

# UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

September 18, 2014

Peter Schmidt  
The Chronicle of Higher Education  
[Peter.Schmidt@chronicle.com](mailto:Peter.Schmidt@chronicle.com)

Re: FOIA 14-591

Dear Mr. Schmidt:

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

“access to and a copy of all documents meeting the following criteria:

- 1) They were sent to, or sent by, University of Illinois Board Chairman Chris Kennedy.
- 2) They were sent or received during the period beginning July 1, 2014 through August 5, 2014.
- 3) They contain the words "Steven G. Salaita," "Steven Salaita," or simply "Salaita," in reference to the applicant for a faculty position in the American Indian studies department of the University of Illinois at Urbana-Champaign.”

Information responsive to your request is available and attached. These are public documents numbering 55 pages.

Portions of these documents have been redacted and other documents have been withheld 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.” Under this exemption, information discussed with an attorney that is required to remain confidential under state law, including, without limitation, the Illinois Rules of Professional Conduct were withheld from the responsive documents. Also under this exemption, student names were redacted pursuant to the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g), which 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.
- 140/7(1)(b) that exempts from disclosure “Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order.” This includes cell phone numbers and personal email addresses.
- 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

Office for University Relations

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individual subjects of the information.” This includes the personal information and identity of private citizens who contacted University staff to express opinions as well as other personal information.

- 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.” The responsive documents contain preliminary discussions and expressions of opinion regarding possible policies and actions of the University.
- 140/7(1)(m) exempts “communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.” A portion of your request includes communication between a public body and an attorney representing the public body for the purpose of obtaining legal advice and would not be subject to discovery in litigation.

Should you wish to inspect or receive a physical copy of these documents, please call Melanie Kuehn at the phone number below and she will provide you with all necessary details.

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