



September 6, 2024

***Via Email and Regular Mail***

Attn: Open Government Unit  
Rhode Island Office of the Attorney General  
150 South Main Street  
Providence, RI 02903  
opengovernment@riag.ri.gov

Re: Complaint for Violations of the Access to Public Records Act  
OGC File Nos. 2024-0930 and 2025-0029

The Goldwater Institute (“Institute”) and Gregory Piccirilli represent requestor Nicole Solas (“Requestor”). On February 29, 2024, Requestor submitted a public records request to the University of Rhode Island (“University”). The University untimely responded to the Requestor’s public records request, and wrongfully denied access to public records by denying the request pursuant to exemptions that do not apply or were applied too broadly. The University also did not make any effort to segregate those portions of the public records that should be disclosed. On behalf of the Requestor, we file this complaint pursuant to R.I. Gen. Laws § 38-2-8 and seek all remedies and relief available pursuant to R.I. Gen. Laws §§ 38-2-8(b) and 38-2-9(d).

***Background***

On February 29, 2024, the Requestor submitted a public records request to the University seeking certain records related to “Safe Zone” training (the “Request”). Attachment 1.<sup>1</sup> Specifically, the Request sought the following documents:

**All safe zone training materials used or planned to be used including but not limited to slides, videos, handouts, papers, guides, and resources used in all the training referenced here: <https://web.uri.edu/gender-sexuality/safe-zone/>**

*Id.* at 3.

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<sup>1</sup> Requestor does not have the original Request which she submitted via the University’s portal. However, Attachment 1 was received by the University on July 26, 2024, and reflects all the University’s outstanding public records requests received by Requestor. In Attachment 1, the University confirms the date the University received the Request as well as the request details. *See* Attachment 1 at 3.

“Safe Zone” refers to the Safe Zone Project which is a “free online resource providing curricula, activities, and other resources for educators facilitating Safe Zone trainings.” *About, The Safe Zone Project* (Aug. 26, 2024)<sup>2</sup>. These free trainings and materials are available for download from the Safe Zone website and not protected by copyright. *Uncopyright, The Safe Zone Project* (Aug. 26, 2024)<sup>3</sup>. In fact, The Safe Zone Project wants its material to be part of the public domain so they specifically state that permission is not needed to use any of its materials. *Id.*

Approximately 5 months later, on July 10, 2024, the University responded to the Request and assigned the Request reference number OGC File No. 2024-0930 (“First Response”). Attachment 2. The University advised that responsive records were being withheld pursuant to R.I. Gen. Laws § 38-2-2(4)(K) (“Exemption K”) and R.I. Gen. Laws § 38-2-2(4)(B) (“Exemption B”). *Id.* However, the University did not provide additional information or explanation for the withholding. Further, the University did not state whether the Request was denied.

On July 12, 2024, the Requestor submitted a follow up request to the University’s First Response requesting in-person viewing of the records identified in the Request. Attachment 3 at 2.

On July 26, 2024, the University responded to the in-person inspection request and assigned reference number OGC File No. 2025-0029 (“Denial”). Attachment 3. The University stated that “[r]egardless of format, the records responsive to this request are exempt from public disclosure pursuant to” Exemption K and Exemption B. Again, the University did not offer any further clarification of how the exemptions applied to withhold the public records. The University denied the Request. *Id.* at 4.

### ***Legal Argument***

The Access to Public Records Act (“APRA”) “favors the free flow and disclosure of information to the public.” *In re New England Gas Co.*, 842 A.2d 545, 551 (R.I. 2004) (citation omitted). The APRA creates a right of access to public records maintained or kept by a public body.<sup>4</sup> R.I. Gen. Laws § 38-2-3. Every person shall have the right to inspect public records. *Id.* Any public body denying the right to inspect records—whether in whole or in part—shall provide in writing the requestor with the “*specific reasons* for the denial within ten (10) business days of the request.” R.I. Gen. Laws § 38-2-7(a) (emphasis added).

#### **1. The University did not respond within the APRA timeline.**

Pursuant to the APRA, a public body has ten business days in which to respond to a records request. R.I. Gen. Laws § 38-2-7(a). The response must indicate whether the public body will comply with the request or the specific reasons for a denial or denial-in-part. *Id.* If the public body requires

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<sup>2</sup> <https://thesafezoneproject.com/about/>.

<sup>3</sup> <https://thesafezoneproject.com/help/uncopyright/>.

<sup>4</sup> The University is a public body as that term is defined under the APRA. R.I. Gen. Laws § 38-2-2(1).

additional time to respond to the request, it must explain in writing the basis for requesting additional time and may only have twenty additional business days. R.I. Gen. Laws § 38-2-3(e).

The University did not respond to the Request for *91 business days* after the University received the Request. Moreover, the First Response claimed exemptions but did not state whether the University was complying with or denying the Request. It was not until *103 business days* after the University received the Request that the University stated its denial of the Request.

The University failed to comply with the APRA timeline for responding to public records requests. The University's failure to timely respond to the Request violates the APRA.

## **2. The University did not meet its burden of proof that any documents were exempt from disclosure.**

The APRA requires that public records must be provided to requesting parties unless a specific exemption applies. R.I. Gen. Laws § 38-2-3; § 38-2-2(4)(A)–(BB). APRA exemptions are to be narrowly construed. *In re New England Gas Co.*, 842 A.2d at 555. The burden of proving an exemption applies rests solely on the public body to demonstrate that the record may be withheld from public inspection. R.I. Gen. Laws § 38-2-10.

Exemption K prevents public disclosure of “[p]reliminary drafts, notes, impressions, memoranda, working papers, and work products, including those involving research at state institutions of higher education on commercial, scientific, artistic, technical, or scholarly issues, whether in electronic or other format.” R.I. Gen. Laws § 38-2-2(4)(K). The terms “draft” and “working paper” are not defined by the APRA, but the Office of the Attorney General has looked to Merriam-Webster and Black’s Law dictionaries for guidance. *See, e.g., Davis v. Town of Exeter*, PR 23-10.<sup>5</sup> These terms refer to preliminary forms of writing and pre-publication drafts intended to be finalized at some point in the future. *Id.*

Here, the Request was denied without specific reasons for the denial. The Denial does not include any explanation for how Exemption K applies to the requested documents—published materials used, including slides, videos, handouts, papers, guides, and resources used in the Safe Zone training. What’s more, it is difficult to imagine how materials that were used for official University trainings for faculty and staff would remain in draft form, or would represent “commercial, scientific, artistic, technical, or scholarly issues.” The University has not met its burden showing that Exemption K applies.

Exemption B permits withholding from public disclosure, “[t]rade secrets and commercial or financial information obtained from a person, firm, or corporation that is of a privileged or confidential nature.” R.I. Gen. Laws § 38-2-2(4)(B). Merely asserting confidentiality of documents, even if

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<sup>5</sup> [https://clerkshq.com/RIAG\\_OpenGov?docId=PR23\\_10&path=Decisions%2C2023\\_Decisions%2C2023\\_APRA\\_Decisions%2CPR23\\_10%2C](https://clerkshq.com/RIAG_OpenGov?docId=PR23_10&path=Decisions%2C2023_Decisions%2C2023_APRA_Decisions%2CPR23_10%2C)

contractual, is not by itself dispositive nor can it supersede the APRA. *Zurier v. Off. of the Gen. Treasurer*, PR 23-30.<sup>6</sup> The Office must review the totality of the circumstances to determine if the information is confidential and of the kind not customarily released to the public by the person from whom it was obtained. *Id.* See also *The Providence Journal Co. v. Convention Center Auth.*, 774 A.2d 40, 46 (R.I. 2001); *Food Mktg. Inst. v. Argus Leader Media*, 588 U.S. 427, 438 (2019).

Here, the University denied the Request pursuant to Exemption B without providing any specific reasons. There is no explanation for how Exemption B applies to Safe Zone training materials particularly when such training materials are free and in the public domain. What's more, it again defies common sense that University training materials that were purportedly broadly used to train faculty and staff would ever rise to the level of a confidential trade secret or include privileged financial information. The University has failed to meet its burden of showing that Exemption B applies.

The University failed to meet its burden of proof to show that any exemptions applied to withhold public documents. The University relied on the claimed exemptions to wrongfully deny access to public documents. The University's failures and wrongful denial of access to public documents violates the APRA. Consequently, the University must be directed to produce the requested documents.

### **3. The University failed to segregate responsive documents that could be disclosed.**

If the entirety of a document is non-public, "the public body shall state in writing that no portion of the document or record contains reasonable segregable information that is releasable." R.I. Gen. Laws § 38-2-3(b). The public body must make "every effort...to segregate those portions of the requested documents that contain information exempted from disclosure." *The Providence Journal*, 774 A.2d at 50.

The Denial did not state whether the University made any efforts to release segregable information. Failure to state whether any portion of the documents was segregable violates the APRA.

### ***Conclusion***

The University has violated the APRA. The Requestor is entitled to relief under R.I. Gen. Laws §§ 38-2-8(b) and 38-2-9(d). The University should be directed to produce the requested records.

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<sup>6</sup> [https://clerkshq.com/RIAG\\_OpenGov?docId=PR23\\_30&path=Decisions%2C2023\\_Decisions%2C2023\\_APRA\\_Decisions%2CPR23\\_30%2C](https://clerkshq.com/RIAG_OpenGov?docId=PR23_30&path=Decisions%2C2023_Decisions%2C2023_APRA_Decisions%2CPR23_30%2C)

Open Government Unit  
Rhode Island Office of the Attorney General  
September 6, 2024  
Page **5** of **5**



Stacy Skankey  
Staff Attorney  
Scharf-Norton Center for  
Constitutional Litigation at the  
Goldwater Institute

Sincerely,

*/s/ Gregory P. Piccirilli*

Gregory P. Piccirilli  
Law Office of Gregory P. Piccirilli, Esq.

----- Forwarded message -----

From: **Lauren Jensen** <[ljensen@uri.edu](mailto:ljensen@uri.edu)>  
Date: Fri, Jul 26, 2024, 1:24 PM  
Subject: Response to APRA Request 2025-0028  
To: Nicole Solas <[nicolesolas@gmail.com](mailto:nicolesolas@gmail.com)>  
Cc: Patricia Foster <[patricia\\_foster@uri.edu](mailto:patricia_foster@uri.edu)>

Ms. Solas,

Please see attached in response to your below request for access to public records pursuant to the Rhode Island Access to Public Records Act.

Lauren



**Lauren A. Jensen, Esq.**  
Deputy General Counsel  
Office of the General Counsel  
Green Hall, [35 Campus Avenue](#)  
[Kingston, Rhode Island 02881](#)  
P: 401.874.4491  
F: 401.874.4803

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**From:** [ogc-service-request-group@uri.edu](mailto:ogc-service-request-group@uri.edu) <[ogc-service-request-group@uri.edu](mailto:ogc-service-request-group@uri.edu)> **On Behalf Of** Public Records Request Form

**Sent:** Friday, July 12, 2024 4:57 PM

**To:** [patricia\\_foster@uri.edu](mailto:patricia_foster@uri.edu); [ogc-service-request-group@uri.edu](mailto:ogc-service-request-group@uri.edu)

**Subject:** [OGC service request] APRA REQUEST—RESPONSE REQUIRED

You are receiving this public records request as a certified APRA responder of the University of Rhode Island. Under Rhode Island law, a response is required within 10 business days of the date the request is submitted. Additional information is available on the University's designated APRA site at <https://web.uri.edu/publicrecords/>.

As needed, please work with Lauren Jensen and Patty Foster in the Office of the General

Counsel in compiling your response to this APRA request or if you think you are not the right person to respond to this request.

When sending the final response to the requesting individual, please copy the Office of the General Counsel at [ogc-service-request-group@uri.edu](mailto:ogc-service-request-group@uri.edu).

<b>Name</b>
Nicole Solas
<b>Email</b>
<a href="mailto:nicolesolas@gmail.com">nicolesolas@gmail.com</a>
<b>Request Start Date</b>
01/01/2024
<b>Request End Date</b>
07/12/2024
<b>Request Topic</b>
Other/Don't Know
<b>Request Details</b>
All public records requests submitted to URI's portal but routed to a spam folder discovered by atty Lauren Jensen on or around July 10. Include requestor's name, substance of request, and date of request.

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To view this discussion on the web visit [https://groups.google.com/a/uri.edu/d/msgid/OGC-service-request-group/CAPJk%3DWjrjTmsMzxbJ%3Dd8DYCFn\\_7zuBHYgF74c9uGeWaPFCNr9Q%40mail.google.com](https://groups.google.com/a/uri.edu/d/msgid/OGC-service-request-group/CAPJk%3DWjrjTmsMzxbJ%3Dd8DYCFn_7zuBHYgF74c9uGeWaPFCNr9Q%40mail.google.com).

Entry Date	First	Last	Email	Request Topic	Request Details
May 15, 2024 at 11:56 am			nicolesolas@gmail.com	Other/Don't Know	Full accounting of expenses of Renee Hobbs, Yonti Friesem, and all others in the media education lab for its trip to Brussels for the media literacy matters conference on Feb 27 2024 to March 1 2024 referenced here: <a href="https://mediaeducationlab.com/events/media-literacy-matters">https://mediaeducationlab.com/events/media-literacy-matters</a>
May 15, 2024 at 11:55 am			nicolesolas@gmail.com	Finance	Full accounting of expenses of Renee Hobbs, Yonti Friesem, and all others in the media education lab for its trip to Brussels for the media literacy matters conference on Feb 27 2024 to March 1 2024 referenced here: <a href="https://mediaeducationlab.com/events/media-literacy-matters">https://mediaeducationlab.com/events/media-literacy-matters</a>
April 7, 2024 at 2:11 pm	Nicole	Solas	nicolesolas@gmail.com	Purchasing	Full accounting of public money spent by the Media Education Lab on the media literacy conference in Brussels attended by Renee Hobbs, Yonty Friesem, and any other individuals from URI. The conference is referenced here: <a href="https://www.mediawijs.be/en/medialiteracymatters?utm_source=Media+Education+Lab&amp;utm_campaign=467b928a75-MEL+Newsletter+April+7%2C+2024&amp;utm_medium=email&amp;utm_term=0_fe24bb6136-%5BLIST_EMAIL_ID%5D&amp;mc_cid=467b928a75&amp;mc_eid=da5a8d9ec1">https://www.mediawijs.be/en/medialiteracymatters?utm_source=Media+Education+Lab&amp;utm_campaign=467b928a75-MEL+Newsletter+April+7%2C+2024&amp;utm_medium=email&amp;utm_term=0_fe24bb6136-%5BLIST_EMAIL_ID%5D&amp;mc_cid=467b928a75&amp;mc_eid=da5a8d9ec1</a>
February 29, 2024 at 1:46 pm	Nicole	Solas	nicolesolas@gmail.com	Other/Don't Know	All safe zone training materials used or planned to be used including but not limited to slides, videos, handouts, papers, guides, and resources used in all the trainings referenced here: <a href="https://web.uri.edu/gender-sexuality/safe-zone/">https://web.uri.edu/gender-sexuality/safe-zone/</a>



----- Forwarded message -----

From: **Lauren Jensen** <[ljensen@uri.edu](mailto:ljensen@uri.edu)>  
Date: Wed, Jul 10, 2024, 5:38 PM  
Subject: Response to APRA Request  
To: Nicole Solas <[nicolesolas@gmail.com](mailto:nicolesolas@gmail.com)>  
Cc: Patricia Foster <[patricia\\_foster@uri.edu](mailto:patricia_foster@uri.edu)>

Ms. Solas,

Following up on my email earlier today, attached is a response to your request for: **All safe zone training materials used or planned to be used including but not limited to slides, videos, handouts, papers, guides, and resources used in all the trainings referenced here:** <https://web.uri.edu/gender-sexuality/safe-zone/>

Lauren



**Lauren A. Jensen, Esq.**  
Associate General Counsel  
Office of the General Counsel  
Green Hall, [35 Campus Avenue](#)  
[Kingston, Rhode Island 02881](#)  
P: 401.874.4491  
F: 401.874.4803

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July 10, 2024

**VIA EMAIL ONLY**

Nicole Solas  
nicolesolas@gmail.com

**Re: Public Records Request  
(OGC File No. 2024-0930)**

Ms. Solas:

On behalf of the University of Rhode Island ("URI"), I am hereby responding to your above-referenced request for access to public records pursuant to the Rhode Island Access to Public Records Act, R.I. Gen. Laws § 38-2-1 et seq. ("APRA"), which seeks:

**All safe zone training materials used or planned to be used  
including but not limited to slides, videos, handouts, papers,  
guides, and resources used in all the trainings referenced here:  
<https://web.uri.edu/gender-sexuality/safe-zone/>**

Please be advised that the records responsive to this request are being withheld pursuant to R.I. Gen. Laws § 38-2-2(4)(K) (exempting "[p]reliminary drafts, notes, impressions, memoranda, working papers, and work products, including those involving research at state institutions of higher education on commercial, scientific, artistic, technical, or scholarly issues, whether in electronic or other format") and R.I. Gen. Laws § 38-2-2(4)(B) (exempting "[t]rade secrets and commercial or financial information obtained from a person, firm, or corporation that is of a privileged or confidential nature").

If you disagree with the determination made by this office, you can petition Marc B. Parlange, President, University of Rhode Island, Green Hall, 35 Campus Avenue, Kingston, Rhode Island 02881, for a review of the determination, or you may appeal to the R.I. Department of Attorney General or the R.I. Superior Court for the county in which the records are maintained.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

/s/ Lauren A. Jensen

Lauren A. Jensen  
Associate General Counsel

----- Forwarded message -----

From: **Lauren Jensen** <[ljensen@uri.edu](mailto:ljensen@uri.edu)>  
Date: Fri, Jul 26, 2024, 1:39 PM  
Subject: Response to APRA Request 2025-0029  
To: Nicole Solas <[nicolesolas@gmail.com](mailto:nicolesolas@gmail.com)>  
Cc: Patricia Foster <[patricia\\_foster@uri.edu](mailto:patricia_foster@uri.edu)>

Ms. Solas,

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**Lauren A. Jensen, Esq.**  
Deputy General Counsel  
Office of the General Counsel  
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From: [ogc-service-request-group@uri.edu](mailto:ogc-service-request-group@uri.edu) <[ogc-service-request-group@uri.edu](mailto:ogc-service-request-group@uri.edu)> On Behalf Of Public

Records Request Form

**Sent:** Friday, July 12, 2024 4:57 PM

**To:** [patricia\\_foster@uri.edu](mailto:patricia_foster@uri.edu); [ogc-service-request-group@uri.edu](mailto:ogc-service-request-group@uri.edu)

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When sending the final response to the requesting individual, please copy the Office of the General Counsel at [ogc-service-request-group@uri.edu](mailto:ogc-service-request-group@uri.edu).

**Name**

Nicole Solas

**Email**

[nicolesolas@gmail.com](mailto:nicolesolas@gmail.com)

**Request Start Date**

01/01/2024

**Request End Date**

07/12/2024

**Request Topic**

Other/Don't Know

**Request Details**

I would like to have an in-person viewing of the following records, which were denied in my previous APRA request. I am not asking for copies of the records be sent to me. The records I would like to view in-person at the URI campus are:

All safe zone training materials used or planned to be used including but not limited to slides, videos, handouts, papers, guides, and resources used in all the trainings referenced here:

<https://web.uri.edu/gender-sexuality/safe-zone/>

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To view this discussion on the web visit [https://groups.google.com/a/uri.edu/d/msgid/OGC-service-request-group/CAPJk%3DWgbnhjzZapy6ghTcLbEcCiOfug7OtDer\\_xwXsJJ3C%3DmrQ%40mail.gmail.com](https://groups.google.com/a/uri.edu/d/msgid/OGC-service-request-group/CAPJk%3DWgbnhjzZapy6ghTcLbEcCiOfug7OtDer_xwXsJJ3C%3DmrQ%40mail.gmail.com).

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To view this discussion on the web visit <https://groups.google.com/a/uri.edu/d/msgid/OGC-service-request-group/9503d0053648bb767764505ff0eef5c1%40mail.gmail.com>.





July 26, 2024

**VIA EMAIL ONLY**

Nicole Solas  
nicolesolas@gmail.com

**Re: Public Records Request**  
**Dated: July 12, 2024; Received: July 12, 2024**  
**OGC File No. 2025-0029**

Ms. Solas:

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**<https://web.uri.edu/gender-sexuality/safe-zone/>**

Regardless of format, the records responsive to this request are exempt from public disclosure pursuant to R.I. Gen. Laws § 38-2-2(4)(K) (exempting “[p]reliminary drafts, notes, impressions, memoranda, working papers, and work products, including those involving research at state institutions of higher education on commercial, scientific, artistic, technical, or scholarly issues, whether in electronic or other format”) and R.I. Gen. Laws § 38-2-2(4)(B) (exempting “[t]rade secrets and commercial or financial information obtained from a person, firm, or corporation that is of a privileged or confidential nature”). Therefore, consistent with the APRA, this request is denied.

If you disagree with the determination made by this office, you can petition Marc B. Parlange, President, University of Rhode Island, Green Hall, 35 Campus Avenue, Kingston, Rhode Island 02881, for a review of the determination, or you may appeal to the R.I. Department of Attorney General or the R.I. Superior Court for the county in which the records are maintained.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

/s/ Lauren A. Jensen

Lauren A. Jensen

Deputy General Counsel