



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 17, 2018

Ms. Jennifer Burnett
Senior Attorney & Assistant General Counsel
University of Texas System
210 West 7th Street
Austin, Texas 78701-2901

OR2018-01064

Dear Ms. Burnett:

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# 691929 (OGC# 178033).

The University of Texas Rio Grande Valley (the "university") received a request for a specified report. You state the university will release some information. You claim some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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

...

...

(c) The following are confidential:

...

(2) information that directly or indirectly reveals the identity of an individual as a person who is alleged to have or may have planned, initiated, or participated in activities that are the subject of a report made to the compliance program office of an institution of higher education if, after completing an investigation, the office determines the report to be unsubstantiated or without merit.

(d) Subsection (c) does not apply to information related to an individual who consents to disclosure of the information.

Educ. Code § 51.971(a), (c)(2), (d). We understand the university 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 you marked pertains to a closed compliance investigation of allegations of misconduct involving university employees. The university states this investigation was conducted by the university's Office of Institutional Equity. The university states its conducts an internal process of review to assess complaints to ultimately ensure that its employees complied with all applicable law, rules, regulations and policies relating to the University's Handbook of Operating Procedure. Accordingly, we agree the information at issue pertains to the university's compliance program for the purposes of section 51.971. *See id.* § 51.971(a).

You state the information you marked pertains to an investigation that was completed and the university found the allegations to be unsubstantiated. Based on your arguments, we understand the requestor was a party to the incidents at issue and has specific knowledge of the incidents. Accordingly, you assert release of the information at issue would directly or

indirectly reveal the identities of those individuals alleged to have planned, initiated, or participated in the events at issue because the requestor knows each person's involvement in the events at issue. We understand none of these individuals have consented to release of their information. Upon review, we agree release of the information at issue would directly or indirectly identify individuals as individuals alleged to have planned, initiated, or participated in the activities at issue that are the subject to the unsubstantiated allegation. *See id.* § 51.971(c)(2). Accordingly, the university must withhold the information you marked under section 552.101 of the Government Code in conjunction with section 51.971(c)(2) of the Education Code. As you raise no further exceptions to disclosure, the university must release the remaining information.

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,



Matthew Taylor
Assistant Attorney General
Open Records Division

MHT/tdw

Ref: ID# 691929

Enc. Submitted documents

c: Requestor
(w/o enclosures)