



**PATRICIA W. PERLOW**  
LANE COUNTY DISTRICT ATTORNEY

LANE COUNTY DISTRICT ATTORNEY'S OFFICE  
125 EAST 8TH AVENUE, ROOM 400  
EUGENE, OREGON 97401-2926  
FAX ONLY (541) 682-3890  
(541) 682-4261

April 15, 2019

Mark Greenblatt  
Scripps News  
[Mark.greenblatt@scripps.com](mailto:Mark.greenblatt@scripps.com)

Bryan Dearing  
Office of General Counsel  
University of Oregon  
219 Johnson Hall  
Eugene, OR 97403-1226  
[bdearing@uoregon.edu](mailto:bdearing@uoregon.edu)

Dear Mr. Greenblatt and Mr. Dearing,

The following constitutes the District Attorney's ruling in this matter.

Mr. Mark Greenblatt has filed an appeal with the District Attorney requesting that the University of Oregon (hereinafter referred to as the University), be ordered to release certain disciplinary information regarding two former students.<sup>1</sup>

Mr. Greenblatt filed his appeal with the District Attorney on March 29, 2019. By statute, the District Attorney has 7 days to issue a ruling, or the appeal is considered to have been denied.

On April, 2, 2019, the District Attorney forwarded the appeal to the University, with a request for the records, and for the University's response to the appeal. On April 3, 2019, the University requested until the end of the day on April 10, 2019, to file a response. I consulted with Mr. Greenblatt, and he agreed to this extension.

At 11:32 on April 10, 2019, the University requested a further extension. Mr. Greenblatt was not agreeable to any further delay. At 7:50 a.m. on April 11, 2019, I advised Mr. Greenblatt and the University that a ruling on the appeal would be issued by 3pm this same day.

The afternoon of April 11 (according to emails between the University and Mr. Greenblatt), certain records were provided by the University to Mr. Greenblatt. On Friday, April 12, I notified Mr. Greenblatt to advise me on Monday, April 15, whether he wished to continue to pursue his appeal.

---

<sup>1</sup> The names of those students, and the year of the alleged incidents, are contained in the original public records request to the University.

On April 15, 2019, a series of emails were exchanged between the University and Mr. Greenblatt. It is apparent that a dispute continues to exist whether all records responsive to the original request have been disclosed. Therefore, the District Attorney will rule on the appeal.

In response to Mr. Greenblatt's original request, the University claimed the records are exempt from disclosure pursuant to ORS 192.355(8), because such records are prohibited from disclosure by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C § 1232g(2017). FERPA is a multi-faceted statute governing the privacy of student records.

As it pertains to institutions of post-secondary education, FERPA permits the release of certain student disciplinary records in several situations. Specifically, §1232g(b)(6)(B) expressly allows the disclosure of

“the final results of any disciplinary proceeding...against a student who is an alleged perpetrator of any crime of violence... if the institution determines as a result of that disciplinary proceeding that the student committed a violation of the institution's rules or policies with respect to such crime or offense.”<sup>2</sup>

The University has apparently adopted a policy, pursuant to the above section, of not disclosing the outcome of disciplinary proceedings in cases involving non-consensual sexual act and or assault, dating violence, domestic violence, etc.. However, once FERPA is read to allow disclosure, the University is bound by Oregon's public records law, and an institutional policy against disclosure cannot override a statutory requirement of disclosure.

Therefore, the appeal is granted to the following extent, and the University is ordered to disclose the information requested, as follows:

1. The name of the student who was accused.
2. The violation of the University's rules or policies, that was determined to have been committed, and
3. Any sanction that was imposed on the student who was accused.

Sincerely,

PATRICIA W. PERLOW, District Attorney



Robert D. Lane  
Assistant District Attorney

---

<sup>2</sup> §1232g(b)(6)(C) provides that the final results of any disciplinary proceeding shall include only the name of the student, the violation committed, and any sanction imposed by the institution on that student. The name of any other student, such as a victim or witness can only be disclosed with the written consent of that person.