



Office of Legal Affairs  
UNIVERSITY OF WISCONSIN-MADISON

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September 17, 2021

Representative David Murphy  
Room 318 North  
State Capitol  
P.O. Box 8953  
Madison, WI 53708

*Via U.S. Mail*

Re: Records Request

Dear Representative Murphy,

Please find attached a redacted version of the documents your office has requested. UW-Madison has understood conversations with your staff regarding the university's admissions process to amount to an informal request for the documentation on which the university relies when evaluating undergraduate admission applications. As such, this request has been handled outside of UW-Madison's formal public records process. Even though the provision of these documents to your office has gone through an informal process, UW-Madison was compelled to remain consistent with the legal provisions of Wisconsin's Public Records Law when determining what information contained within these documents is appropriate to disclose.

The documents the university has provided you represent what would be provided if these documents had been requested and delivered through UW-Madison's formal public records process. Below is a summary of the legal justifications on which UW-Madison relied when making redactions to the documents. If these documents were requested through the formal public records process, these legal arguments would be expanded on and appropriate notices regarding review of UW-Madison's determinations would be provided.

- 1. Trade Secrets.** Information contained within these documents constitute trade secrets as defined in Wis. Stat. § 134.90(1)(c). Trade secrets are exempt from public disclosure pursuant to Wis. Stat. § 19.36(5).
- 2. Release of Such Information Would Harm the Public's Interest.** UW-Madison has also determined that the release of the redacted information would harm the public's interest. Specifically, doing so would undermine the significant public interest in maintaining the competitive position of UW-Madison – vis-a-vis its peer institutions– when recruiting and evaluating students.

Moreover, release of such information would have a deleterious effect on the public's interest in maintaining a fair and equitable application review process. If this information were publicly

released, it would likely have the effect of harming those applicants who did not or could not access such information, which would place those applicants at a significant disadvantage when applying to UW-Madison. Creating a system in which some applicants are at such a significant advantage, given that they know the exact criteria by which they will be evaluated, will substantially damage the fairness of the applicant review process.

**3. Protection of Certain Employees.** Information contained in these documents can directly or indirectly identify UW-Madison employees who review admissions applications. Due to the highly competitive nature of college admissions, UW-Madison has redacted any information that may directly or indirectly identify these employees in order to protect them from potential reprisal by applicants who are not granted admission to the university. The public maintains an interest in not only a fair and equitable applicant review process, but also a process that is skillfully administered by highly talented admissions professionals. UW-Madison actively recruits and retains world-class employees to review admissions applications in order to serve this interest. Were UW-Madison unable to protect the identities of these employees from reprisal, they would likely seek employment at an institution better able to do so, completely undermining UW-Madison's efforts to recruit and retain these individuals as well as the overall well-being of the application review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy K. Lynch". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Nancy K. Lynch  
Vice Chancellor for Legal Affairs

Enclosures