

Open meeting dispute remains

Judge clears way for new OU prexy

By KAREN SUE HERMES

Oakland County Circuit Judge Alice Gilbert told Oakland University Wednesday it can inaugurate its new president, Joseph Champagne of Houston, Tex.

However, she said she will review the process the university used in selecting Champagne to determine whether the process violated the state's Open Meetings Act.

Meanwhile, the state Attorney General's Office, which maintains the process did violate the act, will seek \$500 in damages from each of OU's eight trustees.

The Attorney General's Office sued the trustees Nov. 7, charging they violated the act by dividing in groups of less than a quorum to interview candidates for the university's presidency.



JOSEPH CHAMPAGNE
New OU president

THE OPEN Meetings Act, the attorney general maintains, says all interviews by a public body for appointment to a public office must be held in an open meeting.

However, the trustees' attorney, James Howlett of Bloomfield Hills, maintains the act allows public bodies to hold such interviews in private when the candidates request their applications be kept confidential.

He said all of the candidates for the university presidency requested confidentiality.

On Nov. 17, Judge Gilbert enjoined trustees from swearing in OU's new

president until she could interpret the act.

At Howlett's request, she dissolved that injunction Wednesday.

"It's time to remove the cloud over Oakland University," she said. "It's time for celebration. He (the new president) should receive a warm welcome without any question."

IN ADDITION to asking her to dissolve the injunction, Howlett asked

Judge Gilbert to dismiss the case.

He argued that since trustees have selected a new president, the issue of whether the process they used violated the Open Meetings Act is moot.

He said trustees have no need to repeat the process.

"There is no reason for the court to issue a declaratory judgment," he said.

"Declaratory judgments are intended for actual controversy before something happens."

Furthermore, he said, the state Legis-

lature has proposed a bill removing from the Open Meetings Act the requirement for public boards to hold interviews for public officers in public meetings.

Debra Devine, assistant state attorney general, argued that the bill isn't law yet.

She said, and Judge Gilbert agreed, that the state Attorney General's Office needs a court interpretation of the Open Meetings Act so it can better enforce it.

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