on Nov. 17 reported Frohnmayer's compensation package after a public records request. The Oregonian also reported his salary earlier this term.

But when Emerald news reporter Emily Smith went to Frohnmayer's office at 11:38 a.m. on Nov. 14 to request his salary as part of the audit, she left empty-handed. Nobody told her she couldn't have the records. Instead, she

was referred to General Counsel to the University Melinda Grier's office, where she attempted unsuccessfully several times over the next two days to make contact with Grier. She was told to submit a written request, which she did.

Nobody from Grier's office has contacted her about that request 20 days after it was made.

University spokeswoman Pauline Austin said on Friday that she wasn't sure if anyone was even aware of Smith's request.

Grier said in an e-mail to the Emerald that her office tries to respond to records requests promptly.

"However, the time it takes to respond depends on the nature of the request, the workload in our office and the workload in the office or offices where the documents requested are located," the e-mail states. "This fall our workload has been extremely heavy. Sometimes we are not able to provide estimates and documents as quickly as we would like, and we regret that."

Ken Goe, an Oregonian sports writer, said he's been dealing with the University regarding records requests for many years and has seen a drop in the speediness of responses since Grier took over records requests. Portland State University and Oregon State University are much easier to deal with than Grier and the University, he said. "She doesn't always necessarily say no — she just drags her heels and drags her heels and drags her heels," Goe said.

Frohnmayer said many of Goe's requests focus on personnel matters. He added that Grier's office is "swamped" in work, but "Melinda's very conscientious about her obligations under the law."

He also said that her office is "the one that has the greatest responsibility not to screw up. So I'm not totally surprised that there's a desire to be very careful."

Frohnmayer said he's not surprised that the University didn't immediately provide all of the records, citing several reasons that may contribute to an institution's inability to provide all of the records immediately: The people first

approached may not be the custodians of the records, public officials may need time to ensure the records are accurate and meet the request and they may be concerned about violating privacy laws by releasing records.

He also said officials may have security concerns in a post Sept. 11 world.

"There are lots of things that in post 9-11, pre-9-11 would have seemed very innocuous, but people are in a very different frame of mind," he said. "Granted some of that may even seem to approach paranoia, but it's not unreasonable in terms of how some people have been urged to react in terms of those kinds of issues."

Frohnmayer also said various federal and state laws protect the privacy of students, faculty and staff and restrict which records can be released.

He said the University has insisted on having a general counsel on campus in case public officials have questions about which records can be released.

"If there's a question about it, people want to have the comfort of consulting legal counsel," he said.

In the past, the University has attended a conference put on by the Oregon Attorney General's Office every year or two years that cover public records laws, Frohnmayer said.

He said he's sure new employees are trained in complying with student records policies, in particular, but "that's more by way of what you can't disclose than what you can and should."

He said the Emerald's audit doesn't suggest to him that there's a training deficit, especially in light of other areas that require training.

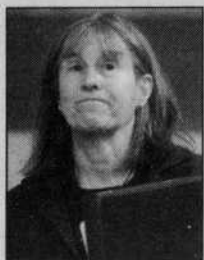
"If there were a persistent violator or you had the door slammed in your face, that would indicate training would be needed," he said. "Again, based on a scan, you haven't persuaded me that the University is seriously deficient in something that indicates a systematic or even a careless inattention to the law."

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News reporters Kelly Brown, Chris Hagan and Emily Smith contributed to this report



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