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October 14, 1993

Wanda Wixom
804 Penn Avenue
La Grande, OR 97850

Re: ***Petition for Public Records Disclosure Order: Oregon State System of Higher Education***

Dear Ms. Wixom:

This letter is the Attorney General's response to your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. The petition, which we received on October 7, 1993, asks the Attorney General to direct the Oregon State System of Higher Eduction to make available to you the following records:

1. Transcripts and any other records of the investigation completed by 8 March 1993, of my complaint submitted to Eastern Oregon State College 6 January 1993.

2. Transcripts and any other records of investigation completed by 26 March 1993, of my grievance submitted to Eastern Oregon State College 26 January 1993.

3. Records of Dean Young's investigation of my oral account to him August 1992.

4. Notes of Dean Stenard's words to me September 1993, and any specific guidance he claims to have given me to help minimize the agitation he said Dr. Jay Van Tassell felt from my presence.

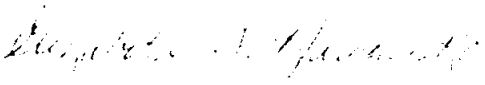
5. Any other letters, counseling notes, reports, observations on file within the Oregon State System of Higher Education purporting to describe me, or upon which any words or actions against me have been or will be based.

In the last paragraph of your September 23, 1993, letter to David E. Gilbert, President of Eastern Oregon State College, you acknowledge having certain documents which would have been responsive to your request. Your request of September 23 to President Gilbert seems to exclude these documents from your records request and therefore, we do not consider these items to be covered by your petition.

Melinda W. Grier, Director of Legal Services, Oregon State System of Higher Education, informs us that your September 23 request is broader than your previous records requests to the college, and that the college has not yet responded to your September 23 request. Absent a denial from the college, the Attorney General has no authority to order the college to disclose records. See ORS 192.450. Accordingly, with respect to those records that you requested for the first time in your September 23 letter, we respectfully deny your petition as premature.

Ms. Grier also informs us that the college has provided you with all of the records identified in your petition that you had requested prior to September 23, 1993. Accordingly, with respect to those records, we respectfully deny your petition as moot.

Sincerely,



ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:jpl/JAA00E78.W51
c: Melinda Grier