



February 1, 2024

**VIA EMAIL**

University of Wisconsin Board of Regents  
1860 Van Hise Hall  
1220 Linden Drive  
Madison, WI 53706  
[uwsarecords@uwsa.edu](mailto:uwsarecords@uwsa.edu)

**Re: Public Records Law Request**

Dear Public Records Officer(s):

Pursuant to Wisconsin's public records law, Wis. Stat. §§ 19.31–19.39, American Oversight makes the following request for copies of records.

**Requested Records**

American Oversight requests that your office produce the following records “as soon as practicable and without delay”:<sup>1</sup>

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (A) the Board of Regents officials listed below, and (B) any of the external entities or individuals listed below (including anyone communicating from a listed email address or an email address ending in the listed domain(s)).

**Board of Regents Officials:**

1. Angela Adams, Regent
2. Robert Atwell, Regent
3. Amy Blumenfeld Bogost, Regent
4. Evan Brenkus, Regent
5. Héctor Colón, Regent
6. Mike Jones, Regent
7. Jim Kreuser, Regent
8. Edmund Manydeeds, Regent
9. John Miller, Regent
10. Cris Peterson, Regent
11. Joan Prince, Regent
12. Ashok Rai, Regent
13. Jennifer Staton, Regent

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<sup>1</sup> Wis. Stat. § 19.35(4)(a).



14. Mark Tyler, Regent
15. Jill Underly, Regent
16. Dana Wachs, Regent
17. Karen Walsh, Regent
18. Kyle Weatherly, Regent
19. Megan Wasley, Executive Director
20. Christen Bock, Executive Assistant
21. Steven Wright, Executive Assistant
22. Quinn Williams, General Counsel
23. Lori Stortz, Chief Audit Executive
24. Paige Smith, Chief Compliance and Risk Officer

**External Entities and Individuals:**

1. Representative Robin Vos ([rep.vos@legis.wisconsin.gov](mailto:rep.vos@legis.wisconsin.gov)), or anyone communicating on his behalf
2. Senator Chris Kapenga ([sen.kapenga@legis.wisconsin.gov](mailto:sen.kapenga@legis.wisconsin.gov)), or anyone communicating on his behalf
3. University of Wisconsin System President Jay Rothman ([jrothman@uwsa.edu](mailto:jrothman@uwsa.edu))
4. University of Wisconsin System Chief of Staff Jess Lathrop ([jlathrop@uwsa.edu](mailto:jlathrop@uwsa.edu))
5. 1776 Project (1776projectpac.com)
6. Alliance Defending Freedom (adflegal.org)
7. America First Legal (aflegal.org and athospr.com)
8. American Enterprise Institute (aei.org)
9. American Family Association (afa.net)
10. American Principles Project (americanprinciplesproject.org)
11. Center for Renewing America (americarenewing.com)
12. Christopher Rufo ([ajt@christopherrufo.com](mailto:ajt@christopherrufo.com) or [chrisrufo@protonmail.com](mailto:chrisrufo@protonmail.com))
13. Cicero Action (ciceroaction.org)
14. Claremont Institute (claremont.org)
15. Concerned Women for America (concernedwomen.org or cwfa.org)
16. Do No Harm (donoharmmedicine.org)
17. Family Policy Alliance (familypolicyalliance.com)
18. Family Research Council (frc.org or frcaction.org)
19. Fight for Schools (fightforschools.com)
20. Foundation for Individual Rights and Expression (thefire.org)
21. Goldwater Institute (goldwaterinstitute.org)
22. Heritage Foundation (heritage.org or heritageaction.com)
23. Hillsdale College (hillsdale.edu)
24. Independent Women’s Forum (iwf.org)
25. James G. Martin Center for Academic Renewal (jamesgmartin.center)
26. Manhattan Institute (manhattan.institute or manhattan-institute.org)
27. Moms for Liberty (momsforliberty.org)
28. Moms for Liberty Kenosha County (momsforliberty-kenosha.org)
29. Moms for Liberty Milwaukee County ([Moms4libertymke@gmail.com](mailto:Moms4libertymke@gmail.com))
30. Moms for Liberty St. Croix County ([moms4libertystcroixco@gmail.com](mailto:moms4libertystcroixco@gmail.com))

31. Moms for Liberty Winnebago County  
([moms4libertywinnebago@gmail.com](mailto:moms4libertywinnebago@gmail.com))
32. Moms for Liberty Wisconsin (momsforlibertywi.com)
33. New College of Florida (ncf.edu)
34. Pacific Legal Foundation (pacificalegal.org)
35. Parents Defending Education (defendinged.org)
36. PragerU (prageruniversity.com or prageru.com)

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if a listed Board of Regents official received a mass-distribution news clip email from a listed entity or individual, that initial email would not be responsive to this request. However, if the Board of Regents official forwarded that email to another listed individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by the Board of Regents officials listed above containing any of the key terms listed below:

**Key Terms:**

1. DEI
2. "D.E.I."
3. DDEEA
4. SDES
5. Diversity
6. Indoctrination
7. Indoctrinate
8. "race neutral"
9. "race-neutral"
10. Kapenga
11. Vos
12. "affirmative action"
13. "pay raises"
14. JCOER

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the listed Board of Regents officials. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both a listed Board of Regents official's response to an email containing a listed key term and the initial received message are responsive to this request and should be produced.

**For all parts of this request, please provide all responsive records from October 1, 2023, through the date the search is conducted.**

### **Fee Waiver Request**

In accordance with Wis. Stat. § 19.35(3)(e), American Oversight respectfully requests that the records be produced without charge. Providing American Oversight with a waiver of fees is in the “public interest” because American Oversight will, in accordance with its organizational mission, make the records available to the public without charge. These disclosures will likely contribute to a better understanding of relevant government procedures by the general public.

American Oversight’s work is aimed solely at serving the public interest. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight’s financial interest. Rather, American Oversight’s mission is to serve the public by promoting transparency in government, educating the public about government activities, and ensuring the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media.<sup>2</sup> American Oversight also makes materials it gathers available on its public website<sup>3</sup> and promotes their availability on social media platforms, such as Facebook and Twitter.com.<sup>4</sup>

The public has a significant interest in the efforts of state and university governing bodies to dismantle programming for diversity, equity, and inclusion. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether and to what extent Regents communicated with external entities about such matters. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public’s understanding of the government’s

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<sup>2</sup> See generally *News*, American Oversight, <https://www.americanoversight.org/blog>; *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see, e.g., *State Government Contacts with Voting-Restriction Activists*, American Oversight, <https://www.americanoversight.org/investigation/state-government-contacts-with-voting-restriction-activists>; *Wisconsin Documents Offer Window into Early Uncertainty over COVID-19*, American Oversight, <https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19>.

<sup>3</sup> *Documents*, American Oversight, <https://www.americanoversight.org/documents>.

<sup>4</sup> American Oversight currently has approximately 16,000 followers on Facebook and 111,400 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 31, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Jan. 31, 2024).

activities would be enhanced through American Oversight's analysis and publication of these records.

American Oversight asks that if its request for a fee waiver is denied in whole or in part, that you contact us prior to incurring any costs.

### **Guidance Regarding the Search & Processing of Requested Records**

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term "record" in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all locations and systems likely to have responsive records regarding official business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Emails conducting government business sent or received on the personal account of the authority's officer or employee constitutes a record for purposes of Wisconsin's public records laws.<sup>5</sup>

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.<sup>6</sup> If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

### **Conclusion**

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more

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<sup>5</sup> Wisc. Dep't of J., *Wisconsin Public Records Law Compliance Guide*, Oct. 2019, at 3, <https://www.doj.state.wi.us/sites/default/files/office-open-government/Resources/PRL-GUIDE.pdf>.

<sup>6</sup> Wis. Stat. § 19.36(6).

efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Ben Sparks at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 873-1741. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Ben Sparks  
Ben Sparks  
on behalf of  
American Oversight