

UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

March 10, 2015

Andrew Scheinman
ascheinman@scheinmanlaw.com

Re: FOIA #15-094, 095, 096, 097

Dear Dr. Scheinman:

I write in response to four Freedom of Information Act requests dated and received in my office on February 9, 2015. In these requests, you requested the following information:

"I. The "two-pager" reference Chancellor Wise made in an email is now the basis of a lawsuit in the Illinois courts against UIUC.

The FOIA results your office provided to a variety of FOIA requests on Steven Salaita (14-529, 14-533, 14-535, 14-536, 14-538, 14-540, 14-541, 14-544, 14-551, 14-559, 14-563, 14-564, 14-565, 14-570, 14-579, 14-582, 14-584, 14-588, 14-589, 14-591, 14-615, 14-617, 14-628 and 14-748) contained, in total, ONE version of the email from Chancellor Wise that contained the reference to this "two-pager" document she was provided -- this email was time-stamped "July 24 12:00:00 AM."

1a. Please explain why the timestamp is EXACTLY 12:00:00. [15-094]

II. In FOIA result set FOIA 14-652 (filed 9/30/14), there is a SECOND version of this "two-pager" email, time-stamped "July 24 12:07:17 AM."

2a. Please explain why your office failed to provide this second version in your earlier (before 14-652) FOIA productions.

2b. Please explain why this second version email has a different timestamp from the earlier version your office provided.

2c. Please explain why your office did not inform the public that two versions of this email exist -- in FOIA 14-652 these two versions follow one another and are clearly differently redacted (there are periods present in one and absent in the other), your office must have noticed this, and you must certainly be aware of the lawsuit around this email? [15-095]

III. The timing of conversations between Phyllis Wise and other top UIUC officials is a central issue in the Salaita Affair and the lawsuits filed in the Illinois courts and federal court.

Office for University Relations

Urbana • 506 South Wright Street • Urbana, IL 61801 • (217) 333-6400 • Fax (217) 333-5733
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As in #2 above, all previous FOIA productions disclose an email from Robert Easter to Phyllis Wise on July 21 8:42:39 PM which states "Phyllis, we should probably discuss this matter," the matter being an email from a redacted sender regarding Steven Salaita.

New FOIA production 15-015 (filed 1/7/15) contains a DIFFERENT version of this email – same content, but the time-stamp is "July 21 8:43 PM."

This FOIA production ALSO contains a NEVER DISCLOSED email from Phyllis Wise dated "July 21 9:27:00" which reads: "Bob, I am trying to learn more about this. When I am better informed, I'd be happy to talk. Phyllis"

3a. Please explain why your office failed to provide the second version of the Easter email in your earlier FOIA productions.

3b. Please explain why your office completely failed to disclose the Wise email in your earlier FOIA productions. [15-096]

IV. Steven Salaita's freedom of speech is a huge issue in his case, and in fact is part of the federal lawsuit filed against UIUC.

FOIA production FOIA 15-015 (filed 1/7/15) contains a NEVER BEFORE PRODUCED email from Phyllis Wise to a redacted contact and cced to President Easter, dated July 22, 2014 8:42:00 PM, in which Chancellor Wise says:

Thank you for reaching out to us. As you know, our faculty have a wide range of scholarly and political views, and we recognize the freedom of speech rights of all of our employees. However, when people join our university community, we hope they embrace our core values of collegiality and respect for those whose points of view are different from their own.

At Illinois, our strength comes from our ability to work collaboratively to solve society's grand challenges.

4a. Please explain why your office failed to provide this email in your earlier FOIA productions.

4b. Please explain why your office did not inform the public that you had a document of great importance that you had failed to disclose to the public, as is your duty." [15-097]

Your FOIA requests are not seeking a public document; instead, you are asking the University to provide explanations. In *Kenyon v. Garrels*, the 4th District Illinois Appellate Court found that "requests for information that did not identify the documents to be produced or made available was not in proper form." 184 Ill. App. 3d 28, 33 (Ill. App. Ct. 4th Dist. 1989). The court went on to say, FOIA "does not compel the agency to provide answers to questions posed by the inquirer." *Kenyon*, 540 N.E.2d at 13 (citing *Krohn v. Department of Justice* (D.C. Cir. 1980), 628 F.2d 195).

Since your requests are not requests for records, they are not in proper form and, thus, are denied.

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, 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 any questions, please address them to the attention of Ms. Laura Clower, Associate University Counsel, at clower@uillinois.edu.

Sincerely,

Thomas P. Hardy
Executive Director
and Chief Records Officer

cc: Laura Clower, Assoc. Univ. Counsel