

March 10, 2015

Sent via U.S. mail
and email to maxk@kautschlaw.com

Max Kautsch
Kautsch Law, LLC
16 E. 13th St.
Lawrence, KS 66044

RE: KORA request #2015-78 for names, allegations

Dear Mr. Kautsch,

On March 5, 2015, the University of Kansas (KU) received your email and attached letter of the same date requesting records pursuant to the Kansas Open Records Act (KORA). As required by KORA, the University is responding to your request within the third business day following its date of receipt.

Your email and letter stated:

As you are the designated public records custodian for the University of Kansas, I am directing the following request under the Kansas Open Records Act to you on behalf of my client, the University Daily Kansan.

Pursuant to the Kansas Open Records Act (KORA), the University Daily Kansan hereby requests that the University of Kansas disclose the following in regard to each of the 32 Sanctions for Violation of Sexual Harassment Policy listed on the university's website at <https://studentaffairs.ku.edu/sanctions-violation-sexual-harassment-policy>:

(1) The name of the student and (2) the allegation or allegations of misconduct against that student.

Please be advised that the Family and Educational Rights Act (FERPA) does not prevent the university from disclosing the name of the student and the violation committed, where, as here, "the institution determines as a result of that disciplinary proceeding

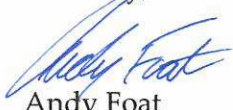
that the student committed a violation of the institution's rules or policies" with respect to a "crime of violence." 20 USC 1232g(b)(6)(B) and (C). Thus, the exemption set forth in K.S.A. 45-221(a)(1) is inapplicable to this request with regard to FERPA.

Please note that your request is not for documents, but rather for tabulated information derived from documents, a form of record creation that the Kansas Open Records Act does not require of the University. Nonetheless, University personnel have been assigned to assess existing records with information responsive to this request; our goal is to produce responsive and available records (or in this case, information) in accordance with the law as quickly as possible. However, elements of this request require further review of their availability pursuant to FERPA and KORA, which precludes immediate production as well as a total estimate of the fees incurred to produce the information.

We will contact you on or before March 24, 2015, regarding the status of your request, at which time we may include determinations of availability and an estimate of fees incurred to produce available information. Please note that the University requires payment in advance for any documents produced.

Thank you for your attention and cooperation.

Sincerely,



Andy Foat

Custodian of Public Records

The University of Kansas