

San Luis Obispo Superior Court

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN LUIS OBISPO  
10

11 ELIZABETH WILSON,

12 Petitioner/Plaintiff,

13 v.

14 BOARD OF TRUSTEES OF THE  
CALIFORNIA STATE UNIVERSITY, and  
15 JEFFREY ARMSTRONG, IN HIS OFFICIAL  
CAPACITY AS PRESIDENT OF  
16 CALIFORNIA POLYTECHNIC STATE  
UNIVERSITY, SAN LUIS OBISPO  
17

18 Respondents/Defendants.  
19

Case No. 24CV-0428

*Assigned for All Purposes to The Honorable  
Craig B. van Rooyen, Dept. D2*

**VERIFIED FIRST AMENDED PETITION  
FOR WRIT OF MANDATE UNDER THE  
CALIFORNIA PUBLIC RECORDS ACT  
AND THE CALIFORNIA  
CONSTITUTION AND COMPLAINT  
FOR DECLARATORY AND  
INJUNCTIVE RELIEF; REQUEST FOR  
ATTORNEY FEES AND COSTS**

[California Public Records Act, Gov. Code  
section 7920.000, *et seq.*]

20 Petitioner and Plaintiff ELIZABETH WILSON (“Petitioner”), an individual, petitions the  
21 Court, through this Verified Petition for Writ of Mandate and Complaint (“Petition”), to command  
22 Respondents and Defendants, BOARD OF TRUSTEES OF THE CALIFORNIA STATE  
23 UNIVERSITY and JEFFREY ARMSTRONG, in his official capacity as the President of  
24 California Polytechnic State University, San Luis Obispo (collectively, “Cal Poly” or  
25 “Respondents”), to comply with the California Public Records Act (“CPRA”), Government Code  
26 section 7920.000, *et seq.*,<sup>1</sup> and the California Constitution, Article I, section 3(b), to declare that  
27 \_\_\_\_\_

28 <sup>1</sup> Unless otherwise specified, all future statutory references in this Petition are to the California  
Government Code.

1 Respondents have failed to do so; and to enjoin them from continuing to violate the law by  
2 withholding public records requested by Petitioner.

### 3 INTRODUCTION

4 1. This Petition seeks to enforce the people’s fundamental right of access to public  
5 records. In particular, but not exclusively, this Petition seeks to enforce the public’s right to  
6 receive records “promptly” and without an agency delaying or obstructing the inspection or  
7 copying of public records. §§ 7922.500, 7922.530(a).

8 2. “Openness in government is essential to the functioning of a democracy.” *Int’l*  
9 *Fed’n of Pro. & Tech. Eng’rs, Local 21 v. Superior Ct.*, 42 Cal. 4th 319, 328 (2007).

10 3. Under the California Constitution, the people have “the right of access to  
11 information concerning the conduct of the people’s business.” Cal. Const., art. 1, § 3(b)(1). To that  
12 end, “the writings of public officials and agencies shall be open to public scrutiny.” *Id.*  
13 The Constitution further requires that any “statute, court rule, or other authority . . . shall be  
14 broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the  
15 right of access.” *Id.* § 3(b)(2).

16 4. As the CPRA declares, “access to information concerning the conduct of the  
17 people’s business is a fundamental and necessary right of every person in this state.” § 7921.000.

18 5. More than 18 months have passed since Petitioner, a student journalist, submitted  
19 three narrow requests for public records to her university. The requests sought records regarding  
20 school officials’ response to campus sexual assaults, alleged student labor violations, and hiring a  
21 professor who allegedly mishandled Title IX complaints in a prior role.

22 6. Respondents continue to improperly withhold these records. Respondents have not  
23 justified this egregious delay in any way. Instead, Respondents are withholding the records  
24 indefinitely on the unlawful and dubious basis that “E-mail and data review is time intensive.”

25 7. As explained more fully below, it is evident from Respondents’ unreasonable and  
26 unjustified delays in production that they are improperly withholding the records Petitioner  
27 requested and obstructing her right of access.

28

1           8.       Despite Petitioner’s many requests and a letter from the First Amendment  
2 Coalition, Respondents have unlawfully refused to disclose the requested records for more than 18  
3 months with no estimated date of production in sight, making it necessary to file this action to  
4 enforce the public’s compelling interest in disclosure of records documenting the governance of a  
5 state university and its response to concerns about sexual assault, labor violations, and Title IX  
6 complaints.

7   **PARTIES**

8           9.       Petitioner is an award-winning student journalist who investigates safety, labor  
9 conditions, official misconduct, and other matters newsworthy to the student community at Cal  
10 Poly’s San Luis Obispo campus.

11           10.      Petitioner is a member of the public under section 7920.515 and is beneficially  
12 interested in the outcome of these proceedings; Petitioner has a clear, present, and substantial right  
13 to the relief sought herein and no plain, speedy, and adequate remedy at law other than that sought  
14 herein.

15           11.      Respondent Board of Trustees of the California State University is a state agency  
16 under section 7920.540 that is in possession of public records subject to mandatory disclosure  
17 under the CPRA.

18           12.      Respondent Jeffrey Armstrong is the President of California Polytechnic State  
19 University, San Luis Obispo and is the public official who oversees the department that has denied  
20 Petitioner access to the requested records. In denying access to the records requested by Petitioner,  
21 Cal Poly’s representatives were acting on behalf of Armstrong, and Armstrong is the public  
22 official responsible for the denial of Petitioner’s requests and was acting at all relevant times for  
23 and on behalf of Cal Poly. He is sued in his official capacity.

24   **JURISDICTION AND VENUE**

25           13.      Under section 7923.000, “[a]ny person may institute a proceeding for injunctive or  
26 declarative relief, or for a writ of mandate . . . to enforce that person’s right under” the CPRA “to  
27 inspect or receive a copy of any public record or class of public records.”



1           21.     On or about September 9, 2022, Records Access Coordinator Bernadette  
2 Monterrosa responded to Petitioner’s Humphrey-Armstrong Emails request on behalf of  
3 Respondents by a written message that described certain exemptions from disclosure in the  
4 abstract but did not assert they actually applied to any records requested by Petitioner. The  
5 message then stated:

6           Pursuant to Cal. Govt. Code § 6253, we will conduct a reasonable search for and  
7 gather responsive records. We will gather and make available to you for  
8 inspection all records that are public (see above and §§ 6254 and 6255)[.] If you  
9 wish us to provide you with copies of these records, a charge may be imposed for  
the direct cost of copying the records based on the California Public Records Act  
or other relevant statutory authority. Public records that already exist in electronic  
format will be produced electronically without charge.

10 A true and correct copy of this message is attached as Exhibit 2.

11           22.     While this message indicated that Respondents would search for responsive  
12 records, it did not state “whether the request, in whole or in part, seeks copies of disclosable public  
13 records in the possession of the agency” or “state the estimated date and time when the records  
14 will be made available.” § 7922.535(a).

15           23.     For more than four months, Respondents gave Petitioner no further updates on her  
16 request than the initial response.

17           24.     On or about January 18, 2023, in response to Petitioner requesting an update on a  
18 different request, *see infra* ¶¶ 41–42, Brian Gil, a Support Coordinator in Cal Poly’s  
19 Administration & Finance Department, provided the status of all of Petitioner’s then-pending  
20 requests.

21           25.     Gil listed the status of the Humphrey-Armstrong Emails request as “Records  
22 requested.” A true and correct copy of this message is attached as Exhibit 3.

23           26.     Upon information and belief, the “Records requested” status of Petitioner’s request  
24 indicates that Respondents had taken no steps toward searching for, reviewing, or redacting any  
25 records in the four months between Petitioner submitting the request and Gil sending this update.

26           27.     Petitioner received no further update on this request for nearly six months.

27  
28

1 **B. Armstrong-Castro Emails**

2 28. Upon information and belief, Joseph Castro was the President of California State  
3 University, Fresno (“Fresno State”) from or around 2013 to 2021.

4 29. Upon information and belief, in or around January 2021, Castro became Chancellor  
5 of the entire California State University (“CSU”) system.

6 30. Upon information and belief, Castro resigned as CSU Chancellor effective on or  
7 about February 17, 2022, after USA Today reported that he failed to respond to at least 12  
8 complaints alleging Title IX violations against one of his top administrators during his time as  
9 Fresno State President.

10 31. Upon information and belief, Castro’s employment contract with CSU contained a  
11 clause ensuring his “retreat rights.” This clause guaranteed Castro a tenured faculty position within  
12 CSU should he step down as Chancellor.

13 32. Upon information and belief, Castro exercised these retreat rights to accept a  
14 tenured faculty position as a business professor at Cal Poly’s San Luis Obispo campus.

15 33. Upon information and belief, Castro’s employment and mishandling of sexual  
16 misconduct complaints sparked criticism and protest from students and other faculty members.

17 34. Upon information and belief, Respondents never publicly addressed Castro’s  
18 employment or the community’s criticism.

19 35. Petitioner reported on this controversy in student news outlet Mustang News.

20 36. As part of her reporting, Petitioner wanted to investigate how Cal Poly’s top  
21 administrators were discussing Castro’s employment and the controversy behind closed doors,  
22 considering their public silence.

23 37. On or about September 30, 2022, Petitioner requested copies of the following  
24 public records pursuant to the CPRA: “[a]ll email conversations between President Jeffrey  
25 Armstrong and former CSU Chancellor Joseph Castro since February 2022” (“Armstrong-Castro  
26 Emails”). A true and correct copy of the request is attached as Exhibit 4.

27 38. On or about October 4, 2022, Records Access Coordinator Bernadette Monterrosa  
28 responded to Petitioner’s Armstrong-Castro Emails request on behalf of Respondents by a written

1 message that described certain exemptions from disclosure in the abstract but did not assert they  
2 actually applied to any records requested by Petitioner. The message then stated:

3 Pursuant to Cal. Govt. Code § 6253, we will conduct a reasonable search for and  
4 gather responsive records. We will gather and make available to you for  
5 inspection all records that are public (see above and §§ 6254 and 6255)[.] If you  
6 wish us to provide you with copies of these records, a charge may be imposed for  
the direct cost of copying the records based on the California Public Records Act  
or other relevant statutory authority. Public records that already exist in electronic  
format will be produced electronically without charge.

7 A true and correct copy of this message is attached as Exhibit 5.

8 39. Despite Respondents' obligation to provide an estimated date and time when the  
9 records would be made available in its initial response, pursuant to § 7922.535(a), Respondents  
10 provided no estimated date of production.

11 40. For more than three months, Respondents gave Petitioner no further updates  
12 beyond this initial response.

13 41. On or about January 16, 2023, Petitioner sent a written message to Respondents to  
14 request an estimated time and date of production, as required by § 7922.535(a): "I am following  
15 up on this request I made in September. Do you have an estimate for when I can expect the  
16 records? I also sent a few other requests that I'd like an update on if possible. I appreciate you[r]  
17 help. Please let me know if you have any questions." A true and correct copy of this message is  
18 attached as Exhibit 6.

19 42. On or about January 18, 2023, Support Coordinator Brian Gil responded to  
20 Petitioner on behalf of Respondents and refused to provide the requested and CPRA-mandated  
21 estimated date of production:

22 I cannot provide an exact date for completion, but I assure you that we are processing all  
23 your requests. In light of the scope of your requests and our staffing ability, we cannot  
guarantee the timing of your request. Please see latest update for pending requests[:]

24 9-30-2022 Armstrong-Castro Emails: Redacting Needed[.]

25 A true and correct copy of this message is attached as Exhibit 7.

26 43. Upon information and belief, Respondents had collected records responsive to the  
27 request for the Armstrong-Castro Emails on or before January 18, 2023, and the records needed  
28 only to be reviewed for redaction before producing them to Petitioner.

1 44. Despite the narrow scope of her request and Respondents' completion of its search  
2 for responsive documents, Petitioner received no additional updates regarding her request for  
3 approximately two months.

4 45. On or about March 15, 2023, Petitioner once again reached out for an update and to  
5 remind Respondents of their CPRA obligations:

6 To follow up, under Government Code section 7922.535, "If the agency determines that  
7 the request seeks disclosable public records, the agency shall also state the estimated date  
8 and time when the records will be made available." I would like an estimation of when I  
9 can expect these records.

10 Additionally, state law requires justifications for any redactions, which I would like to  
11 know for the emails between Castro and Armstrong.

12 Thank you for the clarification!

13 A true and correct copy of this message is attached as Exhibit 8.

14 46. On or about May 4, 2023, Petitioner reached out for a update on all of her  
15 outstanding requests and asked again for justification for the redactions to the Armstrong-Castro  
16 Emails: "Do you have any other questions for my other requests? I still would like to clarify the  
17 specifics of redaction as previously mentioned." A true and correct copy of this message is  
18 attached as Exhibit 9.

19 47. Respondents did not respond directly to Petitioner's message of or about March 15,  
20 2023, or May 4, 2023, and she did not receive another update on this request until or about July  
21 14, 2023, *see infra* ¶ 67.

22 **C. Kaiwi-Conner Emails**

23 48. Upon information and belief, Andrene Kaiwi-Conner was the Director of the New  
24 Student Transition Program ("NSTP") in summer 2022.

25 49. Upon information and belief, student employees for NSTP orientation teams  
26 discussed alleged labor violations during their time working in summer 2022 in a Mustang News  
27 article that Petitioner reported.

28 50. Upon information and belief, these alleged violations included working overtime  
without proper compensation—sometimes working more than 14 hours in one day—and not  
receiving mandatory breaks or compensation for unused breaks.



1           51.     Petitioner investigated these alleged violations and reached out to Kaiwi-Conner  
2 multiple times for comment but never heard from her.

3           52.     Upon information and belief, after Mustang News published an article regarding  
4 the alleged labor violations, Kaiwi-Conner left her position as NSTP Director.

5           53.     On or about October 6, 2022, Petitioner requested copies of the following public  
6 records pursuant to the CPRA: “All emails from [Andrene Kaiwi-Conner] since July 2022  
7 concerning the keywords listed: ‘quit’ in any verb tense, ‘overtime,’ ‘Mustang News,’  
8 ‘emergency,’ ‘understaffed,’ and ‘complaint.’” A true and correct copy of the request is attached  
9 as Exhibit 10.

10          54.     On or about October 14, 2022, Monterrosa responded to Petitioner’s Kaiwi-Conner  
11 Emails request by a written message that described certain exemptions from disclosure in the  
12 abstract but did not assert they actually applied to any records requested by Petitioner. The  
13 message then stated:

14                 Pursuant to Cal. Govt. Code § 6253, we will conduct a reasonable search for and  
15 gather responsive records. We will gather and make available to you for  
16 inspection all records that are public (see above and §§ 6254 and 6255)[.] If you  
17 wish us to provide you with copies of these records, a charge may be imposed for  
the direct cost of copying the records based on the California Public Records Act  
or other relevant statutory authority. Public records that already exist in electronic  
format will be produced electronically without charge.

18 A true and correct copy of this message is attached as Exhibit 11.

19          55.     Despite Respondents’ obligation to provide an estimated date and time when the  
20 records would be made available in its initial response, pursuant to § 7922.535(a), Respondents  
21 provided no estimated date of production.

22          56.     For more than three months, Respondents gave Petitioner no further updates on her  
23 request than the initial response.

24          57.     On or about January 18, 2023, in response to Petitioner’s request for an update on  
25 the Armstrong-Castro Emails, *see supra* ¶¶ 41–42, Gil listed the status of the Kaiwi-Conner  
26 Emails request as “Records requested.” A true and correct copy of this message is attached as  
27 Exhibit 12.

28

1           58.     Upon information and belief, the “Records requested” status of Petitioner’s request  
2 indicates that Respondents had taken no steps toward searching for, reviewing, or redacting any  
3 records in the three months between Petitioner submitting the request and Gil sending this update.

4           59.     Petitioner received no further update on this request for nearly six months, *see infra*  
5 ¶ 67.

6 **D.     First Amendment Coalition Identified CPRA Violations and Advocated for Cal Poly**  
7 **to Release the Records Petitioner Sought.**

8           60.     Although they described certain exemptions in the abstract, Respondents have  
9 failed to justify withholding any of the records requested by Petitioner by asserting or  
10 demonstrating that any statutory exemption from disclosure actually applies to any of the  
11 requested records, as required by §§ 7922.000, 7922.540.

12           61.     After Petitioner received no estimated date of production, no assertion of  
13 exemptions, and no updates on her requests—other than the “Records requested” and “Redacting  
14 Needed” statuses Gil provided on or about January 18, 2023—the First Amendment Coalition  
15 (“FAC”) sent Cal Poly a letter on or about June 16, 2023, addressing Respondents’ deficient  
16 response to Petitioner’s CPRA requests. A true and correct copy of this letter is attached as Exhibit  
17 13.

18           62.     FAC’s letter identified several CPRA violations, including:

- 19           • Failing to “state the estimated date and time when the records will be  
20           made available.” (Gov. Code § 7922.535(a).)
- 21           • Failing to provide any assistance as required under Government Code  
22           section 7922.600 and failing to respond in any manner whatsoever to the  
23           requests, except to acknowledge receipt and indicate that the September  
24           30, 2022 request requires redaction.
- 25           • Failing to provide request records “promptly.” (Gov. Code, § 7922.530,  
26           subd. (a).)

27           63.     Further, FAC wrote:

28           Given the amount of time that has passed since Ms. Wilson made her requests, her  
efforts to prompt a proper response, and her willingness to accommodate rolling  
production, Cal Poly should immediately provide the following:

- A schedule for rolling production;
- An explanation of what searches have been performed thus far and will be performed going forward; and
- A date and time in the near future for a phone call with a representative from Cal Poly to discuss Ms. Wilson’s CPRA requests.

1           64.     FAC also reminded Respondents that “[v]iolations of the CPRA can subject an  
2 agency to litigation pursuant to California Government Code section 7923.100, with a prevailing  
3 public records requester entitled to attorneys’ fees. (Gov. Code, § 7923.115).”

4           65.     On or about June 22, 2023, Kevin Cushing, an Analyst in Cal Poly’s Civil Rights &  
5 Compliance Office, sent Petitioner a written message that stated “Cal Poly will respond to your  
6 correspondence next week once they are back in the office.” A true and correct copy of this  
7 message is attached as Exhibit 14.

8           66.     Cal Poly did not respond the next week as Cushing had promised.

9           67.     Instead, on or about July 14, 2023, nearly a month after FAC sent its letter, Cal  
10 Poly finally provided this update:

11           9-2-2023[sic] Humphrey-Armstrong Emails  
12 Cal Poly’s ITS department conducted a search of e-mails responsive to Ms.  
13 Wilson’s search terms for this request which resulted in a large number of e-mails  
14 for the PRA Unit to review and evaluate. We are currently in the process of  
15 reviewing these e-mails for exempt information/content and applying redactions  
16 as appropriate. However, this a time consuming process and our department is  
17 resource constrained with a small number of people who qualified and trained to  
18 perform said work, in addition to their other duties. We will keep Ms. Wilson  
19 regularly apprised of our progress on a bi-weekly basis and will release any  
20 responsive records as they become available.

21           9-30-2023[sic] Armstrong-Castro Emails  
22 Our ITS department conducted a search of e-mails responsive to Ms. Wilson’s  
23 search terms for this request which identified approximately 50 e-mails that may  
24 be responsive to Ms. Wilson’s request[.] However, as stated-above [sic], these e-  
25 mails must be diligently reviewed and evaluated for information/content that is  
26 exempt from disclosure prior to our being able to release documents, if any. We  
27 anticipate that we should be able to complete this request within the next 3 weeks.  
28 We will keep Ms. Wilson apprised of our progress on a bi-weekly basis.

21           10-6-2022 Andrene Kaiwi-Connor Emails  
22 Again, Cal Poly’s ITS department has conducted a search of e-mails responsive to  
23 Ms. Wilson’s search terms for this request and again, it has resulted in a large  
24 number of e-mails for the PRA Unit review and evaluate. We are currently in the  
25 process of reviewing the e-mails for exempt information/content and applying  
26 redactions as appropriate. We will keep Ms. Wilson regularly apprised of our  
27 progress on a bi-weekly basis and will release any responsive records as they  
28 become available.

A true and correct copy of this message is attached as Exhibit 15.

26           68.     With this communication, Respondents stated, for the first time and well after the  
27 time they were required to do so under § 7922.535(a), an “estimated date and time when the  
28 records will be made available” with respect to the Armstrong-Castro Emails.

1           69.     However, Respondents continued to violate § 7922.535(a) by failing to provide an  
2 estimated date and time of production on Petitioner’s requests for the Humphrey-Armstrong  
3 Emails and Kaiwi-Conner Emails.

4           70.     Despite (1) the likelihood that all responsive records had already been collected on  
5 or about January 18, 2023, *see supra* ¶¶ 42–43; (2) identifying a narrow universe of only  
6 “approximately 50 e-mails that may be responsive to” the Armstrong-Castro Emails request that  
7 needed review; (3) Petitioner’s willingness to accommodate rolling production of documents as  
8 they were reviewed; and (4) estimating production within three weeks, Respondents unreasonably  
9 continued to withhold and never produced the Armstrong-Castro Emails.

10          71.     If Cal Poly officials were reviewing the Armstrong-Castro Emails at even a snail’s  
11 pace of two emails per week, their review of the “approximately 50 e-mails” would have been  
12 complete well before the time of filing this Petition and Complaint. Yet, Respondents have not  
13 produced a single email.

14          72.     Respondents also continued to withhold and never produced any responsive  
15 documents without justification on the requests for the Humphrey-Armstrong Emails and Kaiwi-  
16 Conner Emails, on the unsubstantiated basis that their searches returned a “large” number of  
17 records, without quantifying or estimating the number of records.

18 **E.     Respondents Finished Searching for All Records and Redacting the Armstrong-  
19 Castro Emails in or about August 2023.**

20          73.     Cal Poly’s update on or about July 14, 2023, promised that Respondents would  
21 provide Petitioner bi-weekly updates on the progress of each request.

22          74.     Between July 14, 2023, and September 20, 2023, Petitioner received various  
23 updates. True and correct copies of these messages are attached at Exhibit 16.

24          75.     In one of these updates, on or about August 11, 2023, Cal Poly notified Petitioner  
25 that the search for responsive records was completed on all three of her requests, redactions were  
26 complete on the Armstrong-Castro Emails, and producing the records would take only “a few  
27 more weeks”:  
28

- 1 • 9-2-2023[sic] Humphrey-Armstrong Emails
  - 2 • Cal Poly has reviewed the responsive records and is now applying
  - 3 necessary redactions. Once redactions have been completed, these records
  - 4 must be reviewed by University Counsel prior to release. We anticipate
  - 5 that this will take a few more weeks.
- 6 • 9-30-2023[sic] Armstrong-Castro Emails
  - 7 • This request has taken longer than I anticipated so I apologize for the
  - 8 continued delay. Cal Poly has finished reviewing the responsive records,
  - 9 but now these records must be reviewed by University Counsel prior to
  - 10 release. We anticipate that this will take a few more weeks.
- 11 • 10-6-2022 Andrene Kaiwi-Connor Emails
  - 12 • Cal Poly has reviewed the responsive records and is now applying
  - 13 necessary redactions. Once redactions have been completed, these records
  - 14 must be reviewed by University Counsel prior to release. We anticipate
  - 15 that this will take a few more weeks.

16 A true and correct copy of this message is attached as Exhibit 17.

17 76. Despite asserting that the search for responsive records was complete, Cal Poly  
18 failed to justify its continued withholding by specifying the number of records it needed to review  
19 from the requests for Humphrey-Armstrong Emails and Kaiwi-Conner Emails.

20 77. Similarly, Cal Poly failed to justify why it would take University Counsel an  
21 estimated “few more weeks” to review redactions on just approximately 50 emails responsive to  
22 the Armstrong-Castro Emails request.

23 78. In reality, it did not take a “few more weeks.” Cal Poly continues to withhold the  
24 Armstrong-Castro Emails more than *eight months* after the date it notified Petitioner that search  
25 and redaction were complete with no justification whatsoever.

#### 26 **F. Respondents Stopped Updating Petitioner.**

27 79. Cal Poly sent the last of its promised updates on or about September 20, 2023—  
28 nearly an entire year after Petitioner submitted her requests—stating:

Regarding your 3 requests for various e-mail records: we are making progress in reviewing the many e-mails that were gathered in response to these requests, however, there are no records that can be released at this time. Our record reviewers are working as fast as they can, but they have to balance their record review duties with their primary job responsibilities and other mission critical tasks. I will continue to provide you updates as we work our way through these requests.

A true and correct copy of this message is attached as Exhibit 18.

1           80.     Despite the assurance that updates would continue, the search for records having  
2 been completed, redactions having been completed on the Armstrong-Castro Emails, and  
3 Respondents’ failure to justify withholding the records in any way, Cal Poly stopped sending  
4 Petitioner updates on her requests and continued to withhold all of the requested Humphrey-  
5 Armstrong Emails, Armstrong-Castro Emails, and Kaiwi-Conner Emails on the unsubstantiated  
6 basis that their searches returned “many e-mails,” without quantifying or estimating the number of  
7 records.

8           81.     Having received no update on these requests for another four months, on or about  
9 January 8, 2024, Petitioner asked Cal Poly officials to have an in-person conversation with her  
10 about the pending records requests and getting Cal Poly’s response process to run more smoothly.  
11 A true and correct copy of this message is attached as Exhibit 19.

12           82.     On or about January 9, 2024, Cal Poly denied her request for an in-person  
13 conversation via written message from Assistant Vice President for Civil Rights & Compliance,  
14 Maren Hufton. A true and correct copy of this message is attached as Exhibit 20.

15           83.     Instead of justifying the withholding of records, agreeing to an in-person  
16 conversation, or complying with the duty to assist records requesters under section 7922.600(a),  
17 this message merely reiterated that “E-mail and data review is time intensive, as I shared. If you  
18 have specific questions about the process, you can send them to [Assistant Vice President for  
19 Communications Matt Lazier] and me in writing. And again, you can identify which requests are a  
20 priority, if you like.”

21           84.     On or about January 29, 2024, Petitioner sent a list of all her pending CPRA  
22 requests in order of priority, as that was the only option that Respondents gave to help process her  
23 requests. A true and correct copy of this message is attached as Exhibit 21.

24           85.     In the same email on or about January 29, 2024, Petitioner once again reminded  
25 Respondents of their CPRA obligations and FAC’s identification of multiple violations in order to  
26 urge their compliance without litigation:

27           Outside of the priority list, I’d like to remind you of correspondence between the  
28           First Amendment Coalition and the Cal Poly Records Office from June. **The First  
          Amendment Coalition (FAC) listed multiple violations.**

1        *The CPRA requires that public records be made available “promptly.” (Gov.*  
2        *Code, § 7922.530, subd. (a) [“each state or local agency . . . shall make the*  
3        *records promptly available”].) Violations of the CPRA can subject an agency to*  
4        *litigation pursuant to California Government Code section 7923.100, with a*  
5        *prevailing public records requester entitled to attorneys’ fees. (Gov. Code,*  
6        *§ 7923.115.)*

7        Under Government Code section 7922.535, “If the agency determines that the  
8        request seeks disclosable public records, the agency shall also state the estimated  
9        date and time when the records will be made available.” I have not received such  
10        correspondence for my requests.

11        I understand the Records Office has other roles to fulfill. However, with the  
12        delays I have experienced, it is unclear how the process is “straightforward.” At  
13        this time, I have three requests which have taken more than a year to fulfill. Cal  
14        Poly has not listed any exemptions for the delays:

- 15            1. 513 days and counting as of Jan. 28, 2024: All email conversations  
16            between Keith Humphrey and Jeffery Armstrong with keywords “sexual  
17            assault,” “rape,” and “safety” from the 2021 academic year
- 18            2. 485 days and counting as of Jan. 28: All emails from Andrene Kaiwi-  
19            Conner since July 2022 concerning the keywords listed: “quit” in any verb  
20            tense, “overtime,” “Mustang News,” “emergency,” “understaffed,” and  
21            “complaint.”
- 22            3. 476 days and counting as of Jan. 28, 2024: All email conversations  
23            between President Jeffrey Armstrong and former CSU Chancellor Joseph  
24            Castro since February 2022.

25            **I was told on July 14, 2023 through email that there are**  
26            **“approximately 50 emails” that fall under my request. In a separate**  
27            **email I was told redactions were needed, and still have not received a**  
28            **reason for this, despite asking months ago.**

(emphasis in original).

86.        Respondents never provided any update on Petitioner’s requests for the Armstrong-  
Castro, Humphrey-Armstrong, or Kaiwi-Conner Emails in response to her email of or about  
January 29, 2024.

87.        To date, more than 18 months after Petitioner submitted the requests, Respondents  
continue to withhold any and all records requested by Petitioner regarding administrators’  
responses to 2021 campus sexual assaults, summer 2022 NSTP labor violations, and Castro’s  
employment with no justification or estimated date of production in sight.

88.        To date, Respondents have never claimed any of the requested records are actually  
covered by any specific exemption from disclosure or provided any information that justifies their  
claims that they need more than 18 months to search for, review, and redact the records.

1 **SUMMARY OF LEGAL AUTHORITY**

2 89. The California Constitution and CPRA require state and local agencies to make any  
3 public record available for inspection or copying upon request unless the record falls within a  
4 specific exemption from disclosure. Cal. Const., art. I § 3(b)(1), (b)(7); §§ 7922.000, 7922.525,  
5 7922.530.

6 90. “‘Public records’ includes any writing containing information relating to the  
7 conduct of the public’s business prepared, owned, used, or retained by any state or local agency  
8 regardless of physical form or characteristics.” § 7920.530(a).

9 91. “Nothing in” the CPRA “shall be construed to permit an agency to delay or  
10 obstruct the inspection or copying of public records,” and an agency “shall make the records  
11 promptly available.” §§ 7922.500, 7922.530(a).

12 92. The CPRA provides that when it is shown that public records are being improperly  
13 withheld, “the court shall order the officer or other person charged with withholding the records to  
14 disclose those records or show cause why that person should not do so.” § 7923.100.

15 93. According to the CPRA, “If the court finds that the public official’s decision to  
16 refuse disclosure is not justified . . . the court shall order the public official to make the record  
17 public.” § 7923.110(a).

18 94. Apart from possible narrow redactions, there is no exemption generally applicable  
19 to the records requested by Petitioner, and Respondents have no right to continue withholding  
20 them.

21 95. The CPRA also mandates that each “agency, upon a request for a copy of records,  
22 shall, within 10 days from receipt of the request, determine whether the request, in whole or in  
23 part, seeks copies of disclosable public records in the possession of the agency and shall promptly  
24 notify the person making the request of the determination and the reasons therefor.”  
25 § 7922.535(a).

26 96. “If the agency determines that the request seeks disclosable public records, the  
27 agency shall also state the estimated date and time when the records will be made available.”  
28 § 7922.535(a).



1           97. In unusual circumstances, this time limit “may be extended by written notice from  
2 the head of the agency or a designee to the person making the request, setting forth the reasons for  
3 the extension and the date on which a determination is expected to be dispatched.” § 7922.535(b).  
4 However, no “notice shall specify a date that would result in an extension for more than 14 days.”

5           98. Respondents did not, within 10 days from receipt of any of Petitioner’s requests,  
6 articulate whether any of the requests seeks disclosable public records or on what specific  
7 statutory basis Respondents would be authorized to withhold the records.

8           99. Respondents did not, within 10 days from receipt of any of Petitioner’s requests,  
9 “state the estimated date and time when the records will be made available.”

10          100. Respondents did not extend this time limit by written notice “setting forth the  
11 reasons for the extension and the date on which a determination is expected to be dispatched.”

12          101. Respondents have never identified a specific statutory basis on which they would  
13 be authorized to withhold any of the records Petitioner requested.

14          102. With respect to Petitioner’s requests for the Humphrey-Armstrong Emails and  
15 Kaiwi-Conner Emails, Respondents have never stated any “estimated date and time when the  
16 records will be made available.”

17          103. With respect to Petitioner’s requests for the Armstrong-Castro Emails, Respondents  
18 provided the first “estimated date and time when the records will be made available” on or about  
19 July 14, 2023, more than nine months after the expiration of the 10-day period in which the CPRA  
20 requires them to provide such an estimate. Respondents estimated that they would fulfill the  
21 request in three weeks. More than nine months have passed since they provided that estimated date  
22 of production, and Respondents continue to withhold the Armstrong-Castro Emails.

23          104. The CPRA further imposes on local agencies a “duty to assist” any member of  
24 public who makes a records request, such that an agency “shall do all of the following, to the  
25 extent reasonable under the circumstances”:

- 26           1) Assist the member of the public to identify records and information  
27           that are responsive to the request or to the purpose of the request, if  
28           stated.
- 2) Describe the information technology and physical location in  
which the records exist.

1 3) Provide suggestions for overcoming any practical basis for denying  
2 access to the records or information sought.

3 § 7922.600(a).

4 105. Respondents did not assist Petitioner “to identify records and information that are  
5 responsive to the request,” “describe the information technology and physical location in which  
6 the records exist,” nor did they provide “suggestions for overcoming any practical basis for  
7 denying access to the records or information sought.” *See* § 7922.600(a).

8 106. Petitioner has performed all conditions preceding the filing of this action and  
9 exhausted all remedies to obtain access to the public records requested from Respondents.

10 107. Petitioner seeks attorney fees and court costs as required by the CPRA. *See*  
11 § 7923.115(a).

12 108. Respondents’ violations of law set forth above will continue unless and until they  
13 are commanded by this Court to produce the public records requested and to not engage in such  
14 further violations of law by a declaratory judgment finding their conduct unlawful. Additionally,  
15 absent injunctive relief, Respondents will continue to withhold public information as they have  
16 done here, resulting in great and irreparable injury to Petitioner and the public at large by  
17 depriving them of immediate access to information vital to the public interest and necessary for  
18 self-government. Petitioner has no adequate remedy at law because the relief she seeks does not  
19 consist of monetary compensation but rather the enforcement of her statutory and constitutional  
20 rights of access, and the harm she has suffered through Respondents’ refusal to provide access to  
21 information that is required to be disclosed under California law cannot be compensated through  
22 an award of monetary damages.

23 **CAUSE OF ACTION**

24 **For Violations of the California Public Records Act and**  
25 **Article I, Section 3(b) of the California Constitution**  
***(Against All Respondents)***

26 109. Petitioner realleges and incorporates by this reference Paragraphs 1 through 108  
27 above as though set forth herein in full.

28 110. Petitioner’s requests each describe public records as defined by the CPRA.

1           111. Respondents violated and continue to violate the CPRA and Article I, Section 3(b)  
2 of the California Constitution by improperly withholding records responsive to those requests  
3 without justification for more than 18 months and counting.

4           112. Respondents have failed to and continue to fail to demonstrate in any way that the  
5 public records requested by Petitioner qualify for any exemption from disclosure or any authorized  
6 delay in disclosure.

7           113. Respondents have repeatedly violated and continue to violate the CPRA's mandate  
8 that agencies "shall make [public] records promptly available," § 7922.530(a), and that agencies  
9 may not "delay or obstruct the inspection or copying of public records," § 7922.500.

10           114. On each of Petitioner's requests, Respondents failed to, "within 10 days from  
11 receipt of the request, determine whether the request, in whole or in part, seeks copies of  
12 disclosable public records in the possession of the agency and [] promptly notify the person  
13 making the request of the determination and the reasons therefor." § 7922.535(a).

14           115. On each of Petitioner's requests, Respondents failed to "state the estimated date  
15 and time when the records will be made available" within 10 days of receipt. § 7922.535(a).

16           116. Having failed to provide the requisite information within 10 days of receiving  
17 Petitioner's requests, Respondents also failed to extend this time limit "by written notice from the  
18 head of the agency or a designee to the person making the request, setting forth the reasons for the  
19 extension and the date on which a determination is expected to be dispatched." § 7922.535(b).

20           117. On each of Petitioner's requests, Respondents failed to assist Petitioner "to identify  
21 records and information that are responsive to the request," "[d]escribe the information technology  
22 and physical location in which the records exist," and/or to provide "suggestions for overcoming  
23 any practical basis for denying access to the records or information sought." § 7922.600(a).

24           118. An actual controversy exists as to whether the public records requested by  
25 Petitioner must be immediately disclosed.

26           119. Petitioner has no plain, speedy, and adequate remedy to obtain the public records  
27 she has requested, other than this Petition. Petitioner is entitled to institute proceedings for a writ  
28 of mandate and for declaratory and injunctive relief to enforce her rights and the public's rights to

1 obtain records responsive to Petitioner’s requests. Furthermore, Petitioner is entitled to have the  
2 proceedings resolved on an expedited basis consistent “with the object of securing a decision to  
3 these matters at the earliest possible time.” § 7923.005.

4 **PRAYER FOR RELIEF**

5 Wherefore, Petitioner prays as follows:


- 6 1. For a writ of mandate and injunction ordering Respondents to provide all records  
7 responsive to Petitioner’s CPRA requests as set forth above;
- 8 2. Alternatively, if the Court does not immediately order production of the records  
9 requested, that it order Respondents to show cause why the records should not be released and to  
10 prepare a log of withheld records, and that it thereafter issue a writ of mandate and injunction  
11 ordering the requested records to be disclosed;
- 12 3. For an order granting declaratory and injunctive relief, including, but not limited to:
  - 13 a. Declaring that the withheld materials are public records as defined by  
14 section 7920.530, subdivision (a) in that they contain information relating to  
15 the conduct of the people’s business, prepared, owned, used, or retained by  
16 Respondents and are subject to disclosure as writings of a public agency  
17 under Article 1, section 3(b) of the California Constitution;
  - 18 b. Declaring that Respondents violated the CPRA by both failing to promptly  
19 make the requested records available to Petitioner and the public, and by  
20 excessive delays;
  - 21 c. Declaring that Respondents violated the CPRA by failing to determine  
22 whether the request sought copies of disclosable public records in the  
23 possession of the agency and to promptly notify Petitioner of the  
24 determination and the reasons therefor within 10 days of receiving the  
25 requests;
  - 26 d. Declaring that Respondents violated the CPRA by failing to state the  
27 estimated date and time when the records will be made available within 10  
28 days of receiving the requests;

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- e. Declaring that Respondents violated the CPRA by failing to extend this time limit by written notice to Petitioner setting forth the reasons for the extension and the date on which a determination is expected to be dispatched;
  - f. Declaring that Respondents violated the CPRA by failing to assist Petitioner (1) to identify records and information that are responsive to the request, (2) by describing the information technology and physical location in which the records exist, and/or (3) by providing suggestions for overcoming any practical basis for denying access to the records or information sought.
  - g. Enjoining Respondents to provide the requested records;
- 4. For a finding and determination that Petitioner is the prevailing party in this action;
  - 5. For an award of attorney fees and costs to Petitioner pursuant to section 7923.115, subdivision (a) or any other applicable law;
  - 6. For judgment accordingly; and
  - 7. For such other and further relief as the Court may deem just and proper.

Dated: April 25, 2024

FIRST AMENDMENT COALITION

By  \_\_\_\_\_  
DAVID LOY  
ANN CAPPETTA  
Attorneys for Petitioner ELIZABETH WILSON

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**VERIFICATION**

I, Elizabeth Wilson, declare as follows:

1. I am the Petitioner and Plaintiff in the above-named action.

2. I have read the foregoing VERIFIED FIRST AMENDED PETITION FOR WRIT OF MANDATE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE CALIFORNIA CONSTITUTION AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF; REQUEST FOR ATTORNEY FEES AND COSTS.

3. I have personal knowledge of all facts stated in said Petition and Complaint and on that ground state that all such facts are true, except for any matters stated on information and belief, which I believe to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 25th day of April, 2024, at San Luis Obispo, California.

  
\_\_\_\_\_  
ELIZABETH WILSON

## **Exhibit 1**

September 2, 2022  
Mustang News  
Graphic Arts Building, Suite 226  
California Polytechnic State University  
1 Grand Ave.  
San Luis Obispo, CA 93405

Public Records Act Officer  
Strategic Business Services  
1 Grand Avenue  
Building 1 Room 128  
San Luis Obispo, CA 93407

Dear Public Records Act Officer,

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I am requesting the following information:

— *All email conversations between Keith Humphrey and Jeffery Armstrong with keywords “sexual assault,” “rape,” and “safety” from the 2021 academic year*

I am a representative of the news media as a reporter with Mustang News. This request is made as part of news gathering and not for commercial use.

As you know, agencies may only charge the actual costs of duplication of requested records.

If you determine that any or all of the records I’m looking to obtain will incur a charge, I ask you to note whether it is necessary in this case to charge for records that are requested. I also ask for signed notification citing the legal authorities on which you rely if you determine that any or all of the information is to be charged for. If there are any charges for the records I’m looking to obtain, I ask for that to be communicated to me before you secure the documents I’m requesting.

Furthermore, if there are any charges for the records I’m looking to obtain, I ask for those charges to be waived. I ask that these records be given to me as digital files emailed to me at [elawilson20@gmail.com](mailto:elawilson20@gmail.com) and [mnrecords20@gmail.com](mailto:mnrecords20@gmail.com).

I also request any database-related information to be sent to me electronically in .csv file format.



If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the records in question.

Please contact me with any questions at [elawilson20@calpoly.edu](mailto:elawilson20@calpoly.edu).

Sincerely,

Elizabeth Wilson  
Reporter  
Mustang News

Catherine Allen  
Editor in Chief  
Mustang News

Patrick Howe  
Faculty Advisor  
Mustang News

## **Exhibit 2**



September 9, 2022

Elizabeth Wilson

Via email: [ewilso35@calpoly.edu](mailto:ewilso35@calpoly.edu)

Dear Elizabeth Wilson:

Cal Poly in San Luis Obispo received your September 2, 2022 Public Records Act request for the following records:

*"All email conversations between Keith Humphrey and Jeffery Armstrong with keywords "sexual assault," "rape," and "safety" from the 2021 academic year"*

Records that reflect the decision-making process of the University, which often involves multiple individuals, who need to converse about issues candidly, will not be disclosed. Referred to as the "deliberative process" exemption, the public interest served by disclosing is outweighed by the public interest served by disclosure. (See Cal. Gov. Code § 6255.) In *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, the Supreme Court held that the governor's appointment records were not subject to disclosure as they would compromise the decision making process. The court focused on the need to enable the decision maker to consider information prior to making a decision (pre-decisional deliberative process) without operating in a fishbowl.

Cal. Govt. Code § 6254(k) exempts from disclosure records protected pursuant to federal or state law, including records protected by the privacy provisions of the federal and state constitutions. Thus, purely personal information will not be disclosed, including student records protected by the Family Educational Rights and Privacy Act (FERPA). Individual privacy rights are founded in the California Constitution, and are not compromised by the Public Records Act. Cal. Const., art. I, §§ 1 and 3; see also *Gilbert v. City of San Jose* (2003) 114 Cal.App.4th 606, 610 and *Black Panther Party v. Kehoe* (1974) 42 Cal.App.3d 645, 651.

Pursuant to Cal. Govt. Code § 6253, we will conduct a reasonable search for and gather responsive records. We will gather and make available to you for inspection all records that are public (see above and §§ 6254 and 6255) If you wish us to provide you with copies of these records, a charge may be imposed for the direct cost of copying the records based on the California Public Records Act or other relevant statutory authority. Public records that already exist in electronic format will be produced electronically without charge.

If you have any questions, I can be reached via email at [pra@calpoly.edu](mailto:pra@calpoly.edu).

Sincerely,

Bernadette Monterrosa  
Records Access Coordinator

## **Exhibit 3**

**Subject:** Re: Armstrong Castro Email Conversations (030-09302022)  
**Date:** Wednesday, March 15, 2023 at 5:46:50 PM Pacific Daylight Time  
**From:** Elizabeth Anne Wilson  
**To:** Public Records Act Officer  
**Attachments:** image001.png

Hello Brian,

To follow up, under Government Code section 7922.535, "If the agency determines that the request seeks disclosable public records, the agency shall also state the *estimated date* and time when the records will be made available." I would like an estimation of when I can expect these records.

Additionally, state law requires justifications for any redactions, which I would like to know for the emails between Castro and Armstrong.

Thank you for the clarification!

Elizabeth Wilson

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**From:** Public Records Act Officer <pra@calpoly.edu>  
**Date:** Wednesday, January 18, 2023 at 4:04 PM  
**To:** Elizabeth Anne Wilson <ewilso35@calpoly.edu>  
**Cc:** Public Records Act Officer <pra@calpoly.edu>  
**Subject:** RE: Armstrong Castro Email Conversations (030-09302022)

Hi Elizabeth,

I cannot provide an exact date for completion, but I assure you that we are processing all your requests. In light of the scope of your requests and our staffing ability, we cannot guarantee the timing of your request. Please see latest update for pending requests.

9-2-2022 Faculty Resignation: Records requested  
9-2-2022 UH Mold: Records requested  
9-2-2022 Humphrey-Armstrong Emails: Records requested  
9-30-2022 Armstrong-Castro Emails: Redacting Needed  
10-30-2022 Andrene Kaiwi-Connor: Records requested

Thank you,

**Brian Gil**

Support Coordinator  
Strategic Business Services  
Administration & Finance  
Cal Poly, San Luis Obispo, CA

805-756-2232



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**From:** Elizabeth Anne Wilson <[ewilso35@calpoly.edu](mailto:ewilso35@calpoly.edu)>  
**Sent:** Monday, January 16, 2023 1:47 PM  
**To:** Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>  
**Subject:** Re: Armstrong Castro Email Conversations (030-09302022)

Hello,

I am following up on this request I made in September. Do you have an estimate for when I can expect the records?

I also sent a few other requests that I'd like an update on if possible. I appreciate your help. Please let me know if you have any questions.

Best,

**Elizabeth Wilson**

Data and Investigations Editor, [Mustang News](#)

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**From:** Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>  
**Date:** Tuesday, October 4, 2022 at 11:04 AM  
**To:** Elizabeth Anne Wilson <[ewilso35@calpoly.edu](mailto:ewilso35@calpoly.edu)>  
**Cc:** Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>  
**Subject:** RE: Armstrong Castro Email Conversations (030-09302022)

Please see attached correspondence.

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**From:** Elizabeth Anne Wilson <[ewilso35@calpoly.edu](mailto:ewilso35@calpoly.edu)>  
**Sent:** Friday, September 30, 2022 12:30 PM  
**To:** Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>  
**Subject:** Armstrong Castro Email Conversations (030-09302022)

Hello,

Attached is a records request of all email conversations between President Jeffrey Armstrong and Joseph Castro since February 2022. Please let me know if you have any questions.

Best,

**Elizabeth Wilson**

Data and Investigations Editor, [Mustang News](#)

## **Exhibit 4**

September 30, 2022  
Mustang News  
Graphic Arts Building, Suite 226  
California Polytechnic State University  
1 Grand Ave.  
San Luis Obispo, CA 93405

Public Records Act Officer  
Strategic Business Services  
1 Grand Avenue  
Building 1 Room 128  
San Luis Obispo, CA 93407

Dear Public Records Act Officer,

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I am requesting the following information:

*— All email conversations between President Jeffrey Armstrong and former CSU Chancellor Joseph Castro since February 2022*

I am a representative of the news media as a reporter with Mustang News. This request is made as part of news gathering and not for commercial use.

As you know, agencies may only charge the actual costs of duplication of requested records.

If you determine that any or all of the records I'm looking to obtain will incur a charge, I ask you to note whether it is necessary in this case to charge for records that are requested. I also ask for signed notification citing the legal authorities on which you rely if you determine that any or all of the information is to be charged for. If there are any charges for the records I'm looking to obtain, I ask for that to be communicated to me before you secure the documents I'm requesting.

Furthermore, if there are any charges for the records I'm looking to obtain, I ask for those charges to be waived. I ask that these records be given to me as digital files emailed to me at [elawilson20@gmail.com](mailto:elawilson20@gmail.com) and [mnrecords20@gmail.com](mailto:mnrecords20@gmail.com).

I also request any database-related information to be sent to me electronically in .csv file format.



If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the records in question.

Please contact me with any questions at [elawilson20@gmail.com](mailto:elawilson20@gmail.com).

Sincerely,

Elizabeth Wilson  
Data and Investigations Editor  
Mustang News

Catherine Allen  
Editor in Chief  
Mustang News

Patrick Howe  
Faculty Advisor  
Mustang News

## **Exhibit 5**



October 4, 2022  
Elizabeth Wilson  
Via email: [ewilso35@calpoly.edu](mailto:ewilso35@calpoly.edu)

Dear Elizabeth Wilson:

Cal Poly in San Luis Obispo received your September 30, 2022 Public Records Act request for the following records:

*“All email conversations between President Jeffrey Armstrong and former CSU Chancellor Joseph Castro since February 2022”*

California Government Code §6255 allows an agency to withhold any record where, on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

Records that reflect the decision-making process of the University, which often involves multiple individuals, who need to converse about issues candidly, will not be disclosed. Referred to as the "deliberative process" exemption, the public interest served by disclosing is outweighed by the public interest served by disclosure. (See Cal. Gov. Code § 6255.) In *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, the Supreme Court held that the governor's appointment records were not subject to disclosure as they would compromise the decision making process. The court focused on the need to enable the decision maker to consider information prior to making a decision (pre-decisional deliberative process) without operating in a fishbowl.

Preliminary drafts, notes, or memoranda not retained in the ordinary course of business, when the public interest in withholding clearly outweighs the public interest in disclosure, will not be disclosed. (Cal. Gov. Code § 6254(a).)

Pursuant to Cal. Govt. Code § 6253, we will conduct a reasonable search for and gather responsive records. We will gather and make available to you for inspection all records that are public (see above and §§ 6254 and 6255) If you wish us to provide you with copies of these records, a charge may be imposed for the direct cost of copying the records based on the California Public Records Act or other relevant statutory authority. Public records that already exist in electronic format will be produced electronically without charge.

If you have any questions, I can be reached via email at [pra@calpoly.edu](mailto:pra@calpoly.edu).

Sincerely,

Bernadette Monterrosa  
Records Access Coordinator

## **Exhibit 6**



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**From:** Elizabeth Anne Wilson <[ewilso35@calpoly.edu](mailto:ewilso35@calpoly.edu)>  
**Sent:** Monday, January 16, 2023 1:47 PM  
**To:** Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>  
**Subject:** Re: Armstrong Castro Email Conversations (030-09302022)

Hello,

I am following up on this request I made in September. Do you have an estimate for when I can expect the records?

I also sent a few other requests that I'd like an update on if possible. I appreciate your help. Please let me know if you have any questions.

Best,

**Elizabeth Wilson**

Data and Investigations Editor, [Mustang News](#)

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**From:** Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>  
**Date:** Tuesday, October 4, 2022 at 11:04 AM  
**To:** Elizabeth Anne Wilson <[ewilso35@calpoly.edu](mailto:ewilso35@calpoly.edu)>  
**Cc:** Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>  
**Subject:** RE: Armstrong Castro Email Conversations (030-09302022)

Please see attached correspondence.

---

**From:** Elizabeth Anne Wilson <[ewilso35@calpoly.edu](mailto:ewilso35@calpoly.edu)>  
**Sent:** Friday, September 30, 2022 12:30 PM  
**To:** Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>  
**Subject:** Armstrong Castro Email Conversations (030-09302022)

Hello,

Attached is a records request of all email conversations between President Jeffrey Armstrong and Joseph Castro since February 2022. Please let me know if you have any questions.

Best,

**Elizabeth Wilson**

Data and Investigations Editor, [Mustang News](#)

## **Exhibit 7**

**Subject:** Re: Armstrong Castro Email Conversations (030-09302022)  
**Date:** Wednesday, March 15, 2023 at 5:46:50 PM Pacific Daylight Time  
**From:** Elizabeth Anne Wilson  
**To:** Public Records Act Officer  
**Attachments:** image001.png

Hello Brian,

To follow up, under Government Code section 7922.535, "If the agency determines that the request seeks disclosable public records, the agency shall also state the *estimated date* and time when the records will be made available." I would like an estimation of when I can expect these records.

Additionally, state law requires justifications for any redactions, which I would like to know for the emails between Castro and Armstrong.

Thank you for the clarification!

Elizabeth Wilson

---

**From:** Public Records Act Officer <pra@calpoly.edu>  
**Date:** Wednesday, January 18, 2023 at 4:04 PM  
**To:** Elizabeth Anne Wilson <ewilso35@calpoly.edu>  
**Cc:** Public Records Act Officer <pra@calpoly.edu>  
**Subject:** RE: Armstrong Castro Email Conversations (030-09302022)

Hi Elizabeth,

I cannot provide an exact date for completion, but I assure you that we are processing all your requests. In light of the scope of your requests and our staffing ability, we cannot guarantee the timing of your request. Please see latest update for pending requests.

9-2-2022 Faculty Resignation: Records requested  
9-2-2022 UH Mold: Records requested  
9-2-2022 Humphrey-Armstrong Emails: Records requested  
9-30-2022 Armstrong-Castro Emails: Redacting Needed  
10-30-2022 Andrene Kaiwi-Connor: Records requested

Thank you,

**Brian Gil**

Support Coordinator  
Strategic Business Services  
Administration & Finance  
Cal Poly, San Luis Obispo, CA

805-756-2232



---

**From:** Elizabeth Anne Wilson <[ewilso35@calpoly.edu](mailto:ewilso35@calpoly.edu)>  
**Sent:** Monday, January 16, 2023 1:47 PM  
**To:** Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>  
**Subject:** Re: Armstrong Castro Email Conversations (030-09302022)

Hello,

I am following up on this request I made in September. Do you have an estimate for when I can expect the records?

I also sent a few other requests that I'd like an update on if possible. I appreciate your help. Please let me know if you have any questions.

Best,

**Elizabeth Wilson**

Data and Investigations Editor, [Mustang News](#)

---

**From:** Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>  
**Date:** Tuesday, October 4, 2022 at 11:04 AM  
**To:** Elizabeth Anne Wilson <[ewilso35@calpoly.edu](mailto:ewilso35@calpoly.edu)>  
**Cc:** Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>  
**Subject:** RE: Armstrong Castro Email Conversations (030-09302022)

Please see attached correspondence.

---

**From:** Elizabeth Anne Wilson <[ewilso35@calpoly.edu](mailto:ewilso35@calpoly.edu)>  
**Sent:** Friday, September 30, 2022 12:30 PM  
**To:** Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>  
**Subject:** Armstrong Castro Email Conversations (030-09302022)

Hello,

Attached is a records request of all email conversations between President Jeffrey Armstrong and Joseph Castro since February 2022. Please let me know if you have any questions.

Best,

**Elizabeth Wilson**

Data and Investigations Editor, [Mustang News](#)



## **Exhibit 8**

**Subject:** Re: Armstrong Castro Email Conversations (030-09302022)  
**Date:** Wednesday, March 15, 2023 at 5:46:50 PM Pacific Daylight Time  
**From:** Elizabeth Anne Wilson  
**To:** Public Records Act Officer  
**Attachments:** image001.png

Hello Brian,

To follow up, under Government Code section 7922.535, "If the agency determines that the request seeks disclosable public records, the agency shall also state the *estimated date* and time when the records will be made available." I would like an estimation of when I can expect these records.

Additionally, state law requires justifications for any redactions, which I would like to know for the emails between Castro and Armstrong.

Thank you for the clarification!

Elizabeth Wilson

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**From:** Public Records Act Officer <pra@calpoly.edu>  
**Date:** Wednesday, January 18, 2023 at 4:04 PM  
**To:** Elizabeth Anne Wilson <ewilso35@calpoly.edu>  
**Cc:** Public Records Act Officer <pra@calpoly.edu>  
**Subject:** RE: Armstrong Castro Email Conversations (030-09302022)

Hi Elizabeth,

I cannot provide an exact date for completion, but I assure you that we are processing all your requests. In light of the scope of your requests and our staffing ability, we cannot guarantee the timing of your request. Please see latest update for pending requests.

9-2-2022 Faculty Resignation: Records requested  
9-2-2022 UH Mold: Records requested  
9-2-2022 Humphrey-Armstrong Emails: Records requested  
9-30-2022 Armstrong-Castro Emails: Redacting Needed  
10-30-2022 Andrene Kaiwi-Connor: Records requested

Thank you,

**Brian Gil**

Support Coordinator  
Strategic Business Services  
Administration & Finance  
Cal Poly, San Luis Obispo, CA

805-756-2232

## **Exhibit 9**

**Subject:** Re: University Housing Mold Complaints Records Request (025-09022022)  
**Date:** Thursday, May 4, 2023 at 4:17:27 PM Pacific Daylight Time  
**From:** Elizabeth Anne Wilson  
**To:** Public Records Act Officer  
**Attachments:** image001.png

Hello Brian,

Yes, the date, work order number and location will suffice. Do you have any other questions for my other requests? I still would like to clarify the specifics of redaction as previously mentioned.

Elizabeth

---

**From:** Public Records Act Officer <pra@calpoly.edu>  
**Date:** Tuesday, April 25, 2023 at 3:46 PM  
**To:** Elizabeth Anne Wilson <ewilso35@calpoly.edu>  
**Cc:** Public Records Act Officer <pra@calpoly.edu>  
**Subject:** RE: University Housing Mold Complaints Records Request (025-09022022)

Hi Elizabeth,

I apologize for the delay in completing this request. PRA has transitioned out of our office and is now overseen by The Civil Rights and Compliance Office. I'm currently working on completing my log of requests from last year.

I wanted to reach out and confirm if the following scope will suffice in your request:  
Date, Work order #, and Location.

Please let me know at your earliest convenience and I will request the report from the department handling this request.

Thank you,

**Brian Gil**

Support Coordinator  
Strategic Business Services  
Administration & Finance  
Cal Poly, San Luis Obispo, CA

805-756-2232  
[www.calpoly.edu](http://www.calpoly.edu)



---

**From:** Elizabeth Anne Wilson <ewilso35@calpoly.edu>  
**Sent:** Friday, September 2, 2022 2:05 AM  
**To:** Public Records Act Officer <pra@calpoly.edu>  
**Subject:** University Housing Mold Complaints Records Request (025-09022022)

Hello,

Attached is a records request for any service requests for mold to University Housing from the academic years of 2018-2021. Please let me know if you have any questions.

Thanks,

**Elizabeth Wilson**

Data and Investigations Editor, [Mustang News](#)

## **Exhibit 10**

October 6, 2022  
Mustang News  
Graphic Arts Building, Suite 226  
California Polytechnic State University  
1 Grand Ave.  
San Luis Obispo, CA 93405

Public Records Act Officer  
Strategic Business Services  
1 Grand Avenue  
Building 1 Room 128  
San Luis Obispo, CA 93407

Dear Public Records Act Officer,

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I am requesting the following information:

— *All emails from Andrene Kaonohiokala Kaiwi (Andrene Kaiwi-Conner) since July 2022 with keywords “quit” in any verb tense, “overtime,” “Mustang News,” “emergency,” “understaffed,” and “complaint.”*

I am a representative of the news media as a reporter with Mustang News. This request is made as part of news gathering and not for commercial use.

As you know, agencies may only charge the actual costs of duplication of requested records.

If you determine that any or all of the records I’m looking to obtain will incur a charge, I ask you to note whether it is necessary in this case to charge for records that are requested. I also ask for signed notification citing the legal authorities on which you rely if you determine that any or all of the information is to be charged for. If there are any charges for the records I’m looking to obtain, I ask for that to be communicated to me before you secure the documents I’m requesting.

Furthermore, if there are any charges for the records I’m looking to obtain, I ask for those charges to be waived. I ask that these records be given to me as digital files emailed to me at [elawilson20@gmail.com](mailto:elawilson20@gmail.com) and [mnrecords20@gmail.com](mailto:mnrecords20@gmail.com).

I also request any database-related information to be sent to me electronically in .csv file format.

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the records in question.

Please contact me with any questions at [elawilson20@gmail.com](mailto:elawilson20@gmail.com).

Sincerely,

Elizabeth Wilson  
Data and Investigations Editor  
Mustang News

Catherine Allen  
Editor in Chief  
Mustang News

Patrick Howe  
Faculty Advisor  
Mustang News



## **Exhibit 11**



October 14, 2022

Elizabeth Wilson

Via email: [ewilso35@calpoly.edu](mailto:ewilso35@calpoly.edu)

Dear Elizabeth Wilson:

Cal Poly in San Luis Obispo received your October 6, 2022 Public Records Act request for the following records:

*“All emails from Andrene Kaonohiokala Kaiwi (Andrene Kaiwi-Conner) since July 2022 with keywords “quit” in any verb tense, “overtime,” “Mustang News,” “emergency,” “understaffed,” and “complaint.”*

California Government Code §6255 allows an agency to withhold any record where, on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

Records that reflect the decision-making process of the University, which often involves multiple individuals, who need to converse about issues candidly, will not be disclosed. Referred to as the "deliberative process" exemption, the public interest served by disclosing is outweighed by the public interest served by disclosure. (See Cal. Gov. Code § 6255.) In *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, the Supreme Court held that the governor's appointment records were not subject to disclosure as they would compromise the decision making process. The court focused on the need to enable the decision maker to consider information prior to making a decision (pre-decisional deliberative process) without operating in a fishbowl.

Preliminary drafts, notes, or memoranda not retained in the ordinary course of business, when the public interest in withholding clearly outweighs the public interest in disclosure, will not be disclosed. (Cal. Gov. Code § 6254(a).)



Pursuant to Cal. Govt. Code § 6253, we will conduct a reasonable search for and gather responsive records. We will gather and make available to you for inspection all records that are public (see above and §§ 6254 and 6255) If you wish us to provide you with copies of these records, a charge may be imposed for the direct cost of copying the records based on the California Public Records Act or other relevant statutory authority. Public records that already exist in electronic format will be produced electronically without charge.

If you have any questions, I can be reached via email at [pra@calpoly.edu](mailto:pra@calpoly.edu).

Sincerely,

A handwritten signature in blue ink, appearing to read "Bernadette", written over a light blue horizontal line.

Bernadette Monterrosa  
Records Access Coordinator

## **Exhibit 12**

**Subject:** Re: Armstrong Castro Email Conversations (030-09302022)  
**Date:** Wednesday, March 15, 2023 at 5:46:50 PM Pacific Daylight Time  
**From:** Elizabeth Anne Wilson  
**To:** Public Records Act Officer  
**Attachments:** image001.png

Hello Brian,

To follow up, under Government Code section 7922.535, "If the agency determines that the request seeks disclosable public records, the agency shall also state the *estimated date* and time when the records will be made available." I would like an estimation of when I can expect these records.

Additionally, state law requires justifications for any redactions, which I would like to know for the emails between Castro and Armstrong.

Thank you for the clarification!

Elizabeth Wilson

---

**From:** Public Records Act Officer <pra@calpoly.edu>  
**Date:** Wednesday, January 18, 2023 at 4:04 PM  
**To:** Elizabeth Anne Wilson <ewilso35@calpoly.edu>  
**Cc:** Public Records Act Officer <pra@calpoly.edu>  
**Subject:** RE: Armstrong Castro Email Conversations (030-09302022)

Hi Elizabeth,

I cannot provide an exact date for completion, but I assure you that we are processing all your requests. In light of the scope of your requests and our staffing ability, we cannot guarantee the timing of your request. Please see latest update for pending requests.

9-2-2022 Faculty Resignation: Records requested  
9-2-2022 UH Mold: Records requested  
9-2-2022 Humphrey-Armstrong Emails: Records requested  
9-30-2022 Armstrong-Castro Emails: Redacting Needed  
10-30-2022 Andrene Kaiwi-Connor: Records requested

Thank you,

**Brian Gil**

Support Coordinator  
Strategic Business Services  
Administration & Finance  
Cal Poly, San Luis Obispo, CA

805-756-2232



---

**From:** Elizabeth Anne Wilson <[ewilso35@calpoly.edu](mailto:ewilso35@calpoly.edu)>  
**Sent:** Monday, January 16, 2023 1:47 PM  
**To:** Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>  
**Subject:** Re: Armstrong Castro Email Conversations (030-09302022)

Hello,

I am following up on this request I made in September. Do you have an estimate for when I can expect the records?

I also sent a few other requests that I'd like an update on if possible. I appreciate your help. Please let me know if you have any questions.

Best,

**Elizabeth Wilson**

Data and Investigations Editor, [Mustang News](#)

---

**From:** Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>  
**Date:** Tuesday, October 4, 2022 at 11:04 AM  
**To:** Elizabeth Anne Wilson <[ewilso35@calpoly.edu](mailto:ewilso35@calpoly.edu)>  
**Cc:** Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>  
**Subject:** RE: Armstrong Castro Email Conversations (030-09302022)

Please see attached correspondence.

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**From:** Elizabeth Anne Wilson <[ewilso35@calpoly.edu](mailto:ewilso35@calpoly.edu)>  
**Sent:** Friday, September 30, 2022 12:30 PM  
**To:** Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>  
**Subject:** Armstrong Castro Email Conversations (030-09302022)

Hello,

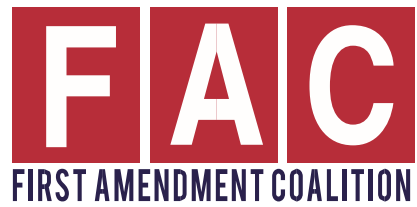
Attached is a records request of all email conversations between President Jeffrey Armstrong and Joseph Castro since February 2022. Please let me know if you have any questions.

Best,

**Elizabeth Wilson**

Data and Investigations Editor, [Mustang News](#)

## **Exhibit 13**



David Loy, Legal Director  
dloy@firstamendmentcoalition.org  
Mobile: 1.619.701.3993

June 16, 2023

**VIA EMAIL**

California Polytechnic State University – San Luis Obispo  
Civil Rights & Compliance Office  
Cal Poly, San Luis Obispo  
1 Grand Avenue  
San Luis Obispo, CA 93407  
Email: crco@calpoly.edu

California Polytechnic State University – San Luis Obispo  
Strategic Business Services  
Administration & Finance  
Attn: Brian Gil  
1 Grand Avenue, Building 1, Room 128  
San Luis Obispo, CA 93407  
Email: pra@calpoly.edu

Re: California Public Records Act Requests

Dear California Polytechnic State University, San Luis Obispo:

The First Amendment Coalition (“FAC”) is a nonprofit public interest organization dedicated to advancing free speech, open and accountable government, and public participation in civic affairs. I am writing on behalf of FAC to address your response to California Public Records Act (“CPRA”) requests submitted by Elizabeth Wilson on September 2, 2022, September 30, 2022, and October 30, 2022.

I understand the following to be the relevant facts, but please advise if you are aware of any other or different facts related to this matter.

Ms. Wilson requested the following records from California Polytechnic State University – San Luis Obispo (“Cal Poly”):

- 9-2-2022 Faculty Resignation
- 9-2-2022 UH Mold
- 9-2-2022 Humphrey-Armstrong Emails
- 9-30-2022 Armstrong-Castro Emails
- 10-30-2022 Andrene Kaiwi-Connor

Ms. Wilson inquired about the status of her requests on January 16, 2023 and was provided with the following information about her requests on January 28, 2023:



- 9-2-2022 Faculty Resignation: Records requested
- 9-2-2022 UH Mold: Records requested
- 9-2-2022 Humphrey-Armstrong Emails: Records requested
- 9-30-2022 Armstrong-Castro Emails: Redacting Needed
- 10-30-2022 Andrene Kaiwi-Connor: Records requested

Support Coordinator Brian Gil stated that he “cannot provide an exact date for completion, but I assure you that we are processing all your requests.”

On March 15, 2023, Ms. Wilson again inquired about her requests and reminded Cal Poly that California Government Code section 7922.535 requires the college to provide an “estimated date and time” when the records will be made available.

On May 4, 2023, Ms. Wilson again inquired about the status of her requests. To date, Ms. Wilson has received no estimated date of disclosure and no records.

We have identified several CPRA violations including:

- Failing to “state the estimated date and time when the records will be made available.” (Gov. Code § 7922.535(a).)
- Failing to provide any assistance as required under Government Code section 7922.600 and failing to respond in any manner whatsoever to the requests, except to acknowledge receipt and indicate that the September 30, 2022 request requires redaction.
- Failing to provide requested records “promptly.” (Gov. Code, § 7922.530, subd. (a).)

The inadequate response to Ms. Wilson’s CPRA request is further evidence of multiple violations of the CPRA. Ms. Wilson submitted her requests in September and October of 2022. It has now been more than 9 months, and Cal Poly has not provided any records or released a determination as to whether it will release any records. This is a violation of Government Code section 7922.535, subdivision (a) (“Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor.”) Even if “unusual circumstances” existed for an extension, we are long past the 14-day extension allowed by Government Code section 7922.535, subdivision (b).

Cal Poly has not produced any records thus far. The CPRA requires that public records be made available “promptly.” (Gov. Code, § 7922.530, subd. (a) [“each state or local agency . . . shall make the records promptly available”].) To date, the department has refused to provide any records whatsoever.

Ms. Wilson is open to a rolling production of documents. A rolling production of documents facilitates the promptness required by the CPRA, which has been repeatedly ignored by Cal Poly.

Cal Poly has refused to comply with its obligation to assist Ms. Wilson with her CPRA request, despite repeated requests. Government Code section 7922.600, subdivision (a) states that, to the extent reasonable under the circumstances, an agency “shall . . . (1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated. (2) Describe the information technology and physical location in which the records exist. (3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.” FAC calls on Cal Poly to provide assistance as required.

Given the amount of time that has passed since Ms. Wilson made her requests, her efforts to prompt a proper response, and her willingness to accommodate rolling production, Cal Poly should immediately provide the following:

- A schedule for rolling production;
- An explanation of what searches have been performed thus far and will be performed going forward; and
- A date and time in the near future for a phone call with a representative from Cal Poly to discuss Ms. Wilson’s CPRA requests.

Violations of the CPRA can subject an agency to litigation pursuant to California Government Code section 7923.100, with a prevailing public records requester entitled to attorneys’ fees. (Gov. Code, § 7923.115.)

Very truly yours,

FIRST AMENDMENT COALITION



David Loy  
Legal Director

## **Exhibit 14**



Elizabeth Wilson &lt;elawilson20@gmail.com&gt;

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**CPRA requests**

15 messages

**David Loy** <dloy@firstamendmentcoalition.org>

Fri, Jun 16, 2023 at 1:45 PM

To: crco@calpoly.edu, pra@calpoly.edu


Cc: Elizabeth Wilson &lt;elawilson20@gmail.com&gt;

Attached please find a letter regarding compliance with CPRA requests made by Elizabeth Wilson. Thank you for your attention to this matter.

Best,  
David

David Loy | Legal Director | First Amendment Coalition  
[dloy@firstamendmentcoalition.org](mailto:dloy@firstamendmentcoalition.org) | O: 415-460-5060 | C: 619-701-3993 (also Signal)  
[firstamendmentcoalition.org](http://firstamendmentcoalition.org) | [@FACoalition](https://twitter.com/FACoalition) |  
[FREE LEGAL HOTLINE](#) | [SUBSCRIBE](#)  
pronouns he/him

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 **2023 06 16 Cal Poly CPRA Compliance.pdf**  
104K**Public Records Act Officer** <pra@calpoly.edu>

Thu, Jun 22, 2023 at 2:48 PM

To: David Loy &lt;dloy@firstamendmentcoalition.org&gt;, Civil Rights &amp; Compliance Office &lt;crco@calpoly.edu&gt;, Public Records Act Officer &lt;pra@calpoly.edu&gt;

Cc: Elizabeth Wilson &lt;elawilson20@gmail.com&gt;

Good Afternoon, David,

I apologize for the delay in responding. Both our University Counsel & Public Records Access Officer are on vacation this week, but I wanted to confirm receipt of your correspondence. Cal Poly will respond to your correspondence next week once they are back in the office.

Thank you for your patience and understanding.

Sincerely,

**Kevin Cushing**He/Him/His ([Pronouns Matter](#))**Analyst & Confidential Admin. Support**

Civil Rights &amp; Compliance Office – Public Records Access Unit

Bld. 33, Rm. 290, [1 Grand Avenue](#)

## **Exhibit 15**

San Luis Obispo, CA 93407

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(805) 756-6770 (CRCO Main Line)

(805) 756-1420 (Direct Line)

---

pra@calpoly.edu



**CAL POLY**  
Civil Rights & Compliance

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**THIS MESSAGE MAY CONTAIN INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE REPLY TO SENDER AND DELETE THE MESSAGE AND ANY ATTACHMENTS.**

[Quoted text hidden]

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**Public Records Act Officer** <pra@calpoly.edu>

Fri, Jul 14, 2023 at 4:08 PM

To: David Loy <dloy@firstamendmentcoalition.org>

Cc: Elizabeth Wilson <elawilson20@gmail.com>, "Webb, Robin" <rwebb@calstate.edu>, Maren Hufton <mhufton@calpoly.edu>, Public Records Act Officer <pra@calpoly.edu>

Good Afternoon, Mr. Loy and Ms. Wilson,

I apologize for the additional delay in responding to you both. I myself was out on vacation myself the last two weeks and I have been playing catch much of this week.

I wanted to provide you both with an update regarding the outstanding PRA requests referenced in Mr. Loy's 6/16/2023 letter.

- 9-2-2022 Faculty Resignation
  - I have already communicated with Ms. Wilson about this matter earlier this week, but I will relay again that there was some initial confusion on our end of things about the nature of the request. We are in the process of conducting another search to attempt find records that are responsive to Ms. Wilson's request. I informed Ms. Wilson that I would provide her with an update next week.
  
- 9-2-2022 UH Mold
  - We are actively working with University Housing on this matter. We are currently waiting on University Housing to complete their search for responsive records. We will provide Ms. Wilson with an update on this request next week as well.

- 9-2-2023 Humphrey-Armstrong Emails

- Cal Poly's ITS department conducted a search of e-mails responsive to Ms. Wilson's search terms for this request which resulted in a large number of e-mails for the PRA Unit to review and evaluate. We are currently in the process of reviewing these e-mails for exempt information/content and applying redactions as appropriate. However, this a time consuming process and our department is resource constrained with a small number of people who qualified and trained to perform said work, in addition to their other duties. We will keep Ms. Wilson regularly apprised of our progress on a bi-weekly basis and will release any responsive records as they become available.
  
- 9-30-2023 Armstrong-Castro Emails
  - Our ITS department conducted a search of e-mails responsive to Ms. Wilson's search terms for this request which identified approximately 50 e-mails that may be responsive to Ms. Wilson's request. However, as stated above, these e-mails must be diligently reviewed and evaluated for information/content that is exempt from disclosure prior to our being able to release documents, if any. We anticipate that we should be able to complete this request within the next 3 weeks. We will keep Ms. Wilson apprised of our progress on a bi-weekly basis.
  
- 10-6-2022 Andrene Kaiwi-Connor Emails
  - Again, Cal Poly's ITS department has conducted a search of e-mails responsive to Ms. Wilson's search terms for this request and again, it has resulted in a large number of e-mails for the PRA Unit review and evaluate. We are currently in the process of reviewing the e-mails for exempt information/content and applying redactions as appropriate. We will keep Ms. Wilson regularly apprised of our progress on a bi-weekly basis and will release any responsive records as they become available.

Cal Poly is working to resolve these requests as soon as possible and we will endeavor to keep Ms. Wilson regularly updated with our progress.

Sincerely,

**Kevin Cushing**

He/Him/His ([Pronouns Matter](#))

**Records Analyst**

Civil Rights & Compliance Office – Public Records Access Unit

Bld. 33, Rm. 290, [1 Grand Avenue](#)

[San Luis Obispo, CA 93407](#)

---

(805) 756-6770 (CRCO Main Line)

(805) 756-1420 (Direct Line)

---

[pra@calpoly.edu](mailto:pra@calpoly.edu)



# CAL POLY

## Civil Rights & Compliance

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**THIS MESSAGE MAY CONTAIN INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE REPLY TO SENDER AND DELETE THE MESSAGE AND ANY ATTACHMENTS.**

[Quoted text hidden]

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**David Loy** <dloy@firstamendmentcoalition.org> Fri, Jul 14, 2023 at 4:30 PM  
To: Public Records Act Officer <pra@calpoly.edu>  
Cc: Elizabeth Wilson <elawilson20@gmail.com>, "Webb, Robin" <rwebb@calstate.edu>, Maren Hufton <mhufton@calpoly.edu>

Thank you for these updates.

David

[Quoted text hidden]

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**Public Records Act Officer** <pra@calpoly.edu> Fri, Jul 21, 2023 at 4:53 PM  
To: David Loy <dloy@firstamendmentcoalition.org>, Elizabeth Wilson <elawilson20@gmail.com>  
Cc: "Webb, Robin" <rwebb@calstate.edu>, Maren Hufton <mhufton@calpoly.edu>, Public Records Act Officer <pra@calpoly.edu>

Good Afternoon, Mr. Loy and Ms. Wilson,

I wanted to give you a quick update on the Faculty Resignation request and UH Mold request before we head into the weekend.

- 9-2-2022 Faculty Resignation
  - We are still working to determine if there are public records that are responsive to this request. We'll have more information next week.
- 9-2-2022 UH Mold
  - We were informed by Housing that they anticipate completing their search for responsive records by early next week. If that is the case, we should be able to release those records to you next week.

I will be in touch next week with additional updates.

Thank you and have a good weekend.

Sincerely,

**Kevin Cushing**



## **Exhibit 16**

San Luis Obispo, CA 93407

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(805) 756-6770 (CRCO Main Line)

(805) 756-1420 (Direct Line)

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pra@calpoly.edu



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**Public Records Act Officer** <pra@calpoly.edu>

Fri, Jul 14, 2023 at 4:08 PM

To: David Loy <dloy@firstamendmentcoalition.org>

Cc: Elizabeth Wilson <elawilson20@gmail.com>, "Webb, Robin" <rwebb@calstate.edu>, Maren Hufton <mhufton@calpoly.edu>, Public Records Act Officer <pra@calpoly.edu>

Good Afternoon, Mr. Loy and Ms. Wilson,

I apologize for the additional delay in responding to you both. I myself was out on vacation myself the last two weeks and I have been playing catch much of this week.

I wanted to provide you both with an update regarding the outstanding PRA requests referenced in Mr. Loy's 6/16/2023 letter.

- 9-2-2022 Faculty Resignation
  - I have already communicated with Ms. Wilson about this matter earlier this week, but I will relay again that there was some initial confusion on our end of things about the nature of the request. We are in the process of conducting another search to attempt find records that are responsive to Ms. Wilson's request. I informed Ms. Wilson that I would provide her with an update next week.
  
- 9-2-2022 UH Mold
  - We are actively working with University Housing on this matter. We are currently waiting on University Housing to complete their search for responsive records. We will provide Ms. Wilson with an update on this request next week as well.
  
- 9-2-2023 Humphrey-Armstrong Emails

- Cal Poly's ITS department conducted a search of e-mails responsive to Ms. Wilson's search terms for this request which resulted in a large number of e-mails for the PRA Unit to review and evaluate. We are currently in the process of reviewing these e-mails for exempt information/content and applying redactions as appropriate. However, this a time consuming process and our department is resource constrained with a small number of people who qualified and trained to perform said work, in addition to their other duties. We will keep Ms. Wilson regularly apprised of our progress on a bi-weekly basis and will release any responsive records as they become available.
  
- 9-30-2023 Armstrong-Castro Emails
  - Our ITS department conducted a search of e-mails responsive to Ms. Wilson's search terms for this request which identified approximately 50 e-mails that may be responsive to Ms. Wilson's request. However, as stated above, these e-mails must be diligently reviewed and evaluated for information/content that is exempt from disclosure prior to our being able to release documents, if any. We anticipate that we should be able to complete this request within the next 3 weeks. We will keep Ms. Wilson apprised of our progress on a bi-weekly basis.
  
- 10-6-2022 Andrene Kaiwi-Connor Emails
  - Again, Cal Poly's ITS department has conducted a search of e-mails responsive to Ms. Wilson's search terms for this request and again, it has resulted in a large number of e-mails for the PRA Unit review and evaluate. We are currently in the process of reviewing the e-mails for exempt information/content and applying redactions as appropriate. We will keep Ms. Wilson regularly apprised of our progress on a bi-weekly basis and will release any responsive records as they become available.

Cal Poly is working to resolve these requests as soon as possible and we will endeavor to keep Ms. Wilson regularly updated with our progress.

Sincerely,

**Kevin Cushing**

He/Him/His ([Pronouns Matter](#))

**Records Analyst**

Civil Rights & Compliance Office – Public Records Access Unit

Bld. 33, Rm. 290, [1 Grand Avenue](#)

[San Luis Obispo, CA 93407](#)

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(805) 756-6770 (CRCO Main Line)

(805) 756-1420 (Direct Line)

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[pra@calpoly.edu](mailto:pra@calpoly.edu)



# CAL POLY

## Civil Rights & Compliance

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**David Loy** <dloy@firstamendmentcoalition.org> Fri, Jul 14, 2023 at 4:30 PM  
To: Public Records Act Officer <pra@calpoly.edu>  
Cc: Elizabeth Wilson <elawilson20@gmail.com>, "Webb, Robin" <rwebb@calstate.edu>, Maren Hufton <mhufton@calpoly.edu>

Thank you for these updates.

David

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---

**Public Records Act Officer** <pra@calpoly.edu> Fri, Jul 21, 2023 at 4:53 PM  
To: David Loy <dloy@firstamendmentcoalition.org>, Elizabeth Wilson <elawilson20@gmail.com>  
Cc: "Webb, Robin" <rwebb@calstate.edu>, Maren Hufton <mhufton@calpoly.edu>, Public Records Act Officer <pra@calpoly.edu>

Good Afternoon, Mr. Loy and Ms. Wilson,

I wanted to give you a quick update on the Faculty Resignation request and UH Mold request before we head into the weekend.

- 9-2-2022 Faculty Resignation
  - We are still working to determine if there are public records that are responsive to this request. We'll have more information next week.
- 9-2-2022 UH Mold
  - We were informed by Housing that they anticipate completing their search for responsive records by early next week. If that is the case, we should be able to release those records to you next week.

I will be in touch next week with additional updates.

Thank you and have a good weekend.

Sincerely,

**Kevin Cushing**

He/Him/His ([Pronouns Matter](#))

## Records Analyst

*Civil Rights & Compliance Office – Public Records Access Unit*

Bld. 33, Rm. 290, [1 Grand Avenue](#)

[San Luis Obispo, CA 93407](#)

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(805) 756-6770 (CRCO Main Line)

(805) 756-1420 (Direct Line)

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[pra@calpoly.edu](mailto:pra@calpoly.edu)

## Title IX: 50 Years of Educational Equity since 1972

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**David Loy** <dloy@firstamendmentcoalition.org> Fri, Jul 21, 2023 at 4:54 PM  
To: Public Records Act Officer <pra@calpoly.edu>  
Cc: Elizabeth Wilson <elawilson20@gmail.com>, "Webb, Robin" <rwebb@calstate.edu>, Maren Hufton <mhufton@calpoly.edu>

Thank you for the update.

Best,  
David

[Quoted text hidden]

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**Public Records Act Officer** <pra@calpoly.edu> Fri, Jul 28, 2023 at 4:46 PM  
To: David Loy <dloy@firstamendmentcoalition.org>, Public Records Act Officer <pra@calpoly.edu>  
Cc: Elizabeth Wilson <elawilson20@gmail.com>, "Webb, Robin" <rwebb@calstate.edu>, Maren Hufton <mhufton@calpoly.edu>

Good Afternoon, Mr. Loy and Ms. Wilson:

I am writing to provide you both with an update the below PRA requests.

- 9-2-2022 Faculty Resignation
  - Cal Poly has located and identified 17 documents that would be responsive to your request; however, these documents contain information that is almost entirely exempt from disclosure under the California Public Records Act. These "Faculty Resignation" forms are a part of the former employees' personnel files and contain substantial personally identifiable information; the disclosure of such information would constitute an unwarranted invasion of personal privacy of these former employees (Cal. Govt. Codes §§7927.700, 7928.300, 7922.000). Given the small number of responsive documents, we could not only just redact the employees' names and ID numbers. In order to prevent the attribution of information to specific former faculty members, we would have to so heavily redact the forms that it would

likely render the documents useless to you. However, we are willing to work with you to the extent we can to provide the information that you are seeking. I've attached a blank version of the AP 191 (Faculty Notice of Resignation); is there a particular data point that you wish to extract from these forms? For example, if you are seeking information related to the "Reason(s) for Resignation" (see the attached AP 191), we would be willing provide you with a spreadsheet that tallies the total number of responses to each "Reason for Resignation" that were marked/checked on the resignation forms. This would anonymize the information and hopefully meet your data needs. Please let us know if this would be a workable solution to resolve this request.

- 9-2-2022 UH Mold
  - We anticipated that University Housing would be able provide us the records this week, but that hope appeared to be premature. We are now being told the records will be sent to us by the close of business today. If that is the case, the PRA Unit will still need some time review the records, but we will make a concerted effort to release them to you next week.
- 9-2-2023 Humphrey-Armstrong Emails
  - The PRA Unit continues to work through its review and evaluation process on this request. There are no responsive records that are ready to be released at this time. We will continue our efforts to process this request as soon as possible.
- 9-30-2023 Armstrong-Castro Emails
  - The PRA Unit continues to work through its review and evaluation process on this request. We anticipate that we will be able to complete our review process by the end of next week/beginning of the following week. We will keep you posted.
- 10-6-2022 Andrene Kaiwi-Connor Emails
  - The PRA Unit continues to work through its review and evaluation process on this request. There are no responsive records that are ready to be released at this time. We will continue our efforts to process this request as soon as possible.

Please let me know if you have any questions regarding the above.

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Cal Poly is working to resolve these requests as soon as possible and we will endeavor to keep Ms. Wilson regularly updated with our progress.

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 **AP191\_9.28.20.pdf**  
206K

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**Public Records Act Officer** <pra@calpoly.edu> Fri, Aug 4, 2023 at 4:03 PM  
 To: David Loy <dloy@firstamendmentcoalition.org>, Elizabeth Wilson <elawilson20@gmail.com>  
 Cc: "Webb, Robin" <rwebb@calstate.edu>, Maren Hufton <mhufton@calpoly.edu>, Public Records Act Officer <pra@calpoly.edu>

Good Afternoon, Mr. Loy and Ms. Wilson:

We have completed our search and review of responsive records related to your 9/2/2022 CPRA Request concerning University Housing mold complaints. Please see attached correspondence and responsive records.

Please let us know how you would like to proceed on the 9/2/2022 Faculty Resignation Form request per my message last week.

We are continuing to process the other 3 requests and will provide an update next week.

Please let us know if you have any questions regarding the attached.

Sincerely,

**Kevin Cushing**

He/Him/His ([Pronouns Matter](#))

**Records Analyst**

Public Records Act Unit

*Civil Rights & Compliance Office*

Bld. 33, Rm. 290, [1 Grand Avenue](#)

[San Luis Obispo, CA 93407](#)

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(805) 756-6770 (CRCO Main Line)

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[pra@calpoly.edu](mailto:pra@calpoly.edu)

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**From:** Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>

**Sent:** Friday, July 28, 2023 4:46 PM

**To:** David Loy <[dloy@firstamendmentcoalition.org](mailto:dloy@firstamendmentcoalition.org)>; Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>

**Cc:** Elizabeth Wilson <[elawilson20@gmail.com](mailto:elawilson20@gmail.com)>; Webb, Robin <[rwebb@calstate.edu](mailto:rwebb@calstate.edu)>; Maren Hufton <[mhufton@calpoly.edu](mailto:mhufton@calpoly.edu)>

**Subject:** RE: CPRA requests

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**3 attachments**

 **8-4-2023 Wilson UH Mold PRA Final Response.pdf**  
212K

 **UH Mold Complaint Reference Sheet.xlsx**  
14K

 **UH Mold Complaints from 2018 - 2021.xlsx**  
40K

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**Public Records Act Officer** <[pra@calpoly.edu](mailto:pra@calpoly.edu)>

To: Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>, David Loy <[dloy@firstamendmentcoalition.org](mailto:dloy@firstamendmentcoalition.org)>, Elizabeth Wilson <[elawilson20@gmail.com](mailto:elawilson20@gmail.com)>

Cc: "Webb, Robin" <[rwebb@calstate.edu](mailto:rwebb@calstate.edu)>, Maren Hufton <[mhufton@calpoly.edu](mailto:mhufton@calpoly.edu)>

Fri, Aug 11, 2023 at 5:10 PM

Good Afternoon,

I am writing to provide an update on Ms. Wilson's PRA requests:

- 9-2-2022 Faculty Resignation
  - We are still waiting to hear back from Ms. Wilson regarding our proposed solution to this request. We also invite Ms. Wilson to make a proposal regarding the information desired from request.
- 9-2-2022 UH Mold
  - This request was completed last Friday, August 4<sup>th</sup>. Please let us know if you have any questions.
- 9-2-2023 Humphrey-Armstrong Emails
  - Cal Poly has reviewed the responsive records and is now applying necessary redactions. Once redactions have been completed, these records must be reviewed by University Counsel prior to release. We anticipate that this will take a few more weeks.
- 9-30-2023 Armstrong-Castro Emails
  - This request has taken longer than I anticipated so I apologize for the continued delay. Cal Poly has finished reviewing the responsive records, but now these records must be reviewed by University Counsel prior to release. We anticipate that this will take a few more weeks.
- 10-6-2022 Andrene Kaiwi-Connor Emails
  - Cal Poly has reviewed the responsive records and is now applying necessary redactions. Once redactions have been completed, these records must be reviewed by University Counsel prior to release. We anticipate that this will take a few more weeks.

Sincerely,

**Kevin Cushing**

He/Him/His ([Pronouns Matter](#))

**Records Analyst**

*Civil Rights & Compliance Office*

Bld. 33, Rm. 290, [1 Grand Avenue](#)

[San Luis Obispo, CA 93407](#)

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(805) 756-6770 (CRCO Main Line)

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[kcushing@calpoly.edu](mailto:kcushing@calpoly.edu)

[crco@calpoly.edu](mailto:crco@calpoly.edu)

**Title IX: 50 Years of Educational Equity since 1972**





# CAL POLY

Civil Rights & Compliance

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# CAL POLY

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# CAL POLY

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**From:** Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>  
**Sent:** Thursday, June 22, 2023 2:48 PM  
**To:** David Loy <[dloy@firstamendmentcoalition.org](mailto:dloy@firstamendmentcoalition.org)>; Civil Rights & Compliance Office <[crco@calpoly.edu](mailto:crco@calpoly.edu)>; Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>  
**Cc:** Elizabeth Wilson <[elawilson20@gmail.com](mailto:elawilson20@gmail.com)>  
**Subject:** RE: CPRA requests

Good Afternoon, David,

I apologize for the delay in responding. Both our University Counsel & Public Records Access Officer are on vacation this week, but I wanted to confirm receipt of your correspondence. Cal Poly will respond to your correspondence next week once they are back in the office.

Thank you for your patience and understanding.

Sincerely,

**Kevin Cushing**

He/Him/His ([Pronouns Matter](#))

**Analyst & Confidential Admin. Support**

Civil Rights & Compliance Office – Public Records Access Unit

Bld. 33, Rm. 290, [1 Grand Avenue](#)

[San Luis Obispo, CA 93407](#)

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(805) 756-6770 (CRCO Main Line)

(805) 756-1420 (Direct Line)

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[pra@calpoly.edu](mailto:pra@calpoly.edu)



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Civil Rights & Compliance

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**Elizabeth Wilson** <[elawilson20@gmail.com](mailto:elawilson20@gmail.com)>  
To: Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>

Tue, Sep 19, 2023 at 5:20 PM

Good afternoon,

For faculty resignation forms, I am seeking the following from the template you provided: the date of resignation, reason for departure and department.

Regarding my other pending requests, what is the status of them since a few weeks have passed?

Thank you for the update,

**Elizabeth Wilson**  
Data and Investigations Editor, Mustang News

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**6 attachments**

**CAL POLY**

Civil Rights &amp; Compliance

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Civil Rights &amp; Compliance

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Civil Rights &amp; Compliance

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Civil Rights &amp; Compliance

image001.png  
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Civil Rights &amp; Compliance

image001.png  
22K

**Public Records Act Officer** <pra@calpoly.edu>  
To: Elizabeth Wilson <elawilson20@gmail.com>  
Cc: Public Records Act Officer <pra@calpoly.edu>

Wed, Sep 20, 2023 at 4:35 PM

Good Afternoon, Elizabeth,

Thank you for reaching out. It was on my to-do list to send you an email this week to provide an update, but you beat me to it.

Regarding your 3 requests for various e-mail records: we are making progress in reviewing the many e-mails that were gathered in response to these requests, however, there are no records that can be released at this time. Our record reviewers are working as fast as they can, but they have to balance their record review duties with their primary job responsibilities and other mission critical tasks. I will continue to provide you updates as we work our way through these requests.

Regarding the Faculty Resignation Form Request: Thank you for your response and proposal. Unfortunately, since there is such a small number of faculty resignation forms (17) for this time period (2019-20 & 2020-21 Academic Years) we cannot share the name of the department or the resignation date of the faculty members. The disclosure of such information would reveal too much information about the identity of the faculty members and therefore would constitute an unwarranted invasion of personal privacy of these former employees (Cal. Govt. Codes §§7927.700, 7928.300, 7922.000). As a compromise, we are providing you with a spreadsheet which identifies the reasons for departure and the number of faculty members who left for those reasons, broken down by academic year (2019-20 and 2020-21). Please see the attached. When reviewing this data, please factor into your evaluation that some of the faculty members provided multiple reasons for departure. With the provision of this spreadsheet, Cal Poly has provided all of the data that it can without violating the privacy of its former employees and therefore we will consider this request completed. Maren Hufton, Cal Poly's Public Records Access Officer, made the determination that certain records were exempt from disclosure.

Please let us know if you have any questions regarding the above.

Sincerely,

**Kevin Cushing**

He/Him/His ([Pronouns Matter](#))

**Records Analyst**

Civil Rights & Compliance Office – Public Records Access Unit

Bld. 33, Rm. 290, [1 Grand Avenue](#)

[San Luis Obispo, CA 93407](#)

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(805) 756-6770 (CRCO Main Line)

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[pra@calpoly.edu](mailto:pra@calpoly.edu)



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 **Wilson Faculty Resignation Data (2019-20, 2020-21 AY).xlsx**  
11K

## **Exhibit 17**

Please let us know if you have any questions regarding the attached.

Sincerely,

**Kevin Cushing**

He/Him/His ([Pronouns Matter](#))

**Records Analyst**

Public Records Act Unit

*Civil Rights & Compliance Office*

Bld. 33, Rm. 290, [1 Grand Avenue](#)

[San Luis Obispo, CA 93407](#)

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(805) 756-6770 (CRCO Main Line)

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[pra@calpoly.edu](mailto:pra@calpoly.edu)

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---

**From:** Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>

**Sent:** Friday, July 28, 2023 4:46 PM

**To:** David Loy <[dloy@firstamendmentcoalition.org](mailto:dloy@firstamendmentcoalition.org)>; Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>

**Cc:** Elizabeth Wilson <[elawilson20@gmail.com](mailto:elawilson20@gmail.com)>; Webb, Robin <[rwebb@calstate.edu](mailto:rwebb@calstate.edu)>; Maren Hufton <[mhufton@calpoly.edu](mailto:mhufton@calpoly.edu)>

**Subject:** RE: CPRA requests

[Quoted text hidden]

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**3 attachments**

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212K

 **UH Mold Complaint Reference Sheet.xlsx**  
14K

 **UH Mold Complaints from 2018 - 2021.xlsx**  
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**Public Records Act Officer** <[pra@calpoly.edu](mailto:pra@calpoly.edu)>

To: Public Records Act Officer <[pra@calpoly.edu](mailto:pra@calpoly.edu)>, David Loy <[dloy@firstamendmentcoalition.org](mailto:dloy@firstamendmentcoalition.org)>, Elizabeth Wilson <[elawilson20@gmail.com](mailto:elawilson20@gmail.com)>

Cc: "Webb, Robin" <[rwebb@calstate.edu](mailto:rwebb@calstate.edu)>, Maren Hufton <[mhufton@calpoly.edu](mailto:mhufton@calpoly.edu)>

Fri, Aug 11, 2023 at 5:10 PM

Good Afternoon,

I am writing to provide an update on Ms. Wilson's PRA requests:

- 9-2-2022 Faculty Resignation
  - We are still waiting to hear back from Ms. Wilson regarding our proposed solution to this request. We also invite Ms. Wilson to make a proposal regarding the information desired from request.
- 9-2-2022 UH Mold
  - This request was completed last Friday, August 4<sup>th</sup>. Please let us know if you have any questions.
- 9-2-2023 Humphrey-Armstrong Emails
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Sincerely,

**Kevin Cushing**

He/Him/His ([Pronouns Matter](#))

**Records Analyst**

*Civil Rights & Compliance Office*

Bld. 33, Rm. 290, [1 Grand Avenue](#)

[San Luis Obispo, CA 93407](#)

---

(805) 756-6770 (CRCO Main Line)

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[kcushing@calpoly.edu](mailto:kcushing@calpoly.edu)

[crco@calpoly.edu](mailto:crco@calpoly.edu)

**Title IX: 50 Years of Educational Equity since 1972**

## **Exhibit 18**



**CAL POLY**

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Civil Rights &amp; Compliance

image001.png  
22K

**Public Records Act Officer** <pra@calpoly.edu>  
 To: Elizabeth Wilson <elawilson20@gmail.com>  
 Cc: Public Records Act Officer <pra@calpoly.edu>

Wed, Sep 20, 2023 at 4:35 PM

Good Afternoon, Elizabeth,

Thank you for reaching out. It was on my to-do list to send you an email this week to provide an update, but you beat me to it.

Regarding your 3 requests for various e-mail records: we are making progress in reviewing the many e-mails that were gathered in response to these requests, however, there are no records that can be released at this time. Our record reviewers are working as fast as they can, but they have to balance their record review duties with their primary job responsibilities and other mission critical tasks. I will continue to provide you updates as we work our way through these requests.

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Please let us know if you have any questions regarding the above.

Sincerely,

**Kevin Cushing**

He/Him/His ([Pronouns Matter](#))

**Records Analyst**

Civil Rights & Compliance Office – Public Records Access Unit

Bld. 33, Rm. 290, [1 Grand Avenue](#)

[San Luis Obispo, CA 93407](#)

---

(805) 756-6770 (CRCO Main Line)

(805) 756-1420 (Direct Line)

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[pra@calpoly.edu](mailto:pra@calpoly.edu)



**CAL POLY**  
Civil Rights & Compliance

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 **Wilson Faculty Resignation Data (2019-20, 2020-21 AY).xlsx**  
11K

## **Exhibit 19**



Elizabeth Wilson &lt;elawilson20@gmail.com&gt;

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## Mustang News records meeting this week

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**Elizabeth Wilson** <elawilson20@gmail.com>

Mon, Jan 8, 2024 at 7:00 AM

To: kcushing@calpoly.edu

Cc: amelialwu@gmail.com, mhufton@calpoly.edu

Good morning Kevin and Maren,

I hope you are both doing well. Amelia Wu (cc'd here) and I are the data and investigations editors for Cal Poly's award-winning newspaper, Mustang News. We would like to have a conversation with you both to touch base about our current outstanding records requests. We understand we make frequent requests and want to discuss how the process can go smoothly for both parties.

Are you both free after 2:30 p.m. this coming Friday, January 12? Amelia and I would love to meet face-to-face.

We anticipate just 30 minutes of your time. To reiterate, this is not a media request, just an informal conversation between everyone copied. We also intend on checking in this week, so if you hear from us or other reporters about requests, this conversation is separate from that.

Thank you for your time,

**Elizabeth Wilson**

Data and Investigations Editor, Mustang News

**Amelia Wu**

Data and Investigations Editor, Mustang News

## **Exhibit 20**



Elizabeth Wilson &lt;elawilson20@gmail.com&gt;

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## Mustang News records meeting this week

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**Maren Hufton** <mhufton@calpoly.edu>

Tue, Jan 9, 2024 at 4:32 PM

To: Elizabeth Wilson &lt;elawilson20@gmail.com&gt;

Cc: Matt Lazier &lt;mlazier@calpoly.edu&gt;, Kevin Cushing &lt;kcushing@calpoly.edu&gt;, Public Records Act Officer &lt;pra@calpoly.edu&gt;

Hi Elizabeth,

Thanks, again, for your questions and interest. Unfortunately, given busy schedules, we're not able to accommodate a sit-down conversation about our process at this time, but we want to ensure your questions are answered and that you receive the information you're seeking.

In that spirit, I share that the PRA process is straightforward: a member of the public asks for records, the university determines whether what is sought is indeed available and public, and we respond, accordingly.

E-mail and data review is time intensive, as I shared. If you have specific questions about the process, you can send them to Matt and me in writing. And again, you can identify which requests are a priority, if you like.

Warmly,

Maren

**Maren Hufton****Assistant Vice President**

Civil Rights &amp; Compliance (formerly Office of Equal Opportunity)

Cal Poly, San Luis Obispo

[1 Grand Avenue, San Luis Obispo, CA 93407](#)[office 805-756-1400](#)

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[mhufton@calpoly.edu](mailto:mhufton@calpoly.edu)[crco@calpoly.edu](mailto:crco@calpoly.edu)



# CAL POLY

## Civil Rights & Compliance

### Title IX: 50 Years of Educational Equity since 1972

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## **Exhibit 21**





Elizabeth Wilson &lt;elawilson20@gmail.com&gt;

## Mustang News records meeting this week

Elizabeth Wilson &lt;elawilson20@gmail.com&gt;

Mon, Jan 29, 2024 at 8:00 AM

To: Maren Hufton &lt;mhufton@calpoly.edu&gt;

Cc: Kevin Cushing &lt;kcushing@calpoly.edu&gt;, Public Records Act Officer &lt;pra@calpoly.edu&gt;

Good morning all,

Thank you for your response. Here are my priority requests:

1. Filed on Dec. 6, 2023: — A budget breakdown of Cal Poly's storm damage fees from January 1, 2023 to June 30, 2023. — All receipts and documentation of state aid for the storm damages, and current pending request for state aid — All insurance claims Cal Poly filed about storm damages that were paid for — All insurance claims Cal Poly filed about storm damages that were denied
2. Filed on October 12, 2023: All emails from President Jeffrey Armstrong containing the keywords "Israel", "war," "Hamas," or "Middle East" since October 7, 2023. Please include pdfs, links and related images if any, embedded in the emails.
3. Filed on Oct. 23, 2023: — All email communications sent from and to Cal Poly Athletic Director Don Oberhelman with keywords "swim," "swim team" and "Phil Yoshida" between August 14, 2023, and August 25, 2023 — All email communications from Cal Poly Athletic Director Don Oberhelman with keywords "Jerry Damron," "Phil Yoshida," "swim," and "leave" between February 8, 2023, to March 31, 2023
4. Filed on Sept. 30, 2022: All email conversations between President Jeffrey Armstrong and former CSU Chancellor Joseph Castro since February 2022.

Outside of the priority list, I'd like to remind you of correspondence between the First Amendment Coalition and the Cal Poly Records Office from June. **The First Amendment Coalition (FAC) listed multiple violations.**

*The CPRA requires that public records be made available "promptly." (Gov. Code, § 7922.530, subd. (a) ["each state or local agency . . . shall make the records promptly available"].) Violations of the CPRA can subject an agency to litigation pursuant to California Government Code section 7923.100, with a prevailing public records requester entitled to attorneys' fees. (Gov. Code, § 7923.115.)*

Under Government Code section 7922.535, "If the agency determines that the request seeks disclosable public records, the agency shall also state the estimated date and time when the records will be made available." I have not received such correspondence for my requests.

I understand the Records Office has other roles to fulfill. However, with the delays I have experienced, it is unclear how the process is "straightforward." At this time, I have three requests which have taken more than a year to fulfill. Cal Poly has not listed any exemptions for the delays:

1. 513 days and counting as of Jan. 28, 2024: All email conversations between Keith Humphrey and Jeffery Armstrong with keywords "sexual assault," "rape," and "safety" from the 2021 academic year
2. 485 days and counting as of Jan. 28: All emails from Andrene Kaiwi-Conner since July 2022 concerning the keywords listed: "quit" in any verb tense, "overtime," "Mustang News," "emergency," "understaffed," and "complaint."
3. 476 days and counting as of Jan. 28, 2024: All email conversations between President Jeffrey Armstrong and former CSU Chancellor Joseph Castro since February 2022.

**I was told on July 14, 2023 through email that there are "approximately 50 emails" that fall under my request. In a separate email I was told redactions were needed, and still have not received a reason for this, despite asking months ago.**

My regards,

**Elizabeth Wilson**

Data and Investigations Editor, Mustang News

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