



OFFICE OF THE PUBLIC ACCESS COUNSELOR  
FORMAL COMPLAINT

State Form 49407 (R7 / 4-23)

OFFICE OF THE PUBLIC ACCESS COUNSELOR

Indiana Government Center South  
402 West Washington Street, Ste. W470  
Indianapolis, Indiana 46204-2745  
Telephone: (317) 234-0906  
E-mail: [pac@opac.in.gov](mailto:pac@opac.in.gov)  
[www.IN.gov/pac](http://www.IN.gov/pac)

INSTRUCTIONS: This form is to be used only when filing complaints under Indiana Code 5-14-5.  
All information provided is disclosable under the Access to Public Record Act. **PLEASE TYPE  
OR PRINT.**

FOR OFFICE USE ONLY		
Date received (month, day, year)	Complaint number	Date due (month, day, year)

**COMPLAINANT INFORMATION**

Name (last, first, middle initial)  
VASEL, JUSTIN, A

Address (number and street)	City	State	ZIP code
		IN	

Telephone number ( )	Fax number ( )	E-mail address

**INFORMATION ABOUT PUBLIC AGENCY DENYING ACCESS**

Name of public agency  
INDIANA UNIVERSITY

Address (number and street)	City	State	ZIP code
107 S INDIANA AVENUE	BLOOMINGTON	IN	47405

Telephone number (812 ) 855-3312	Fax number (317 ) 274-7470	E-mail address VPGC@IU.EDU
-------------------------------------	-------------------------------	-------------------------------

Name of elected / appointed official or presiding officer responsible for the denial  
ANTHONY PRATHER, VICE PRESIDENT; GENERAL COUNSEL

**COMPLAINT (Check all that apply.)**

- |   |   |
|---|---|
| <input type="checkbox"/> <b>Open Door Law Violation</b> | <input checked="" type="checkbox"/> <b>Access to Public Records Act Violation</b> |
| <input type="checkbox"/> Executive Session              | <input checked="" type="checkbox"/> Denial of Access                              |
| <input type="checkbox"/> Notice                         | <input type="checkbox"/> Denial of Electronic Access                              |
| <input type="checkbox"/> Other: _____                   | <input type="checkbox"/> Copy Fee   |
|   | <input type="checkbox"/> Other: _____   |

**IMPORTANT**

Date denied access to public record (month, day, year) JUNE, 14, 2025	Date notified of denial of access to meeting (month, day, year)
--	---

Please describe denial of access to meeting or public records below. Attach additional sheets if necessary. (Required)

PLEASE SEE ATTACHED SHEETS

PLEASE ATTACH COPIES OF ANY WRITTEN DENIAL OR DOCUMENTATION CONCERNING DENIAL.

Signature 	Date (month, day, year) JUNE, 30, 2025
---------------	---

## **FORMAL COMPLAINT NARRATIVE**

### **I. FACTUAL BACKGROUND AND PROCEDURAL HISTORY**

On Friday, June 13, 2025, at approximately 11:50 AM, Complainant delivered a written Access to Public Records Act (APRA) request to Indiana University's (IU) Administration Building at 107 S. Indiana Avenue, Bloomington, IN 47405, during regular business hours<sup>1</sup>. After finding the building's public entrances secured, Complainant was met by a building administrator who accepted the written request and confirmed it would be delivered to the appropriate office.

Subsequently, Complainant received a voicemail from the IU Office of the Vice President and General Counsel directing him to resubmit the request through an online portal, explicitly stating that in-person requests could not be accepted. During a follow-up telephone conversation later that day, an administrative assistant confirmed receipt of the physical request ("I have it right here in my hand") but refused to process it, stating "We can't accept in-person requests" and "That's how all the public records requests have to be routed."

As of June 30, 2025, Indiana University has provided no substantive response to Complainant's request, which was deemed denied under I.C. § 5-14-3-9(b) after twenty-four hours elapsed.

Furthermore, as of June 30, 2025, Indiana University's public records request webpage<sup>2</sup> was inaccessible due to ongoing widespread technical issues<sup>3</sup>, rendering it impossible for members of the public to learn how to submit requests through IU's mandated online-only system.

### **II. LEGAL VIOLATIONS**

#### **A. Legislative Intent Established Through Response Timeline Structure**

The General Assembly's creation of differentiated response timelines in I.C. § 5-14-3-9(b)-(c) provides dispositive evidence of legislative intent. The statute establishes a 24-hour deadline for requests made by persons "physically present in the office of the agency" versus 7 days for remote submissions. This careful calibration would be rendered meaningless if agencies could categorically refuse in-person requests. The legislature does not engage in meaningless acts.

Indiana University's blanket prohibition on in-person requests effectively eliminates this accountability mechanism, allowing the institution to force all requests into the slower seven-day timeline regardless of delivery method. This circumvents the legislature's deliberate creation of expedited procedures for in-person interaction with public agencies.

#### **B. "Format" Discretion Does Not Encompass "Delivery Method" Elimination**

---

<sup>1</sup> While Complainant appreciates that many would advise against taking such action on Friday the 13<sup>th</sup>, he would also point out that application of the law does not depend on either bad or good luck.

<sup>2</sup> <https://vpgc.iu.edu/>

<sup>3</sup> <https://www.idsnews.com/article/2025/06/iu-websites-down>

While I.C. § 5-14-3-3(a)(2) grants agencies discretion over request format ("in writing on or in a form provided by the agency"), this discretion is limited to the substance and structure of written requests, not the method of delivery. Indiana University conflates "format discretion" with "delivery method prohibition"—a distinction that is both legally and practically significant.

Agencies may reasonably require standardized forms, specific information fields, or particular documentation. However, nothing in subsection (a)(2) authorizes elimination of entire delivery methods recognized elsewhere in the statute. Such an interpretation would allow agencies to circumvent legislative mandates through administrative policy.

### **C. Systematic Elimination of Statutory Access Rights**

Indiana University's categorical refusal to accept in-person APRA requests violates the foundational access right established in I.C. § 5-14-3-3(a), which provides that "[a]ny person may inspect and copy the public records of any public agency during the regular business hours of the agency." This language encompasses both the submission of requests and the inspection of responsive records during business hours.

Indiana courts require that APRA exceptions "be interpreted narrowly" in favor of disclosure. *Heltzel v. Thomas*, 516 N.E.2d 103 (Ind. App. 3d Dist. 1987). The same principle applies to agency assertions of discretionary authority—such discretion must be exercised reasonably and cannot eviscerate fundamental access rights. See I.C. § 5-14-3-1 (requiring liberal construction "to implement this policy" of public access).

### **D. Acknowledgment of Legitimate Administrative Interests**

Complainant recognizes Indiana University's legitimate interests in efficient processing, proper routing, and administrative uniformity. However, these interests can be served through reasonable procedures that accommodate in-person requests rather than blanket prohibition. For example, IU could require in-person requesters to complete the same standardized form used online, provide designated submission hours, or direct requests to specific offices—all while preserving the statutory right to in-person submission and faster response timelines.

Administrative convenience cannot justify the wholesale elimination of statutory rights. Under I.C. § 5-14-3-1, "the burden of proof for the nondisclosure of a public record [is] on the public agency that would deny access to the record." Indiana University has provided no statutory authority permitting agencies to refuse in-person requests during regular business hours.

### **E. Physical Access Considerations**

While reasonable security measures are understandable, they cannot serve as pretexts for eliminating statutory access rights entirely. The requirement that members of the public obtain appointments to enter IU's administration building, combined with categorical refusal to process in-person requests, creates compounding barriers to public access that exceed reasonable administrative needs.

Indiana University's exclusive reliance on online submission creates systematic vulnerability to complete denial of public access rights. Since June 9, 2025, IU has been experiencing ongoing technical issues with its websites. As of June 30, 2025, when Complainant attempted to access IU's instructions for accessing the mandatory online records request form<sup>4</sup>, the webpage was inaccessible due to these technical problems, making it impossible to submit records requests through IU's only 'approved' method.

This technical failure demonstrates the fundamental flaw in IU's policy: by eliminating in-person requests and mandating exclusive online submission, the University has created a single point of failure that can deny statutory access rights whenever technical problems occur. The legislature's creation of multiple delivery methods in I.C. § 5-14-3-9(b)-(c) serves precisely this redundancy function—ensuring that technical or administrative problems cannot eliminate public access entirely.

Indiana University's current inaccessibility demonstrates how administrative policies that prioritize convenience over statutory rights can result in denial of fundamental transparency guarantees. Had IU maintained statutorily-protected in-person request procedures, ongoing technical issues would not prevent public records access.

### **III. STATEWIDE POLICY IMPLICATIONS**

This matter transcends the specific parties and presents issues of statewide significance. If Indiana University's interpretation prevails, any public agency could eliminate in-person requests through administrative policy, effectively reading the 24-hour response requirement out of APRA. This would create a two-tiered system where agencies' administrative preferences override legislative mandates, fundamentally undermining APRA's accessibility guarantees.

Such a precedent would particularly harm citizens without reliable internet access, those unfamiliar with online systems, and members of the public seeking immediate clarification or assistance with complex requests. The legislature's creation of expedited timelines for in-person requests reflects recognition that face-to-face interaction serves important public access functions that cannot be replicated through remote submission.

The Indiana Supreme Court has recognized that public access statutes serve "essential function[s] of representative government," requiring agencies to provide citizens with "full and complete information regarding the affairs of government." See I.C. § 5-14-3-1. Indiana University's systematic access restrictions contravene these fundamental principles of governmental transparency and democratic accountability.

### **IV. REQUEST FOR ADVISORY RELIEF**

The Public Access Counselor should issue an advisory opinion holding that:


---

<sup>4</sup> <https://vpgc.iu.edu/our-services/records-requests.html>

1. Agencies may not categorically prohibit in-person APRA requests during regular business hours, regardless of administrative preferences;
2. "Format" discretion under I.C. § 5-14-3-3(a)(2) does not encompass "delivery method" elimination and cannot override response timeline requirements;
3. Reasonable in-person procedures are permissible, including standardized forms, designated hours, or specific submission locations, provided they preserve statutory rights;
4. Administrative efficiency cannot justify circumvention of legislative mandates, particularly where such policies create single points of failure that deny access rights during technical outages, as currently demonstrated by IU's inaccessible online request system; and
5. Public agencies should review policies to ensure compliance with both access rights and response requirements while accommodating legitimate administrative needs.

This complaint seeks clarification of legal standards governing in-person request procedures, not resolution of the underlying document request, which Complainant will pursue through other available channels<sup>5</sup>.

Clear guidance from the Public Access Counselor will serve the essential function of preserving governmental transparency and ensuring uniform APRA compliance across Indiana's public agencies while recognizing legitimate administrative considerations.



Justin Vassel, PhD

June 30, 2025

Encl:

Appendix 1: Copy of Request for Public Records Delivered In-Person to Indiana University on June 13, 2025

Appendix 2: Screenshot of IU's Online-Only Policy

Appendix 3: Screenshot of Inaccessible IU Request Form Website

Appendix 4: Timeline & Documentation of Phone Communications

---

<sup>5</sup> As soon as IU's on-going technical difficulties are resolved and the IU Vice President & General Counsel webpage for online public records requests is once again accessible.

## Appendix 1: Copy of Request for Public Records Delivered In-Person to Indiana University on June 13, 2025

June 13, 2025

To: Indiana University Board of Trustees, 107 S Indiana Ave, Bloomington, IN 47405

### REQUEST FOR PUBLIC RECORDS

Pursuant to the Indiana Access to Public Records Act (APRA), Indiana Code § 5-14-3-1 et seq., I hereby request access to inspect and copy the following public record:

**Document Requested:** The proposed code of conduct document that was presented to the Indiana University Board of Trustees for consideration at their meeting on June 12, 2025 and referred to in agenda item VI. A. 9 c of the June 12, 2025 meeting, including any drafts, revisions, or related materials prepared for that meeting.

### Anticipated Confidentiality Claim and Legal Response:

I anticipate the University may claim this document is "confidential" and therefore exempt from disclosure. However, I respectfully submit that such a claim would be legally insufficient under APRA for the following reasons:

1. **Burden of Proof:** Under I.C. § 5-14-3-1, "the burden of proof for the nondisclosure of a public record [is] on the public agency that would deny access to the record." The University must demonstrate that this document falls within a specific statutory exception.
2. **No Statutory Confidentiality:** A document cannot be withheld simply because it is labeled "confidential." Under I.C. § 5-14-3-4(a), records may only be excepted if they are "declared confidential by state statute," "declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute," or fall within other enumerated exceptions. The University must identify the specific statute or rule that makes this document confidential.
3. **Public Disclosure Waives Confidentiality:** The contents of this document were discussed in detail during the public Board of Trustees meeting on June 12, 2025, when a trustee was granted permission to discuss particular details. This public disclosure is inconsistent with any claim of confidentiality.
4. **Narrow Construction of Exceptions:** Indiana courts require that APRA exceptions "be interpreted narrowly" in favor of disclosure. *Heltzel v. Thomas*, 516 N.E.2d 103 (Ind. App. 3d Dist. 1987).
5. **Public Interest:** This document relates to governance policies at a public university and is clearly a matter of legitimate public concern regarding "the affairs of government and the official acts of those who represent [the public] as public officials." I.C. § 5-14-3-1.

**Request for Written Response:** If access is denied, please provide a written denial that includes: (1) "a statement of the specific exemption or exemptions authorizing the withholding of all or part of the public record," and (2) "the name and the title or position of the person responsible for the denial," as required by I.C. § 5-14-3-9(d)(2).

**Appendix 1: Copy of Request for Public Records Delivered In-Person to Indiana University on June 13, 2025**

**Format:** I request copies in electronic format if available to minimize copying costs.

Thank you for your prompt attention to this matter. As you know, APRA requires a response within 24 hours for in-person requests or 7 days for written requests.

Sincerely,



Justin Vassel, PhD



## [Appendix 2: Screenshot of IU's Online-Only Policy](#)

The Wayback Machine - [https://web.archive.org/web/20250326090700/https://vpgc.iu.edu/...](https://web.archive.org/web/20250326090700/https://vpgc.iu.edu/)

[Menu](#)

## Office of the Vice President & General Counsel

# Requests for University Records

Our office responds to requests for University records, including subpoenas served on University employees, search warrants, and open records requests.

## Open Records Requests

As a public institution, the University is subject to Indiana's Access to Public Records Act <<https://web.archive.org/web/20250326090700/http://iga.in.gov/legislative/laws/2018/ic/titles/005#5-14-3>> . If you receive a request pursuant to the open records law, do not send any documents to the requesting party. Please direct the individual to the University's Public Records Request form <<https://web.archive.org/web/20250326090700/https://iuovpgc-fireform.eas.iu.edu/online/form/index/apra>> .

## Subpoenas & Court Orders

If you receive a subpoena or court order in the course and scope of your employment with the University, you should forward it to our office as soon as it is received. We will ensure that the University responds appropriately according to its legal obligations.

If you have received or have questions regarding a subpoena or court order, please contact our office via email to [vpgc@iu.edu](mailto:vpgc@iu.edu)

<<https://web.archive.org/web/20250326090700/mailto:vpgc@iu.edu>> .

## Authorizations

Depending on the specific situation and type of University record being requested our office need not be involved in every authorization for the release of records.

## Appendix 2: Screenshot of IU's Online-Only Policy

If you would like our office to review a specific situation or authorization for the release of records, due to uncertainty or concern, please send your inquiry to [vpgc@iu.edu](mailto:vpgc@iu.edu) <<https://web.archive.org/web/20250326090700/mailto:vpgc@iu.edu>> .

An incomplete list of University record areas and information on the process or policy related to the release of these records is provided below.

### Office of the Registrar

<<https://web.archive.org/web/20250326090700/https://registrar.indiana.edu/policies/ferpa/index.html>> is the custodian of University student records and course data.

### University Enrollment Services

<[https://web.archive.org/web/20250326090700/https://uss.iu.edu/student-records/enrollment\\_verification/index.html](https://web.archive.org/web/20250326090700/https://uss.iu.edu/student-records/enrollment_verification/index.html)> processes enrollment and degree verifications for all Indiana University campuses.

### University Human Resources

<[https://web.archive.org/web/20250326090700/https://hr.iu.edu/relations/persFiles\\_guidelines.htm](https://web.archive.org/web/20250326090700/https://hr.iu.edu/relations/persFiles_guidelines.htm)> should be contacted related to human resource records personnel files.

### Office of the University Controller

<<https://web.archive.org/web/20250326090700/https://controller.iu.edu/compliance/fiscal-officer/sops/psop/psop-19-0>> maintains payroll and employment information.

- University employee requested verification of employments (VOEs) should be directed to The Work Number <<https://web.archive.org/web/20250326090700/https://controller.iu.edu/services/employees/employment-verification>> .
- Special (VOEs), including Public Service Loan Forgiveness (PSLF), Family and Social Services Administration (FSSA), and the Federal Bureau of Investigation (FBI) should be coordinated by contacting [iuvoe@iu.edu](mailto:iuvoe@iu.edu) <<https://web.archive.org/web/20250326090700/mailto:iuvoe@iu.edu>> .
- Garnishments should be directed to UCO Payroll at [garnish@iu.edu](mailto:garnish@iu.edu) <<https://web.archive.org/web/20250326090700/mailto:garnish@iu.edu>> .

## Appendix 2: Screenshot of IU's Online-Only Policy

### Student Health Center

<<https://web.archive.org/web/20250326090700/https://healthcenter.indiana.edu/about/records/index.html>> can be contacted regarding medical records at IU Bloomington.

### Campus Health

<<https://web.archive.org/web/20250326090700/https://studentaffairs.indianapolis.iu.edu/health/medical/index.html>> can be contacted regarding medical records at IU Indianapolis.

## Search Warrants

A search warrant is a written court order authorizing law enforcement officers or governmental agents to search specific areas. If a law enforcement officer or governmental agent presents a search warrant, you should ask to see the agent's identification, request a copy of the search warrant, call our office <[/web/20250326090700/https://vpgc.iu.edu/contact/index.html](https://web/20250326090700/https://vpgc.iu.edu/contact/index.html)> , and, after consulting with our office, allow the search to occur.

## Inquiries from Attorneys, Investigators, and Insurance Companies

From time to time, an outside attorney, investigator, or insurance company representative may contact you to request information about the University, its students, or other employees and/or faculty members, without a warrant or a subpoena. If you ever receive a request for information, documents, or other evidence without a warrant or a subpoena, you should not disclose any information and should immediately notify our office <[/web/20250326090700/https://vpgc.iu.edu/contact/index.html](https://web/20250326090700/https://vpgc.iu.edu/contact/index.html)> about the inquiry. You should refer the inquiring person to our office, and we can work with the individual regarding an appropriate response.

## Media Requests

Please remember that if you are contacted by a reporter, you do not need to answer his/her questions. You may respectfully decline to answer and then refer the individual to [IU Media relations](#)

<[Page 3 / 3](https://web.archive.org/web/20250326090700/https://news.iu.edu/media/specialists/?_gl=1*yitj9*_gcl_au*MTI1NzAyMzE3OS4xNzQwNjY5MjUz*_ga*MTMzNjM2MjYzNy4xNzQwMjY5MjUz*_ga_61CH0D2DQW*MTc0MDY2NTIxNC43My4xLjE3NDA2NjkzMDIuNjAuMC4w> .</a></p>
</div>
<div data-bbox=)

## Appendix 3: Screenshot of Inaccessible IU Request Form Website



HTTP 404

# SiteKube Service Not Found

Please try again at a later time.

If the problem persists, we may be experiencing an unexpected (unplanned) outage.

Check [Status.IU](https://status.iu.edu) for information and updates.



[Accessibility](#)

[Privacy Notice](#)

Copyright 2025 The Trustees of Indiana University

# Appendix 3: Screenshot of Inaccessible IU Request Form Website

Status.IU | Maintenance

You are viewing historical notices for the Sitehost service. This view includes active and resolved notices. View active Sitehost notices.

## Sitehost

"Sitehost, the replacement for Webserve, is Indiana University's central web server solution for core and gateway university websites, Sitehost is for official IU business related to your organizational unit, research, instructional, academic, approved professional organization, or registered student group. Sitehost hosts the university gateway and regional campus websites as well as thousands of other websites related to official IU business. Accounts on Sitehost have access to subservices and utilities not available through IU Pages. "

### Notices affecting this service - Jun 30, 2025

#### Difficulties accessing multiple IU websites and WCMS

Mon 6/09/25 12:20 PM

In response to the issues causing intermittent unavailability of IU websites and the WCMS, UITS is in the process of restoring and stabilizing service. Additional updates and information will be shared as this work proceeds.

Affected services

Alert Ongoing issue Maintenance Multiple issues No data available Healthy

Service Status	Jun 24	Jun 25	Jun 26	Jun 27	Jun 28	Jun 29	Jun 30
Web Services	🟡	🟡	🟡	🟡	🟡	🟡	🟡
Sitehost	🟡	🟡	🟡	🟡	🟡	🟡	🟡



## Appendix 4: Timeline & Documentation of Phone Communications

Friday, June 13, 2025      ~11:40 EDT      Complainant arrived at Indiana University's (IU) Bryan Hall, 107 S Indiana Avenue, Bloomington, IN 47405 to request access to public records, but found all exterior doors to the building locked.

Because Complainant was requesting records from the IU Board of Trustees, Complainant called the number listed on the IU Board of Trustees website to inquire about how to access their office to produce the request, and was told by an unidentified staff member that the IU Board of Trustees has their office in a non-publicly-disclosed location, and that Complainant should contact the Office of the Vice President & General Counsel (VPGC) in Bryan Hall.

The staff member further explained that if Complainant waited outside the Bryan Hall door facing Indiana Avenue, a building administrator would meet him and accept any documents that Complainant wished to deliver to the Board of Trustees office.

~11:50 EDT      Complainant was met outside the front door of Bryan Hall facing Indiana Avenue by a building administrator, who asked how she could help.

Complainant explained that he wished to access to public records of the IU Board of Trustees. The building administrator stated that Complainant could not enter the building without an appointment, but that she would be happy to accept the request and ensure that it reaches the appropriate recipient.

Complainant hand-delivered a printed request for public records to the building administrator.

12:10 EDT      Complainant received the following voicemail from an unidentified IU VPGC staff member:

*“Yes, I'm calling with the Office of the Vice President and General Counsel, and you had just dropped off a request for public record. You actually—um—have to do that online at vpgc.iu.edu, and if you go to the bottom of that page, there is a couple of records requests boxes. You can click on that and then just fill out that form and submit it. If you have any questions you can call back at 812-855-2890. Thank you.”*

13:55 EDT      Complainant returned the call to IU VPGC, which was answered by the same unidentified staff member who had left the voicemail.

## Appendix 4: Timeline & Documentation of Phone Communications

Complainant identified himself and explained that he was returning the earlier call regarding the public records request that he delivered in person that morning.

Complainant explained that he understands Indiana University's preferred format for submitting public records requests is through the online form, but that he wished to clarify that he made a valid in-person APRA request that morning under Indiana Code during regular business hours. The VPGC staff member confirmed *"yes, yes, of course. And I did receive that, and I have it right here in my hand."*

The VPGC staff member then explained *"you just need to submit it through the portal."* When Complainant asked why he would need to submit it through a second channel if Indiana University was in receipt of the physical copy, she responded: *"That's how all public records requests have to be routed so they can be processed. We can't accept in-person requests."*

Complainant asked if the staff member could confirm that Indiana University was refusing to accept Complainant's in-person request and requiring it to be submitted online. The staff member said she could not confirm that, but that she could have an attorney from her office call Complainant back to discuss the issue further. Complainant replied that he would appreciate that call back and thanked the staff member for her time.

Complainant received no further communications from Indiana University regarding the matter.