July 7, 2015

Mr. David Jenkins
David.Jenkins@siu.edu

Re: FOIA Request 15-545

Dear Mr. Jenkins:

I write to respond to your Freedom of Information request dated June 10, 2015, and received in my office on June 22, 2015, in which you requested:

“…copies of public records comprising of or containing the following information be provided to me:

- A list of any and all contracts, between the university (including its associated campuses, colleges, subsidiaries, ventures, agents, representatives, and employees), proposing to deliver courses online, or in another format, through a Massive Open Online Courses (“MOOCs”) provider and platform.
  - Please provide a list of such contracts created, drafted, approved, ratified, or executed, in each of the following years: 2011, 2012, 2013, 2014, and 2015.
- With respect to the University’s decision to create an online MBA (“iMBA”) program, please provide a copy of the contract between the University (including its associated campuses, colleges, subsidiaries, ventures, agents, representatives, and employees) and Coursera.
  - Please provide a list of such contracts created, drafted, approved, ratified, or executed in each of the following years: 2011, 2012, 2013, 2014, and 2015.”

Your request for documents and information listed in point 1 of your request is considered unduly burdensome to the University. Given the broad nature of the contracts you are seeking across all three campuses, the number of instructors at the University and uncertain definition of what could be considered a MOOC, we are unable to formulate and conduct a reasonable search for records and review the same within the short timeframe allowed by law. For this reason, the University’s burden to process this request outweighs the public interest.

Pursuant to Section 3(g) of the Act, we would like to extend to you an opportunity to modify your request to make it of more manageable proportions. I encourage you to call Kathy McCarthy from my office at 312-996-3773 to further discuss ways to narrow your request. If you do not reduce the request, it shall be treated as a denial.

There is no contract responsive to point 2 of your request as this contract is still being negotiated and has not yet been finalized. To the extent you are seeking a draft version of this
contract, such a draft is exempt from production. Section 7(1)(h) exempts from disclosure “Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made” and section 7(1)(f) exempts from disclosure “Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record of relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.” Under these exemptions, the draft contract is exempt from production and, to the extent you are seeking this draft, your request is 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 questions for our office, please contact 217-333-6400.

Sincerely,

Thomas P. Hardy
Executive Director
and Chief Records Officer