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July 30, 2007

Jill Aho
Oregon Daily Emerald
PO Box 3159
Eugene, OR 97403

Re: Petition for Public Records Disclosure Order:
University of Oregon Records

Dear Ms. Aho:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on July 23, 2007, asks the Attorney General to direct the University of Oregon to make available:

> Disciplinary paperwork regarding Department of Public Safety employee Dave McIntyre.

For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. ORS 192.501(12) provides a conditional exemption for "[a] personnel discipline action, or materials or documents supporting that action." We have explained that "[o]nly completed disciplinary actions when a sanction is imposed, and materials or documents that support that particular disciplinary action, fall within the scope of this exemption." ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL at 41 (2005).

Assistant Attorney General Wendy Robinson has consulted with Randy Geller and confirmed that Mr. McIntyre is a classified employee, that a disciplinary action against Mr. McIntyre has been completed, and that based on that action a sanction has been imposed. The disciplinary paperwork regarding Mr. McIntyre falls therefore within ORS 192.501(12) and is exempt from disclosure "unless the public interest requires disclosure in the particular instance." ORS 192.501.

The only public interest you identify is "the safety of students at the University of Oregon." Mr. Geller has explained that the reasons for Mr. McIntyre's discipline are not generally public. As described to us by Mr. Geller, the discipline imposed arose from conduct that did not involve interaction with others. Based on Mr. Geller's description, we have no basis to conclude that the discipline implicated the safety of University students. We conclude that the public interest does not require disclosure of the requested records.

For the reasons set out above, we respectfully deny your petition.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS20053
c: Randy Geller, University of Oregon
Melinda Grier, University of Oregon