



# STATE OF INDIANA

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Mr. Jordan Whitledge

*Via email: [jmwhitledge@mail.usi.edu](mailto:jmwhitledge@mail.usi.edu)*

*Re: Informal Inquiry 11-INF-67; Student Government Association,  
University of Southern Indiana*

Dear Mr. Whitledge:

This is in response to your informal inquiry regarding whether the Student Government Association ("SGA") at the University of Southern Indiana ("University") is a public agency that must comply with the Access to Public Records Act ("APRA") Ind. Code § 5-14-3-1 *et seq.*, and the Open Door Law, ("ODL"), Ind. Code § 5-14-1.5-1 *et seq.* 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 APRA and the ODL.

The public policy of the APRA states, "[p]roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." I.C. § 5-14-3-1. The intent of the ODL is that official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed. *See* I.C. § 5-14-1.5-1. An entity must be considered a "public agency" in order to be subject to the requirements of the APRA and the ODL. The term "public agency" is broadly defined. You have inquired whether the SGA is a public agency for the purposes of the APRA and ODL and therefore subject to the requirements of the laws.

The APRA and the ODL defines public agencies as follows:

"Public agency", except as provided in section 2.1 [IC 5-14-1.5-2.1 and IC 5-14-3-2.1] of these chapters, means the following:

- (1) Any board, commission, department, agency, authority, or other entity, by whatever name designated, exercising a portion of the executive, administrative, or legislative power of the state.
- (2) Any county, township, school corporation, city, town, political subdivision, or other entity, by whatever name designated, exercising in a

limited geographical area the executive, administrative, or legislative power of the state or a delegated local governmental power.

(3) Any entity which is subject to either:

(A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or

(B) audit by the state board of accounts that is required by statute, rule, or regulation.

(4) Any building corporation of a political subdivision of the state of Indiana that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) The Indiana gaming commission established by IC 4-33, including any department, division, or office of the commission.

(7) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.  
I.C. § 5-14-1.5-2(a), I.C. § 5-14-3-2(m).

I do not have anything before me that would indicate that the SGA is exercising the power of the State or a delegated local government entity. Further, the SGA clearly does not qualify under provisions (4)-(7) of the law. Thus, the inquiry turns to whether the SGA is subject to audit by the State Board of Accounts (“SBOA”) and the audit is required by statute, rule or regulation. This office contacted Mr. Jeff Arthur, CPA and Audit Supervisor from the SBOA regarding the University of Southern Indiana, specifically the SGA. Mr. Arthur advised that the SGA was not subject to an audit by SBOA, and further that “no student government association at any college or University of Southern Indiana is subject to an audit by SBOA.” Mr. Arthur’s response to our office’s inquiry is enclosed for your reference. As such, it is my opinion that SGA is not a public agency subject to the requirements of Indiana’s Access Laws.

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

Best regards,



Joseph B. Hoage  
Public Access Counselor

cc: Jeff Arthur