

RESOLUTION ON PUBLIC INFORMATION, OPEN RECORDS LAWS, AND FIRST AMENDMENT CONCERNS

WHEREAS, Western Kentucky University has placed employee salary information behind a password protected firewall, and

WHEREAS, the Office of the Attorney General (in 04-ORD-141, linked below) states that "a public employee's name, position, work station, and salary are subject to public inspection," and

WHEREAS, experts on the First Amendment have advised that "the public has a right to information under the First Amendment and public institutions have an obligation to comply" and that attempts to shield information risk legal action against the university, and

WHEREAS, university employee salary information is by definition a public record under Kentucky Revised Statutes, and any attempt to limit access constitutes a violation of state law, both in letter and in spirit, therefore:

RESOLVED, the University Senate requests that WKU cease limiting public access to salary information by removing the password-protected firewall and returns to previous practice of open access to this information, in order to restore compliance with state and federal interpretations both of the First Amendment and Open Records laws.

Relevant documents:

OAG (Office of the Attorney General) opinion: http://www.wku.edu/senate/archives/archives_2015/e-3-a-oag-15-009.pdf

Memo drafted by Dr. Patricia Minter to Provost Gordon Emslie and the SEC from February 2015: http://www.wku.edu/senate/archives/archives_2015/e-3-memorandum-first-amendment-sec-05-10-15.pdf