



February 28, 2024

Dr. Tim Miller, JMU Vice President for Student Affairs
Dr. Dirron Allen, JMU SGA advisor
Ms. Rebeca Barge, JMU SGA advisor
Mr. Nathan Hazen, JMU Student Body President

Delivered via email

Dr. Miller, Dr. Allen, Ms. Barge, and Mr. Hazen:

I and the School of Media Arts and Design (SMAD) faculty are deeply concerned that journalists from The Breeze were barred from attending the beginning of the Student Government Association (SGA) meeting Tuesday night during which Dr. Miller gave a presentation that was closed to the public.

Closing that part of the meeting violated the open-meetings portion of Virginia's Freedom of Information Act (§2.2-3712(A) <https://law.lis.virginia.gov/vacode/title2.2/chapter37/section2.2-3712/>). The journalists tried to explain, but they were rebuffed in their efforts and removed from the meeting.

We are proud of the journalists who protested their removal. Their action is an example of the engaged citizens we want to mold at JMU. Their engagement was rooted in their knowledge of the First Amendment and the open-government laws of the Commonwealth of Virginia.

When they protested their removal and told Dr. Miller that a closed meeting would be contrary to the Virginia Freedom of Information Act, he responded, "That's not how FOIA works."

Indeed, that is how FOIA works. As The Breeze reported in its online story, numerous legal opinions in Virginia, including an attorney general's opinion (attached to the email) and a Freedom of Information Advisory Council advisory opinion (<https://www.opengovva.org/foi-opinions/ao-05-07>), have strongly supported the view that student governments are subject to the state's FOIA requirements because they manage and distribute student fees to campus groups. That kind of power demands transparency.

FOIA requirements dictate that a meeting must open in public and then the public body must vote to go into closed session based on exemptions in Virginia law. FOIA also requires a meeting time be posted publicly at least three days prior to the meeting. Even as the SGA was meeting, its website still listed the start time as 6:15 p.m. Therefore, any meeting beginning at that time should have started in an open session and then only closed by citing an exemption allowed by Virginia law.

It especially concerns us that university leaders advised SGA students to go into a meeting that violated state law.

So, we believe that these journalists, and thus the public, deserve a public apology and a complete briefing of what Dr. Miller presented to the Senate (including any documents used in that presentation).

We also hope these journalists receive commitments from you and the SGA leadership that SGA will follow FOIA rules for all future business and that you and SGA leadership will seek appropriate training on Virginia's open-government rules.

FOIA regulations are meant to promote transparency, which is at the heart of the First Amendment. As faculty at the university named for that amendment's author, we take this seriously. We hope you will, too.

While I'm writing this letter on behalf of all faculty in SMAD, the faculty listed below who primarily teach in our journalism concentration underscore the message: Professor Ryan Alessi, Mr. Brad Jenkins, Dr. Gwyneth Mellinger, Professor Ryan Parkhurt, Dr. Roger Soenksen, and Dr. Nan Zheng.

Respectfully,

A handwritten signature in dark ink, appearing to read 'M. Joseph Hinshaw', written in a cursive style.

M. Joseph Hinshaw, Ph.D
Interim Director