

Contact: Tom Hardy
Office: (312) 996-3772
Cell: (312) 543-7476
Email: hardyt@uillinois.edu

September 29, 2011

What: Oral arguments in Chicago Tribune Co. vs University of Illinois Board of Trustees

When: 9:30 a.m., Friday, September 30

Where: Courtroom 2721, U.S. Court of Appeals, Seventh Circuit
Everett McKinley Dirksen United States Courthouse
219 S. Dearborn Street, Chicago

What: press availability at conclusion

When: ETA, 10:15 a.m., Friday, September 30

Where: Lobby
Everett McKinley Dirksen United States Courthouse
219 S. Dearborn Street, Chicago

University to urge federal appellate court to uphold student privacy rights

*The clear intent by Congress to protect student privacy at core
of case to overturn lower court's decision undermining federal privacy law*

CHICAGO – The University of Illinois will argue in federal court on Friday that the Seventh Circuit Court of Appeals should affirm the spirit and the letter of federal privacy law by preserving universities' practice of protecting the privacy of student records – including the names and addresses of students and their parents.

Oral arguments in the case will be heard this Friday, September 30th in Chicago at the Seventh Circuit Court of Appeals. University attorneys will hold a media availability at the conclusion of oral arguments, expected to end shortly after 10:15 a.m. on Friday.

At stake are decades of federal protections for student privacy rights, as well as the responsibility for public schools to serve as the guardian of student privacy under the federal law being reviewed by the court.

The University is represented by Samuel K. Skinner and Gregory Ostfeld of the firm Greenberg Traurig, who will be joined at the argument by representatives of the U.S. Department of Justice. Also in attendance will be representatives of several public universities in Illinois and national higher education organizations. They include: Jerry D. Blakemore, Vice President and General Counsel, Northern Illinois University; Jeffrey M. Brown, University Counsel, Northeastern Illinois University; Patrick B. Cage, General Counsel, Chicago State University; and Ada Meloy, General Counsel, American Council on Education.

The case hinges on legal interpretations of FERPA – the Family Educational Rights and Privacy Act of 1974 – which affords legal protections to the privacy rights of students. In March, a federal district court ruled that FERPA did not prevent the University from disclosing student records – but only barred the University from accepting federal funding if it violated FERPA by disclosing student and family information protected by the law. The judge in that case stayed her own order, and the University appealed.

The U.S. Department of Justice has asked for a portion of the University's time before the appellate panel to make its case, as well, in support of the University's position. The visible and active presence of the federal government in the University's appeal is a powerful statement of the importance of the issues in this case. The University is also supported by the eight other public colleges and universities in Illinois, the Electronic Privacy Information Center (EPIC), the American Council on Education (ACE) and nine of their member organizations, all of which filed amicus briefs in support of the University's position.

The case stems from a lawsuit brought by the Chicago Tribune, which seeks the names and addresses of students and their parents who were admitted to the University's Urbana-Champaign campus as so-called Category I applicants, a practice marked by external influence. The University complied with 13 Tribune Freedom of Information Act (FOIA) requests about admissions records and provided more than 5,000 pages of public documents, but cited FERPA in denying two Tribune FOIA requests that demanded parents' names and addresses for applicants who subsequently enrolled. The Tribune sued to obtain the information.

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The University of Illinois is a world leader in research and discovery, the largest educational institution in the state with more than 79,000 students, 24,000 faculty and staff, and campuses in Urbana-Champaign, Chicago and Springfield. The U of I awards more than 19,000 undergraduate, graduate and professional degrees annually.