



OFFICE OF THE PRESIDENT
UNIVERSITY OF MICHIGAN

2074 FLEMING ADMINISTRATION BUILDING
503 THOMPSON STREET
ANN ARBOR, MICHIGAN 48109-1340
T: 734 764-6270 F: 734 936-3529

February 23, 2021

Jarrett Skorup
140 W. Main Street
Midland, Michigan 48640
Skorup@mackinac.org

RE: Appeal of FOIA, University File SKO 0038-21

Dear Mr. Skorup:

I am writing in response to your letter dated Wednesday, February 10, 2021 which was received in the President's Office on Wednesday, February 10, 2021 appealing the response dated Tuesday, February 2, 2021 from Ms. Patricia Sellinger, Chief Freedom of Information Officer, to the Freedom of Information Act (FOIA) inquiry referenced above.

Your appeal has been carefully considered and is denied for the reasons stated in Ms. Sellinger's response of Tuesday, February 2, 2021, specifically, the records are exempt from disclosure pursuant to MCL 14.243(1)(a), which exempts from disclosure "[i]nformation of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy." Additionally, MCL 15.243a requires an institution of higher education to make available to the public the "salary records" of an employee or other official of the institution of higher education. "Salary" has a plain English meaning that sets it apart from other forms of compensation. Well settled rules of statutory construction support the conclusion that by expressly identifying "salary" as the form of compensation that must be disclosed by public universities, the legislature has defined the scope of information subject to disclosure as not including forms of compensation other than salary. Therefore, MCL 15.243a has set an expectation around what information will be made public and what information an individual can reasonably expect to be kept private.

Please note that within 180 days from the date of the letter from the Freedom of Information Act Coordinator denying your request, you have the right to seek judicial review in the circuit court to try to compel disclosure. If you seek judicial review in the Michigan circuit court and prevail, you will be awarded reasonable attorney's fees, costs and disbursements incurred in maintaining the action. If you prevail in part, you may still be awarded complete or partial reimbursement for those expenses. In addition to actual and compensatory damages, you will be awarded punitive damages in the amount of \$500 if the court finds that the University was arbitrary and capricious in its denial.

Sincerely,

Liz Barry
Special Counsel to the President