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ATTORNEY GENERAL OF TEXAS

February 8, 2016

Mr. Renaldo Stowers
Senior Associate General Counsel
Office of General Counsel
University of North Texas System
1155 Union Circle, #310907
Denton, Texas 76203-5017

OR2016-02950

Dear Mr. Stowers:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 597783 (PIR No. 001050).

The University of North Texas System (the "system") received a request for information pertaining to an investigation of the system's Office of Sustainability during a specified time period and any official employee statements regarding sexual harassment allegations in the system's Office of Sustainability during a specified time period. You state you will make some information available to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.107 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Gov't Code § 552.101. This section encompasses information protected by other statutes, including section 51.971 of the Education Code. Section 51.971 of the Education Code provides, in relevant part, the following:

(a) In this section:

(1) "Compliance program" means a process to assess and ensure compliance by the officers and employees of an institution of higher education with applicable laws, rules, regulations, and policies, including matters of:

(A) ethics and standards of conduct;

(B) financial reporting;

(C) internal accounting controls; or

(D) auditing.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

...

(e) Information is excepted from disclosure under [the Act] if it is collected or produced:

...

(2) by a systemwide compliance office for the purpose of reviewing compliance processes at a component institution of higher education of a university system.

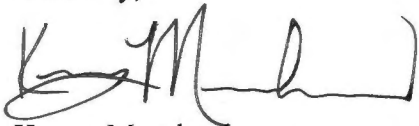
Educ. Code § 51.971(a), (e)(2). You state the system is an institution of higher education for purposes of section 61.003 of the Education Code. *See id.* § 51.971(a)(2). You state the information in Representative Sample A was collected or generated by the system's Office of Institutional Compliance regarding suspected compliance violations. You state the information in Representative Sample B was generated by the system's Office of Internal Audit in conducting investigations of the system's Office of Sustainability. You explain this information includes a draft report related to this investigation. You state the information in Representative Sample C was produced by the system's Office of Equal Opportunity in conducting investigations of suspected sexual harassment and retaliation. You state these investigations and audits were conducted to ensure system employees' compliance with

applicable laws, rules, regulations, and policies. You further explain the information at issue was collected and produced for the purpose of reviewing compliance processes at the system. Thus, based on your representations and our review, we conclude the system must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 51.971(e)(2) of the Education Code.²

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Kenny Moreland
Assistant Attorney General
Open Records Division

KJM/som

Ref: ID# 597783

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As our ruling is dispositive, we need not address your remaining argument against disclosure of the submitted information.