August 3, 2015

Ms. Julie Wurth  
News-Gazette  
jwurth@news-gazette.com

Re: FOIA Requests 15-599 and 15-600

Dear Ms. Wurth:

I write to respond to your two Freedom of Information requests dated and received in my office on July 20, 2015. In your first request, you sought the following information:

“…copy of the internal investigation conducted this spring by the campus into complaints from members of the women’s basketball team about Coach Matt Bollant and Assistant Coach Mike Divilbiss.” [15-599]

Your second request sought:

“…copies of any electronic communications to or from Associate Chancellor Menah Pratt-Clarke about the investigation, for a period covering April 1, 2015 through May 31, 2015.” [15-600]

Information responsive to request 15-599 is available on the following website:

Information responsive request 15-600 is available and attached. These are public documents numbering 9 pages.

Portions of these documents have been redacted 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 that is required to remain confidential under state law, including, without limitation, the Illinois Rules of Professional Conduct were redacted from the responsive documents. In addition, 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. Therefore, student information was redacted from the responsive documents.
• 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 student information or other highly personal information.

• 140/7(1)(f) that 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 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.” This includes communications containing opinions or recommendations or documents regarding the formulation of an action or plan.

• 140/7(1)(m) that exempts from disclosure “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, . . .” Pursuant to this exemption, communications covered under the attorney client privilege and/or the work product doctrine that would not be subject to discovery were redacted or withheld from the responsive records.

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, 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