

ESPN v. University of Notre Dame Security Police Department

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Earlier this year, ESPN sued the University of Notre Dame Security Police Department, alleging that Notre Dame was withholding police documents involving campus crimes allegedly committed by a number of student-athletes. ESPN contended that this was a violation of Indiana's Access to Public Records Act. Both sides filed Motions for Judgment on the Pleadings, requesting that the court interpret the Public Records Act.

The question at issue was whether the University of Notre Dame's Security Police Department was a "public agency" subject to the Public Records Act. The University of Notre Dame is a private entity. However, state law provides that the university may be considered a "state actor" for constitutional purposes when it appoints campus police officers. Judge Steven L. Hostetler of the St. Joseph Superior Court found that just because Notre Dame is a "state actor" for constitutional purposes, it does not simply follow that Notre Dame's Security Police Department is a "public agency" under the state's Public Records Act.

The court found that under the statute, Notre Dame's Security Police Department is not exercising an executive, administrative, judicial or legislative power of the state so as to make the Public Records Act applicable. It was exercising a power granted to it by the state, which in and of itself does not make this private university subject to the Public Records Act. Thus, Notre Dame is not required to provide the records to ESPN. ESPN recently filed notice that they are appealing the court's ruling."

The full text of the opinion can be read here: [ESPN, Inc. v. University of Notre Dame Security Police Department](#)

Danielle Dietrich is the co-chair of Tucker Arensberg's Higher Education Group.