

# UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

February 18, 2014

Casey McDermott  
Student Press Law Center  
1101 Wilson Blvd., Suite 1100  
Arlington, VA 22209  
[cmcdermott@splc.org](mailto:cmcdermott@splc.org)

Re: FOIA 14-058

Dear Mr. McDermott:

I am responding to your request dated February 4, under the Illinois Freedom of Information Act in which you request:

“information about disciplinary cases involving sexual misconduct, liquor, drug and weapons law violations reported at your university’s main campus.

Pursuant to the state open records law, I write to request access to a copy of records indicating the following figures for the years 2008, 2009, 2010, 2011 and 2012:

- The total number of non-academic cases referred for disciplinary action in each year
  - o The total number of such cases resulting in disciplinary action in each year
- The total number of forcible sexual misconduct cases referred for disciplinary action in each year
  - o The total number of such cases resulting in disciplinary action in each year
- The total number of liquor law violation cases referred for disciplinary action in each year
  - o The total number of such cases resulting in disciplinary action in each year
- The total number of drug law violation cases referred for disciplinary action in each year
  - o The total number of such cases resulting in disciplinary action in each year
- The total number of weapons law violation cases referred for disciplinary action in each year
  - o The total number of such cases resulting in disciplinary action in each year

If you cannot produce all these fields, please let us know. Please also include any lookup tables that may be needed to interpret the data that you provide.

I would also like to request access to and a copy of the following:

- Any documents reflecting the process by which your school gathers annual Clery liquor, drug and weapons law violation statistics and from whom”

Office for University Relations

Urbana • 108 Henry Administration Building • MC 370 • 506 South Wright Street • Urbana, IL 61801 • (217) 333-6400 • Fax (217) 333-5733  
Chicago • 414 Administrative Office Building • MC 971 • 1737 West Polk Street • Chicago, IL 60612-7228 • (312) 996-3772 • Fax (312) 996-1836

The information you seek is available at the following url:  
<http://www.conflictresolution.illinois.edu/reports/>. Information not included in the url is exempt from disclosure pursuant to the following section(s) of the Act:

- 140/7(1)(a) that exempts from disclosure “Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing adopted under federal or State law.” Specifically, the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g) protects the privacy of student education records and prohibits the release of any information from a student’s education record without the consent of the eligible student or parent of the student. Under this exemption, any information that can lead to identify a student cannot be provided.
- 140/7(1)(c) that exempts from disclosure “Personal information contained within public records, the disclosure of which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information.” This includes identifiable student information.

A search was conducted for the portion of your request seeking “... Any documents reflecting the process by which your school gathers annual Clery liquor, drug and weapons law violation statistics and from whom...” Please note the following response from the University of Illinois Police Department.

“The Division of Public Safety works with the Office for Student Conflict Resolution, Academic Human Resources, and Staff Human Resources to gather disciplinary referral information for liquor, drug, or weapon violations for inclusion in the Annual Security Report. The Office for Student Conflict Resolutions gather disciplinary referral information from other units on campus that have their own disciplinary systems to determine if Clery Act Crimes are included, and provides to the Division of Public Safety any liquor, drug, or weapon violations resulting in discipline. Both Academic and Staff Human Resources also provide to the Division of Public Safety with any liquor, drug, or weapon violations resulting in discipline of employees.

Written procedures outlining the Campus’ Clery Act compliance are currently in draft form. Upon completion, the procedures will be published on DPS’s webpage.”

Section 140/7(1)(f) exempts “preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.” Therefore, under this exemption, the draft version of the procedures is exempt from production. However, we encourage you to check the Department of Public Safety’s website in the future for the final version of the procedures.

You have a right, under the law, to seek a review of this response by the Public Access Counselor (PAC) in the Office of the Attorney General. The PAC may be reached by phone at

217-782-1396, by email to [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us), or by postal mail at the Public Access Bureau, 500 S. 2nd Street, Springfield, Illinois 62706. You also have the right to seek judicial review under section 11 of this Act.

If you have questions for our office, please contact 217-333-6400.

Sincerely,

Thomas P. Hardy  
Executive Director  
and Chief Records Officer