

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-231**

September 12, 2022

VIA ELECTRONIC MAIL

Dr. Daryao S. Khatri

RE: FOIA Appeal 2020-231

Dear Dr. Khatri:

This letter is in response to the administrative appeal that you have submitted to the Mayor pursuant to the District of Columbia Freedom of Information Act ("FOIA"), D.C. Code §§ 2-531, *et seq.* In your appeal, you have challenged the lack of response of the University of the District of Columbia ("UDC") to your July 4, 2020 FOIA request, which sought the following:

1. Appointment letters for Michelle Chatman and Amanda Huron when they were FIRST hired;
2. Form 50 and/or 52 (HR Approving form for appointments) letters for Michelle Chatman and Amanda Huron when they were FIRST hired;
3. Termination dates and the paperwork that preceded terminations of the BA programs in anthropology and Geography;
4. Reinstatement dates and the paperwork that preceded reinstatements of the BA programs in anthropology and Geography; and
5. The following information that culminated in the appointment of Michelle Chatman as Assistant Professor on June 21, 2016:
 - Request for the advertisement of the position;
 - Copy of the actual advertisement and copy of the advertisement from the newspapers, journals, etc.;
 - Minutes of departmental committee approving Chatman's appointment;
 - Minutes of the meeting that interviewed her for the position;
 - Copy of the recommendation from the department to the dean;
 - Copy of the Dean's recommendation; and

- Copy of the Provost's recommendation to HR

On August 20, 2020, this Office asked UDC to provide the justification for the decision not to grant a review of the records requested, a *Vaughn* index of the documents withheld, and a copy of any public record(s) in dispute. As of the date of this decision, a response has not been received.

It is the public policy of the District of Columbia that all persons are entitled to full and complete information regarding the affairs of the District government and the official acts of those who represent them as public officials and employees. D.C. Code § 2-531. The ultimate responsibility for responding to requests for records of an agency is vested in the agency head. 1 DCMR § 400.1

Based on the record before us, we can only conclude that the failure to timely respond to your request constitutes a constructive denial. D.C. Official Code § 2-532(e). We therefore remand this matter to UDC to promptly disclose any non-exempt records that are responsive to your request.

This constitutes the final decision of this Office. You may challenge any subsequent response to your request by separate appeal to this Office. If you are dissatisfied with this decision, you may commence a civil action in the Superior Court of the District of Columbia in accordance with D.C. Code § 2-537.

Sincerely,

The Mayor's Office of Legal Counsel

cc: Thomas Redmond, UDC FOIA Officer (via email only)