

EXHIBIT 1

President Anthony E. Munroe's
June 23, 2017, statement



ACADEMICS

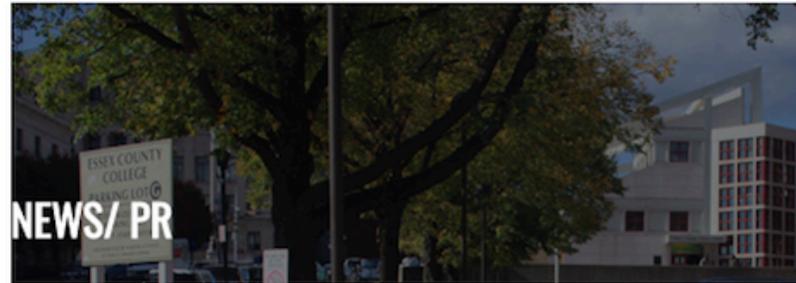
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Home > Essex County College News > Statement from Essex County College President Anthony E. Munroe

STATEMENT FROM ESSEX COUNTY COLLEGE PRESIDENT ANTHONY E. MUNROE

My name is Dr. Anthony E. Munroe and I am the newly appointed President of Essex County College. In my brief time here, I have been greatly impressed with both the school's expressed and demonstrated commitment to being an open-access institution committed to providing high quality educational programs and life-long learning activities to a diverse population of students. Proof of this commitment is the fact that we serve students who hail from 59 countries.

As many of you may know, Essex County College opened its doors in 1968 in the wake of tremendous upheaval caused, in part, by the lack of opportunities in education, training, and jobs. From that upheaval, Essex County College has provided opportunity and hope to countless dreamers and has birthed many change agents in our society, including educators, community activists, politicians, judges, and Olympians. Our diversity has enriched and enhanced our learning community as it pushes us to collectively and continually wrestle through the very real challenges associated with hearing, honoring and respecting an array of needs, customs, beliefs, orientations, backgrounds and norms.

Recently, much attention has been given to the impact of an exchange on a

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Recently, much attention has been given to the impact of an exchange on a television show between an Essex County College adjunct and the host. The College was immediately inundated with feedback from students, faculty and prospective students and their families expressing frustration, concern and even fear that the views expressed by a College employee (with influence over students) would negatively impact their experience on the campus. I want to address how the College is responding.

> As the new president, I think it is important for me to make clear and reaffirm the College's commitment, as a public institution, to maintaining a welcoming environment to all students, from a variety of races, lifestyles, abilities, socio-economic backgrounds, faiths and cultures.

> I fully believe that institutions of higher learning must provide a safe space for students to explore, discuss and debate, not only academic philosophies, but the harder issues related to living harmoniously and growing together in our communities and as a country. As the Rev. Dr. Martin Luther King wrote, *"The function of education is to teach one to think intensively and to think critically. Intelligence plus character – that is the goal of true education."* The character of this institution mandates that we embrace diversity, inclusion, and unity. Racism cannot be fought with more racism.

> To continue to effectively fulfill our mission and to continue our legacy of providing opportunity and success, there are principles, which we eagerly embrace. First, Essex County College deeply values free speech and academic freedom. The open exchange of ideas and perspectives gives strength to our institution and provides depth to the education provided to our students.

EVENTS CALENDAR

Spirit Week

November 13 - 17

Instant Admit Day

November 14 @ 12:00 pm - 6:00 pm

EOF: The Internship Forum – Get Out There!

November 14 @ 2:30 pm - 3:30 pm

EOF: The Internship Forum – Get Out There!

November 15 @ 4:00 pm - 5:00 pm

WEC Open House

November 15 @ 4:00 pm - 7:00 pm

[View All Events »](#)

> The College also supports and affirms the right of free speech and independent views and expressions of those views for our faculty and staff. We expect and encourage faculty involvement in our community. My administration has a duty to set a strong example of tolerance. Accordingly, free speech and academic freedom must always work in the service of our student body.

> Another principle we embrace is that of being an open-access institution. Our commitment and responsibility to the health and well-being of our students is paramount. Essex County College actively seeks to create an environment, which is welcoming to people of all backgrounds and abilities. Consistent with this principle, we firmly reject and denounce any conduct that implies that all students are not welcome to participate in, or benefit from, our programs or activities on the basis of their race, color, orientation or national origin.

> When the administration receives an outpouring of concern regarding our student body, it is our responsibility to investigate those concerns.

> While the adjunct who expressed her personal views in a very public setting was in no way claiming to represent the views and beliefs of the College, and does not represent the College, her employment with us and potential impact on students required our immediate review into what seemed to have become a very contentious and divisive issue. For the purpose of a fair and immediate review, the adjunct was suspended with full pay, for the remainder of the summer I session which equated to six (6) working days, pending the outcome of a fair and thorough review of the matter. The adjunct addressed the College community at an open forum on June 20th. In consideration of the College's mission, and the impact that this matter has had on the College's fulfillment of its mission, we cannot maintain an employment relationship with the adjunct. The College affirms its right to select employees who represent the institution appropriately and are aligned with our mission.

As I experience a time of transition and change along with the College and as we anticipate celebrating our 50th anniversary, I believe that it is an important time to emphasize who we are at Essex County College. It is also critical for our community to come together in a new way. To that end, I am excited to announce that the College will be forming and launching "Mosaics – Unity in Diversity". Mosaics will be a committee charged with finding important and new ways to demonstrate how all of our respective and diverse backgrounds are necessary for the beauty of our community to be complete and appreciated. The committee will be comprised of individuals stepping up from the student body, faculty, alumni, and broader community to celebrate and educate our diversity as we commemorate the 50th Anniversary in 2018. I am also excited to announce that this upcoming fall, we will continue to enhance the educational opportunities at our Newark and West Caldwell campuses by opening a Veterans Center, a state of the art Information Commons, and expanding programs in Cybersecurity, Paralegal studies, and Business Administration.

Our commitment to continued growth and our broad diversity will pose challenges as this kind of diversity on all our campuses is not easy. However, I believe that it is necessary. It is necessary because it enables our students to not only thrive academically, but to be prepared to engage in diverse work places and in our very inter-connected world. We are committed to fostering a dynamic learning community where all of our students flourish through learning how to adapt and inter-relate cross-culturally. *We invite you to celebrate with Essex County College as we unite, grow and commit to inclusion and openness, and exceeding expectations!*

[← Instant Admission Days at College](#)

[Alumni Spotlight: Ton Duong →](#)

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EXHIBIT 2

First request for records,
July 13, 2017



Sarah McLaughlin <sarah@thefire.org>

OPRA Request

Sarah McLaughlin <sarah@thefire.org>
To: recordscustodian@essex.edu

Thu, Jul 13, 2017 at 4:43 PM

Hello,

Please see the attached PDF for a request pursuant to the Open Public Records Act (P.L. 2001, s.404). Please don't hesitate to contact me if I can be of any assistance in narrowing or interpreting these requests

--

Sarah McLaughlin
Senior Program Officer, Individual Rights Defense Program and Social Media Manager
Foundation for Individual Rights in Education (FIRE)
510 Walnut Street
Suite 1250
Philadelphia, PA 19106
Ph: 215-717-3473 Fax: 215-717-3440
sarah@thefire.org
[@sarahemclaugh](#)

This communication may contain information that is confidential or privileged. Unless you are the addressee (or authorized to receive this message by the addressee), you may not use, copy, or disclose the contents of this message or information contained in this message to anyone. If you believe that you have received this message in error, please advise the sender and delete this message.

20170713164149901.pdf
125K



ESSEX
COUNTY COLLEGE
 Exceed Expectations

Attention: Records Custodian
 303 University Avenue
 Newark, NJ 07102
 recordscustodian@essex.edu

OPEN PUBLIC RECORDS ACT REQUEST FORM

Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information - Please Print

First Name Sarah MI E Last Name McLaughlin
 E-mail Address sarah@the fire.org
 Mailing Address 510 Walnut St., Suite 1250
 City Philadelphia State PA Zip 19106
 Telephone 215-717-3473 FAX 215-717-3440
 Preferred Delivery: Pick Up US Mail On-Site Inspect Fax E-mail

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE ~~(HAVE NOT)~~ been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature Sarah McLaughlin Date 7/12/17

Payment Information

Maximum Authorization Cost \$ 40
 Select Payment Method
 Cash Check Money Order
 Fees: Letter size pages - \$0.05 per page
 Legal size pages - \$0.07 per page
 Other materials (CD, DVD, etc) - actual
 Delivery: Delivery / postage fees additional depending upon delivery type.
 Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

See attached.

AGENCY USE ONLY

Est. Document Cost _____
 Est. Delivery Cost _____
 Est. Extras Cost _____
 Total Est. Cost _____
 Deposit Amount _____
 Estimated Balance _____
 Deposit Date _____

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Disposition Notes
 Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open _____
 Denied - Closed _____
 Filled - Closed _____

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Tracking Information		Final Cost	
Tracking #	_____	Total	_____
Rec'd Date	_____	Deposit	_____
Ready Date	_____	Balance Due	_____
Total Pages	_____	Balance Paid	_____
Records Provided			
Custodian Signature _____		Date _____	

Requests

1. In President Anthony E. Munroe's June 23, 2017 statement, he asserted: "The College was immediately inundated with feedback from students, faculty and prospective students and their families expressing frustration, concern and even fear that the views expressed by a College employee (with influence over students) would negatively impact their experience on the campus." Please provide any and all records comprising, reflecting, or referencing these communications, expressions, or "feedback" to which Munroe's statement refers.
2. Any draft versions of the June 23, 2017 statement.
3. Any records relating to or reflecting efforts to prepare the June 23, 2017 statement.
4. Any emails or communications (or other records) sent or received between June 5 and June 9, 2017, referencing Durden, which emails or communications were sent or received by Munroe or any Essex employee or officer, excluding any records whose only sender or recipient is a member of Essex's faculty. (In other words, this request does not seek faculty members' correspondence, but instead seeks correspondence to or from non-faculty employees.)

Please note that these requests should in no way be construed to include a review or search of email accounts, websites, or other forms of data or document retention which are controlled by students, alumni, or faculty members, nor by governmental or advisory bodies controlled by the same. Any search should be limited to documents held by the administration of Essex County College and/or its staff members.

Additionally, we request a **fee waiver**. The instant topic concerns a matter of public controversy, and the institution believed the matter necessitated a public statement from the president. FIRE is a non-profit organization that seeks the records for a non-commercial purpose -- namely, the dissemination of information concerning government affairs.

Please do not hesitate to contact me if we can be of assistance in clarifying or narrowing any of these requests.

EXHIBIT 3

Second request for records,
July 31, 2017



Sarah McLaughlin <sarah@thefire.org>

OPRA Request

Sarah McLaughlin <sarah@thefire.org>
To: recordscustodian@essex.edu

Mon, Jul 31, 2017 at 10:57 AM

To Whom It May Concern:

I sent the below request pursuant to New Jersey's Open Public Records Act (OPRA) on July 13, 2017. Under the OPRA, a written response must be made within seven business days of the request. Essex County College's response would have therefore been due on or about July 21, 2017.

To date, I have received no response.

Does Essex County College intend to respond to this request? If so, please let me know when I can expect a response. In the absence of a response, I will assume that Essex does not intend to issue a response and has constructively denied access to the records sought.

Best,

On Thu, Jul 13, 2017 at 4:43 PM, Sarah McLaughlin <sarah@thefire.org> wrote:

Hello,

Please see the attached PDF for a request pursuant to the Open Public Records Act (P.L 2001, s.404). Please don't hesitate to contact me if I can be of any assistance in narrowing or interpreting these requests

--

Sarah McLaughlin
Senior Program Officer, Individual Rights Defense Program and Social Media Manager
Foundation for Individual Rights in Education (FIRE)
510 Walnut Street
Suite 1250
Philadelphia, PA 19106
Ph: 215-717-3473 Fax: 215-717-3440
sarah@thefire.org
[@sarahemclaugh](#)

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--

Sarah McLaughlin
Senior Program Officer, Individual Rights Defense Program and Social Media Manager
Foundation for Individual Rights in Education (FIRE)
510 Walnut Street
Suite 1250
Philadelphia, PA 19106
Ph: 215-717-3473 Fax: 215-717-3440
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Attention: Records Custodian
 303 University Avenue
 Newark, NJ 07102
 recordscustodian@essex.edu

OPEN PUBLIC RECORDS ACT REQUEST FORM

Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information - Please Print

First Name Sarah MI E Last Name McLaughlin
 E-mail Address sarah@the fire.org
 Mailing Address 510 Walnut St., Suite 1250
 City Philadelphia State PA Zip 19106
 Telephone 215-717-3473 FAX 215-717-3440
 Preferred Delivery: Pick Up US Mail On-Site Inspect Fax E-mail

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE ~~(HAVE NOT)~~ been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature Sarah McLaughlin Date 7/12/17

Payment Information

Maximum Authorization Cost \$ 40
 Select Payment Method
 Cash Check Money Order
 Fees: Letter size pages - \$0.05 per page
 Legal size pages - \$0.07 per page
 Other materials (CD, DVD, etc) - actual
 Delivery: Delivery / postage fees additional depending upon delivery type.
 Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

See attached.

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Est. Document Cost _____
 Est. Delivery Cost _____
 Est. Extras Cost _____
 Total Est. Cost _____
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Disposition Notes
 Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open _____
 Denied - Closed _____
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Rec'd Date	_____	Deposit	_____
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Records Provided			
Custodian Signature _____		Date _____	

Requests

1. In President Anthony E. Munroe's June 23, 2017 statement, he asserted: "The College was immediately inundated with feedback from students, faculty and prospective students and their families expressing frustration, concern and even fear that the views expressed by a College employee (with influence over students) would negatively impact their experience on the campus." Please provide any and all records comprising, reflecting, or referencing these communications, expressions, or "feedback" to which Munroe's statement refers.
2. Any draft versions of the June 23, 2017 statement.
3. Any records relating to or reflecting efforts to prepare the June 23, 2017 statement.
4. Any emails or communications (or other records) sent or received between June 5 and June 9, 2017, referencing Durden, which emails or communications were sent or received by Munroe or any Essex employee or officer, excluding any records whose only sender or recipient is a member of Essex's faculty. (In other words, this request does not seek faculty members' correspondence, but instead seeks correspondence to or from non-faculty employees.)

Please note that these requests should in no way be construed to include a review or search of email accounts, websites, or other forms of data or document retention which are controlled by students, alumni, or faculty members, nor by governmental or advisory bodies controlled by the same. Any search should be limited to documents held by the administration of Essex County College and/or its staff members.

Additionally, we request a **fee waiver**. The instant topic concerns a matter of public controversy, and the institution believed the matter necessitated a public statement from the president. FIRE is a non-profit organization that seeks the records for a non-commercial purpose -- namely, the dissemination of information concerning government affairs.

Please do not hesitate to contact me if we can be of assistance in clarifying or narrowing any of these requests.

EXHIBIT 4

August 4, 2017, letter
from Marieke Tuthill Beck-Coon
to Essex County College



Marieke Tuthill Beck-Coon <marieke@thefire.org>

FIRE Letter of Aug., 4, 2017, re: Constructive Denial of OPRA Request

Marieke Tuthill Beck-Coon <marieke@thefire.org>

Fri, Aug 4, 2017 at 1:16 PM

To: recordscustodian@essex.edu

Cc: munroe@essex.edu, jtolliver@essex.edu

To Whom it May Concern:

Attached please find a letter from the Foundation for Individual Rights in Education regarding the constructive denial of an OPRA request submitted on July 13, 2017. Also attached are a copy of the records request at issue and subsequent correspondence sent to this office regarding the request.

Thank you for your prompt attention to this matter.

Sincerely,

--

Marieke Tuthill Beck-Coon

Director of Litigation

Foundation for Individual Rights in Education (FIRE)

510 Walnut Street, Suite 1250

Philadelphia, PA 19106

tel: [215-717-3473](tel:215-717-3473)fax: [215-717-3440](tel:215-717-3440)thefire.org

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3 attachments

FIRE Letter to Essex County College, August 2017.pdf
178K **FIRE 7.13.17 OPRA Request.pdf**
125K **FIRE OPRA 2 request .pdf**
148K



August 4, 2017

Records Custodian
Essex County College
303 University Avenue
Newark, New Jersey 07102

Sent via U.S. Mail and Electronic Mail (recordscustodian@essex.edu)

To Whom It May Concern:

Pursuant to the New Jersey Open Public Records Act (“OPRA”; N.J. Stat. § 47:1A-1 *et seq.*), the Foundation for Individual Rights in Education (FIRE) has twice submitted requests for records relevant to a June 23 statement by President Anthony E. Munroe regarding Professor Lisa Durden’s June 6 appearance on Fox News. Those requests, dated July 13 and July 31, are attached.

Essex County College has failed to respond to our requests. Per law, failure to respond serves as a constructive denial of our request. Because the records requested do not plausibly fall within any statutory exception, this denial is in error. **We ask that you immediately correct this error and provide all records responsive to our requests.**¹

Thank you for your immediate attention to our concerns. We request a response to this letter and/or responsive records by August 11, 2017.

Sincerely,

Marieke Tuthill Beck-Coon
Director of Litigation

Encl.

cc:

President Anthony E. Munroe
Joy Tolliver, Esq., General Counsel

¹ We reiterate that our requests should in no way be construed to include a review or search of email accounts, websites, or other forms of data or document retention that are controlled by students, alumni, or faculty members, nor by governmental or advisory bodies controlled by the same. Your search should be limited to documents held by the administration of Essex County College and/or its staff members. Additionally, we reiterate our request for a fee waiver. The instant topic concerns a matter of public controversy, and the institution believed the matter necessitated a public statement from the president. FIRE is a nonprofit organization that seeks the records for a non-commercial purpose—namely, the dissemination of information concerning government affairs.



Attention: Records Custodian
 303 University Avenue
 Newark, NJ 07102
 recordscustodian@essex.edu

OPEN PUBLIC RECORDS ACT REQUEST FORM

Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information - Please Print

First Name Sarah MI E Last Name McLaughlin
 E-mail Address sarah@the fire.org
 Mailing Address 510 Walnut St., Suite 1250
 City Philadelphia State PA Zip 19106
 Telephone 215-717-3473 FAX 215-717-3440
 Preferred Delivery: Pick Up US Mail On-Site Inspect Fax E-mail

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE ~~(HAVE NOT)~~ been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature Sarah McLaughlin Date 7/12/17

Payment Information

Maximum Authorization Cost \$ 40
 Select Payment Method
 Cash Check Money Order
 Fees: Letter size pages - \$0.05 per page
 Legal size pages - \$0.07 per page
 Other materials (CD, DVD, etc) - actual
 Delivery: Delivery / postage fees additional depending upon delivery type.
 Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

See attached.

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 Est. Extras Cost _____
 Total Est. Cost _____
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Disposition Notes
 Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

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Rec'd Date	_____	Deposit	_____
Ready Date	_____	Balance Due	_____
Total Pages	_____	Balance Paid	_____
Records Provided			
Custodian Signature _____		Date _____	

Requests

1. In President Anthony E. Munroe's June 23, 2017 statement, he asserted: "The College was immediately inundated with feedback from students, faculty and prospective students and their families expressing frustration, concern and even fear that the views expressed by a College employee (with influence over students) would negatively impact their experience on the campus." Please provide any and all records comprising, reflecting, or referencing these communications, expressions, or "feedback" to which Munroe's statement refers.
2. Any draft versions of the June 23, 2017 statement.
3. Any records relating to or reflecting efforts to prepare the June 23, 2017 statement.
4. Any emails or communications (or other records) sent or received between June 5 and June 9, 2017, referencing Durden, which emails or communications were sent or received by Munroe or any Essex employee or officer, excluding any records whose only sender or recipient is a member of Essex's faculty. (In other words, this request does not seek faculty members' correspondence, but instead seeks correspondence to or from non-faculty employees.)

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Please do not hesitate to contact me if we can be of assistance in clarifying or narrowing any of these requests.



Sarah McLaughlin <sarah@thefire.org>

OPRA Request

Sarah McLaughlin <sarah@thefire.org>
To: recordscustodian@essex.edu

Mon, Jul 31, 2017 at 10:57 AM

To Whom It May Concern:

I sent the below request pursuant to New Jersey's Open Public Records Act (OPRA) on July 13, 2017. Under the OPRA, a written response must be made within seven business days of the request. Essex County College's response would have therefore been due on or about July 21, 2017.

To date, I have received no response.

Does Essex County College intend to respond to this request? If so, please let me know when I can expect a response. In the absence of a response, I will assume that Essex does not intend to issue a response and has constructively denied access to the records sought.

Best,

[Quoted text hidden]

EXHIBIT 5

Emails exchanged on
August 14 and 21, 2017
(first extension request)



Marieke Tuthill Beck-Coon <marieke@thefire.org>

OPRA Request 7/12/17 - FIRE

Marieke Tuthill Beck-Coon <marieke@thefire.org>

Mon, Aug 21, 2017 at 1:41 PM

To: Recordscustodian <recordscustodian@essex.edu>

Cc: "sarah@thefire.org" <sarah@thefire.org>, "Tolliver, Joy" <jtolliver@essex.edu>, "Jack, Syrion A" <sjack1@essex.edu>

Dear Ms. Bridgett,

We agree to your requested extension of time until Friday, September 15 to respond to our OPRA request. Thank you for your attention to this matter.

Sincerely,

--

Marieke Tuthill Beck-Coon
Director of Litigation
Foundation for Individual Rights in Education (FIRE)
510 Walnut Street, Suite 1250
Philadelphia, PA 19106
tel: 215-717-3473
fax: 215-717-3440
thefire.org

This communication may contain information that is confidential or privileged. Unless you are the addressee (or authorized to receive this message by the addressee), you may not use, copy, or disclose the contents of this message or information contained in this message to anyone. If you believe that you have received this message in error, please advise the sender and delete this message.

On Mon, Aug 14, 2017 at 1:26 PM, Recordscustodian <recordscustodian@essex.edu> wrote:



August 14, 2017

Marieke Tuthill Beck-Coon

Director of Litigation

Email: marieke@thefire.org

Sarah E. McLaughin

Email: sarah@thefire.org

Foundation for Individual Rights in Education (FIRE)

510 Walnut St., Suite 1250

Philadelphia, PA 19106

Phone: (215) 717-3473

Good Afternoon:

Essex County College and the official Records Custodian, Karen Bridgett, are in receipt of your Open Public Records Act (OPRA) request dated Jul. 12, 2017, and the "Constructive Denial of OPRA Request" email dated August 4, 2017. Responses to your request are provided below:

1. In President Anthony E. Munroe's June 23, 2017 statement, he asserted: "The College was immediately inundated with feedback from students, faculty and prospective students and their families expressing frustration, concern and even fear that the views expressed by a College employee (with influence over students) would negatively impact their experience on the campus." Please provide any and all records comprising, reflecting, or referencing these communications, expressions, or "feedback" to which Munroe's statement refers.

***Extension requested**, the College must gather and review communication records to determine whether such communications are responsive to your request. Given the College's resources, the College will require at least twenty (20) business days of time to review the records, and therefore, cannot respond within the time you have consented without substantially disrupting the College's operations. The College would like to reach a reasonable resolution as soon as possible. If you are interested in discussing a reasonable resolution, please contact the undersigned at your earliest convenience.*

2. Any draft versions of the June 23, 2017 statement.

***Requested records** are exempt from OPRA disclosure per N.J.S.A. 47:1A-1.1(1), "Inter-agency or intra-agency advisory, consultative or deliberative material (Note: generally refers to draft documents or documents used in a deliberative process.)"*

3. Any records relating to or reflecting efforts to prepare the June 23, 2017 statement.

***Requested records** are exempt from OPRA disclosure per N.J.S.A. 47:1A-1.1(1), "Inter-agency or intra-agency advisory, consultative or deliberative material (Note: generally refers to draft documents or documents used in a deliberative process.)"*

4. Any emails or communications (or other records) sent or received between June 5 and June 9, 2017, referencing Durden, which emails or communications were sent or received by Munroe or any Essex employee or officer, excluding any records whose only sender or recipient is a member of Essex's faculty. (In other words, this request does not seek faculty members' correspondence, but instead seeks correspondence to or from non-faculty employees.)

***Extension requested**, the College must gather and review communication records to determine whether such communications are responsive to your request. Given the College's resources, the College will require at least twenty (20) business days of time to review the records, and therefore, cannot respond within the*

time you have consented without substantially disrupting the College's operations. The College would like to reach a reasonable resolution as soon as possible. If you are interested in discussing a reasonable resolution, please contact the undersigned at your earliest convenience.

During the summer, the College is closed on Fridays through to September 1, 2017. As such, the College is requesting an extension of twenty (20) business days to Friday, September 15, 2017, to respond to items (1) and (4) of the OPRA request. The College would like to reach a reasonable resolution as soon as possible. If you are interested in discussing a reasonable resolution, please contact the undersigned at your earliest convenience.

OPRA allows custodians to seek extensions of time pursuant to N.J.S.A. 47:1A-5.i. Specifically, OPRA states that, "the requestor shall be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied."

Your request for a "fee waiver" shall not be granted. You will be assessed the cost associated with the duplication of records as prescribed by law. You will be notified if the total cost is anticipated to exceed the maximum \$40.00 authorized by you in the OPRA request.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by Essex County College to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at [866-850-0511](tel:866-850-0511), by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,



KAREN BRIDGETT

Associate Director
Human Resources Department

303 University Ave

Newark, NJ 07102-1719

Tel: (973) 877-3461

Fax: (973) 877-3409

recordscustodian@essex.edu

From: Recordscustodian
Sent: Monday, August 7, 2017 4:53 PM
To: Bridgett, Karen
Subject: FW: FIRE Letter of Aug., 4, 2017, re: Constructive Denial of OPRA Request

From: Marieke Tuthill Beck-Coon [mailto:marieke@thefire.org]
Sent: Friday, August 4, 2017 1:17 PM
To: Recordscustodian
Cc: Munroe, Anthony; Tolliver, Joy
Subject: FIRE Letter of Aug., 4, 2017, re: Constructive Denial of OPRA Request

To Whom it May Concern:

Attached please find a letter from the Foundation for Individual Rights in Education regarding the constructive denial of an OPRA request submitted on July 13, 2017. Also attached are a copy of the records request at issue and subsequent correspondence sent to this office regarding the request.

Thank you for your prompt attention to this matter.

Sincerely,

--

Marieke Tuthill Beck-Coon

Director of Litigation

Foundation for Individual Rights in Education (FIRE)

510 Walnut Street, Suite 1250

Philadelphia, PA 19106

tel: [215-717-3473](tel:215-717-3473)

fax: [215-717-3440](tel:215-717-3440)

thefire.org

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EXHIBIT 6

Emails exchanged on
September 13 and 14, 2017
(second extension request)



Marieke Tuthill Beck-Coon <marieke@thefire.org>

OPRA Request 7/12/17 - FIRE -- Extension Requested

Marieke Tuthill Beck-Coon <marieke@thefire.org>

Thu, Sep 14, 2017 at 9:27 AM

To: Recordscustodian <recordscustodian@essex.edu>

Cc: "sarah@thefire.org" <sarah@thefire.org>, "Tolliver, Joy" <jtolliver@essex.edu>, "Jack, Syrion A" <sjack1@essex.edu>

Dear Ms. Bridgett,

We agree to your requested extension of time until Friday, September 29 to respond to our OPRA request. Thank you for your attention to this matter.

Sincerely,

--

Marieke Tuthill Beck-Coon
Director of Litigation
Foundation for Individual Rights in Education (FIRE)
510 Walnut Street, Suite 1250
Philadelphia, PA 19106
tel: 215-717-3473
fax: 215-717-3440
thefire.org

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On Wed, Sep 13, 2017 at 7:30 PM, Recordscustodian <recordscustodian@essex.edu> wrote:



September 20, 2017

Marieke Tuthill Beck-Coon
Director of Litigation
Email: marieke@thefire.org

Sarah E. McLaughlin
Email: sarah@thefire.org

Foundation for Individual Rights in Education (FIRE)

510 Walnut St., Suite 1250
Philadelphia, PA 19106
Phone: (215) 717-3473

Hello:

Essex County College and the official Records Custodian, Karen Bridgett, received your Open Public Records Act (OPRA) request on Jul. 12, 2017, and the "Constructive Denial of OPRA Request" email on August 4, 2017. On August 14, 2017 an extension was requested and subsequently granted on August 21, 2017. The College is requesting an additional extension of time to Friday, September 29, 2017 for the following request(s):

1. In President Anthony E. Munroe's June 23, 2017 statement, he asserted: "The College was immediately inundated with feedback from students, faculty and prospective students and their families expressing frustration, concern and even fear that the views expressed by a College employee (with influence over students) would negatively impact their experience on the campus." Please provide any and all records comprising, reflecting, or referencing these communications, expressions, or "feedback" to which Munroe's statement refers.
4. Any emails or communications (or other records) sent or received between June 5 and June 9, 2017, referencing Durden, which emails or communications were sent or received by Munroe or any Essex employee or officer, excluding any records whose only sender or recipient is a member of Essex's faculty. (In other words, this request does not seek faculty members' correspondence, but instead seeks correspondence to or from non-faculty employees.)

Due to the volume of to be researched and reviewed, the College would like to reach a reasonable resolution as soon as possible. If you are interested in discussing a reasonable resolution, please contact the undersigned at your earliest convenience.

OPRA allows custodians to seek extensions of time pursuant to N.J.S.A. 47:1A-5.i. Specifically, OPRA states that, "the requestor shall be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied."

If your request for access to a government record has been denied or unfiled within the seven (7) business days required by law, you have a right to challenge the decision by Essex County College to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at [866-850-0511](tel:866-850-0511), by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,

KAREN BRIDGETT

Associate Director
Human Resources Department

303 University Ave



Newark, NJ 07102-1719

Tel: (973) 877-3461

Fax: (973) 877-3409

recordscustodian@essex.edu**From:** Marieke Tuthill Beck-Coon [<mailto:marieke@thefire.org>]**Sent:** Monday, August 21, 2017 1:42 PM**To:** Recordscustodian**Cc:** sarah@thefire.org; Tolliver, Joy; Jack, Syrion A**Subject:** Re: OPRA Request 7/12/17 - FIRE

Dear Ms. Bridgett,

We agree to your requested extension of time until Friday, September 15 to respond to our OPRA request. Thank you for your attention to this matter.

Sincerely,

--

Marieke Tuthill Beck-Coon

Director of Litigation

Foundation for Individual Rights in Education (FIRE)

510 Walnut Street, Suite 1250

Philadelphia, PA 19106

tel: 215-717-3473

fax: 215-717-3440

thefire.org

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On Mon, Aug 14, 2017 at 1:26 PM, Recordscustodian <recordscustodian@essex.edu> wrote:

August 14, 2017

Marieke Tuthill Beck-Coon

Director of Litigation

Email: marieke@thefire.org

Sarah E. McLaughlin

Email: sarah@thefire.org

Foundation for Individual Rights in Education (FIRE)

[510 Walnut St., Suite 1250](#)

[Philadelphia, PA 19106](#)

Phone: [\(215\) 717-3473](tel:(215)717-3473)

Good Afternoon:

Essex County College and the official Records Custodian, Karen Bridgett, are in receipt of your Open Public Records Act (OPRA) request dated Jul. 12, 2017, and the "Constructive Denial of OPRA Request" email dated August 4, 2017. Responses to your request are provided below:

1. In President Anthony E. Munroe's June 23, 2017 statement, he asserted: "The College was immediately inundated with feedback from students, faculty and prospective students and their families expressing frustration, concern and even fear that the views expressed by a College employee (with influence over students) would negatively impact their experience on the campus." Please provide any and all records comprising, reflecting, or referencing these communications, expressions, or "feedback" to which Munroe's statement refers.

Extension requested, the College must gather and review communication records to determine whether such communications are responsive to your request. Given the College's resources, the College will require at least twenty (20) business days of time to review the records, and therefore, cannot respond within the time you have consented without substantially disrupting the College's operations. The College would like to reach a reasonable resolution as soon as possible. If you are interested in discussing a reasonable resolution, please contact the undersigned at your earliest convenience.

2. Any draft versions of the June 23, 2017 statement.

Requested records are exempt from OPRA disclosure per N.J.S.A. 47:1A-1.1(1), "Inter-agency or intra-agency advisory, consultative or deliberative material (Note: generally refers to draft documents or

documents used in a deliberative process.)”

3. Any records relating to or reflecting efforts to prepare the June 23, 2017 statement.

***Requested records** are exempt from OPRA disclosure per N.J.S.A. 47:1A-1.1(1), “Inter-agency or intra-agency advisory, consultative or deliberative material (Note: generally refers to draft documents or documents used in a deliberative process.)”*

4. Any emails or communications (or other records) sent or received between June 5 and June 9, 2017, referencing Durden, which emails or communications were sent or received by Munroe or any Essex employee or officer, excluding any records whose only sender or recipient is a member of Essex’s faculty. (In other words, this request does not seek faculty members’ correspondence, but instead seeks correspondence to or from non-faculty employees.)

***Extension requested**, the College must gather and review communication records to determine whether such communications are responsive to your request. Given the College’s resources, the College will require at least twenty (20) business days of time to review the records, and therefore, cannot respond within the time you have consented without substantially disrupting the College’s operations. The College would like to reach a reasonable resolution as soon as possible. If you are interested in discussing a reasonable resolution, please contact the undersigned at your earliest convenience.*

During the summer, the College is closed on Fridays through to September 1, 2017. As such, the College is requesting an extension of twenty (20) business days to Friday, September 15, 2017, to respond to items (1) and (4) of the OPRA request. The College would like to reach a reasonable resolution as soon as possible. If you are interested in discussing a reasonable resolution, please contact the undersigned at your earliest convenience.

OPRA allows custodians to seek extensions of time pursuant to N.J.S.A. 47:1A-5.i. Specifically, OPRA states that, “the requestor shall be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied.”

Your request for a “fee waiver” shall not be granted. You will be assessed the cost associated with the duplication of records as prescribed by law. You will be notified if the total cost is anticipated to exceed the maximum \$40.00 authorized by you in the OPRA request.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by Essex County College to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at [866-850-0511](tel:866-850-0511), by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

1/3/2018

Sincerely,

**KAREN BRIDGETT**

Associate Director
Human Resources Department

303 University Ave

Newark, NJ 07102-1719

Tel: (973) 877-3461

Fax: (973) 877-3409

recordscustodian@essex.edu

From: Recordscustodian

Sent: Monday, August 7, 2017 4:53 PM

To: Bridgett, Karen

Subject: FW: FIRE Letter of Aug., 4, 2017, re: Constructive Denial of OPRA Request

From: Marieke Tuthill Beck-Coon [mailto:marieke@thefire.org]

Sent: Friday, August 4, 2017 1:17 PM

To: Recordscustodian

Cc: Munroe, Anthony; Tolliver, Joy

Subject: FIRE Letter of Aug., 4, 2017, re: Constructive Denial of OPRA Request

To Whom it May Concern:

Attached please find a letter from the Foundation for Individual Rights in Education regarding the constructive denial of an OPRA request submitted on July 13, 2017. Also attached are a copy of the records request at issue and subsequent correspondence sent to this office regarding the request.

Thank you for your prompt attention to this matter.

Sincerely,

--

Marieke Tuthill Beck-Coon

Director of Litigation

Foundation for Individual Rights in Education (FIRE)

[510 Walnut Street, Suite 1250](#)

[Philadelphia, PA 19106](#)

1/3/2018

Foundation for Individual Rights in Education Mail - OPRA Request 7/12/17 - FIRE -- Extension Requested

tel: [215-717-3473](tel:215-717-3473)fax: [215-717-3440](tel:215-717-3440)thefire.org

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EXHIBIT 7

Emails exchanged on
September 29 and October 3, 2017
(third extension request)



Marieke Tuthill Beck-Coon <marieke@thefire.org>

OPRA Request 7/12/17 - FIRE -- Extension Requested

Recordscustodian <recordscustodian@essex.edu>

Tue, Oct 3, 2017 at 4:31 PM

To: Marieke Tuthill Beck-Coon <marieke@thefire.org>

Cc: "sarah@thefire.org" <sarah@thefire.org>, "Tolliver, Joy" <jtolliver@essex.edu>, "Jack, Syrion A" <sjack1@essex.edu>

Hello Ms. Tuthill Beck-Coon –

The College acknowledges your consent to its extension request to Friday, October 20, 2017 for the following request(s):

1. In President Anthony E. Munroe's June 23, 2017 statement, he asserted: "The College was immediately inundated with feedback from students, faculty and prospective students and their families expressing frustration, concern and even fear that the views expressed by a College employee (with influence over students) would negatively impact their experience on the campus." Please provide any and all records comprising, reflecting, or referencing these communications, expressions, or "feedback" to which Munroe's statement refers.

4. Any emails or communications (or other records) sent or received between June 5 and June 9, 2017, referencing Durden, which emails or communications were sent or received by Munroe or any Essex employee or officer, excluding any records whose only sender or recipient is a member of Essex's faculty. (In other words, this request does not seek faculty members' correspondence, but instead seeks correspondence to or from non-faculty employees.)

Regards,

**KAREN BRIDGETT***Associate Director*
Human Resources Department

303 University Ave

Newark, NJ 07102-1719

Tel: (973) 877-3461

Fax: (973) 877-3409

recordscustodian@essex.edu

1/3/2018

Foundation for Individual Rights in Education Mail - OPRA Request 7/12/17 - FIRE -- Extension Requested

From: Marieke Tuthill Beck-Coon [mailto:marieke@thefire.org]
Sent: Tuesday, October 3, 2017 11:26 AM
To: Recordscustodian
Cc: sarah@thefire.org; Tolliver, Joy; Jack, Syrion A
Subject: Re: OPRA Request 7/12/17 - FIRE -- Extension Requested

Dear Ms. Bridgett,

We agree to Essex's requested extension of time until Friday, October 20, 2017, to respond to our OPRA request. However, this is the third extension granted to Essex for these records, not including Essex's failure to initially respond to the request. The first request was made on July 12, 2017, and this extension will have allowed over three months for the requested records to be reviewed and produced. N.J.S.A. 47:1A-5.i requires that access "shall be grant[ed...] as soon as possible, but not later than seven business days after receiving the request, provided that the record is currently available and not in storage or archived."

An extension to October 20 represents the passage of 100 days' time between request and production. Accordingly, we will not grant additional extensions of time to respond beyond October 20, and expect that a complete production will be made on or before the close of business on that date.

Thank you for your attention to this matter.

Sincerely,

--

Marieke Tuthill Beck-Coon

Director of Litigation

Foundation for Individual Rights in Education (FIRE)

510 Walnut Street, Suite 1250

Philadelphia, PA 19106

tel: 215-717-3473

fax: 215-717-3440

thefire.org

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On Fri, Sep 29, 2017 at 5:14 PM, Recordscustodian <recordscustodian@essex.edu> wrote:



September 29, 2017

Marieke Tuthill Beck-Coon
Director of Litigation
Email: marieke@thefire.org

Sarah E. McLaughlin
Email: sarah@thefire.org

Foundation for Individual Rights in Education (FIRE)
[510 Walnut St., Suite 1250](#)
[Philadelphia, PA 19106](#)
Phone: [\(215\) 717-3473](tel:(215)717-3473)

Hello:

Essex County College and the official Records Custodian, Karen Bridgett, received your Open Public Records Act (OPRA) request on Jul. 12, 2017, and the "Constructive Denial of OPRA Request" email on August 4, 2017. On August 14, 2017 an extension was requested and subsequently granted on August 21, 2017 and September 14, 2017. The College is requesting an additional extension of time to Friday, October 20, 2017 for the following request(s):

1. In President Anthony E. Munroe's June 23, 2017 statement, he asserted: "The College was immediately inundated with feedback from students, faculty and prospective students and their families expressing frustration, concern and even fear that the views expressed by a College employee (with influence over students) would negatively impact their experience on the campus." Please provide any and all records comprising, reflecting, or referencing these communications, expressions, or "feedback" to which Munroe's statement refers.
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Due to the volume of records to be researched and reviewed, the College requires additional time. If you are interested in discussing a reasonable resolution, please contact the undersigned at your earliest convenience.

OPRA allows custodians to seek extensions of time pursuant to N.J.S.A. 47:1A-5.i. Specifically, OPRA states that, "the requestor shall be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied."

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their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,



KAREN BRIDGETT

Associate Director
Human Resources Department

303 University Ave

Newark, NJ 07102-1719

Tel: (973) 877-3461

Fax: (973) 877-3409

recordscustodian@essex.edu

From: Marieke Tuthill Beck-Coon [mailto:marieke@thefire.org]
Sent: Thursday, September 14, 2017 9:28 AM
To: Recordscustodian
Cc: sarah@thefire.org; Tolliver, Joy; Jack, Syrion A
Subject: Re: OPRA Request 7/12/17 - FIRE -- Extension Requested

Dear Ms. Bridgett,

We agree to your requested extension of time until Friday, September 29 to respond to our OPRA request. Thank you for your attention to this matter.

Sincerely,

--

Marieke Tuthill Beck-Coon

Director of Litigation

Foundation for Individual Rights in Education (FIRE)

510 Walnut Street, Suite 1250

Philadelphia, PA 19106

tel: 215-717-3473

fax: 215-717-3440

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On Wed, Sep 13, 2017 at 7:30 PM, Recordscustodian <recordscustodian@essex.edu> wrote:



September 20, 2017

Marieke Tuthill Beck-Coon
Director of Litigation
Email: marieke@thefire.org

Sarah E. McLaughlin
Email: sarah@thefire.org

Foundation for Individual Rights in Education (FIRE)
[510 Walnut St., Suite 1250](#)
[Philadelphia, PA 19106](#)
Phone: [\(215\) 717-3473](tel:(215)717-3473)

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1. In President Anthony E. Munroe’s June 23, 2017 statement, he asserted: “The College was immediately inundated with feedback from students, faculty and prospective students and their families expressing frustration, concern and even fear that the views expressed by a College employee (with influence over students) would negatively impact their experience on the campus.” Please provide any and all records comprising, reflecting, or referencing these communications, expressions, or “feedback” to which Munroe’s statement refers.
4. Any emails or communications (or other records) sent or received between June 5 and June 9, 2017, referencing Durden, which emails or communications were sent or received by Munroe or any Essex employee or officer, excluding any records whose only sender or recipient is a member of Essex’s faculty. (In other words, this request does not seek faculty members’ correspondence, but instead seeks correspondence to or from non-faculty employees.)

Due to the volume of to be researched and reviewed, the College would like to reach a reasonable resolution as soon as possible. If you are interested in discussing a reasonable resolution, please contact the undersigned at your earliest convenience.

OPRA allows custodians to seek extensions of time pursuant to N.J.S.A. 47:1A-5.i. Specifically, OPRA states that, "the requestor shall be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied."

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by Essex County College to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at [866-850-0511](tel:866-850-0511), by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,



KAREN BRIDGETT

Associate Director
Human Resources Department

303 University Ave

Newark, NJ 07102-1719
Tel: (973) 877-3461

Fax: (973) 877-3409

recordscustodian@essex.edu

From: Marieke Tuthill Beck-Coon [mailto:marieke@thefire.org]

Sent: Monday, August 21, 2017 1:42 PM

To: Recordscustodian

Cc: sarah@thefire.org; Tolliver, Joy; Jack, Syron A

Subject: Re: OPRA Request 7/12/17 - FIRE

Dear Ms. Bridgett,

We agree to your requested extension of time until Friday, September 15 to respond to our OPRA request. Thank you for your attention to this matter.

Sincerely,

--

Marieke Tuthill Beck-Coon

Director of Litigation

Foundation for Individual Rights in Education (FIRE)

510 Walnut Street, Suite 1250

Philadelphia, PA 19106

tel: 215-717-3473

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On Mon, Aug 14, 2017 at 1:26 PM, Recordscustodian <recordscustodian@essex.edu> wrote:



August 14, 2017

Marieke Tuthill Beck-Coon

Director of Litigation

Email: marieke@thefire.org

Sarah E. McLaughlin

Email: sarah@thefire.org

Foundation for Individual Rights in Education (FIRE)

510 Walnut St., Suite 1250

Philadelphia, PA 19106

Phone: (215) 717-3473

Good Afternoon:

Essex County College and the official Records Custodian, Karen Bridgett, are in receipt of your Open Public Records Act (OPRA) request dated Jul. 12, 2017, and the "Constructive Denial of OPRA Request" email dated August 4, 2017. Responses to your request are provided below:

1. In President Anthony E. Munroe's June 23, 2017 statement, he asserted: "The College was immediately inundated with feedback from students, faculty and prospective students and their families expressing frustration, concern and even fear that the views expressed by a College employee (with influence over students) would negatively impact their experience on the campus." Please provide any and all records comprising, reflecting, or referencing these communications, expressions, or "feedback" to which Munroe's statement refers.

***Extension requested**, the College must gather and review communication records to determine whether such communications are responsive to your request. Given the College's resources, the College will require at least twenty (20) business days of time to review the records, and therefore, cannot respond within the time you have consented without substantially disrupting the College's operations. The College would like to reach a reasonable resolution as soon as possible. If you are interested in discussing a reasonable resolution, please contact the undersigned at your earliest convenience.*

2. Any draft versions of the June 23, 2017 statement.

***Requested records** are exempt from OPRA disclosure per N.J.S.A. 47:1A-1.1(1), "Inter-agency or intra-agency advisory, consultative or deliberative material (Note: generally refers to draft documents or documents used in a deliberative process.)"*

3. Any records relating to or reflecting efforts to prepare the June 23, 2017 statement.

***Requested records** are exempt from OPRA disclosure per N.J.S.A. 47:1A-1.1(1), "Inter-agency or intra-agency advisory, consultative or deliberative material (Note: generally refers to draft documents or documents used in a deliberative process.)"*

4. Any emails or communications (or other records) sent or received between June 5 and June 9, 2017, referencing Durden, which emails or communications were sent or received by Munroe or any Essex employee or officer, excluding any records whose only sender or recipient is a member of Essex's faculty. (In other words, this request does not seek faculty members' correspondence, but instead seeks correspondence to or from non-faculty employees.)

***Extension requested**, the College must gather and review communication records to determine whether such communications are responsive to your request. Given the College's resources, the College will require at least twenty (20) business days of time to review the records, and therefore, cannot respond within the time you have consented without substantially disrupting the College's operations. The College would like to reach a reasonable resolution as soon as possible. If you are interested in discussing a reasonable resolution, please contact the undersigned at your earliest convenience.*

During the summer, the College is closed on Fridays through to September 1, 2017. As such, the College is requesting an extension of twenty (20) business days to Friday, September 15, 2017, to respond to items (1) and (4) of the OPRA request. The College would like to reach a reasonable resolution as soon as possible. If you are interested in discussing a reasonable resolution, please contact the undersigned at your earliest convenience.

OPRA allows custodians to seek extensions of time pursuant to N.J.S.A. 47:1A-5.i. Specifically, OPRA states that, "the requestor shall be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied."

Your request for a "fee waiver" shall not be granted. You will be assessed the cost associated with the duplication of records as prescribed by law. You will be notified if the total cost is anticipated to exceed the maximum \$40.00 authorized by you in the OPRA request.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by Essex County College to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at [866-850-0511](tel:866-850-0511), by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,



KAREN BRIDGETT

Associate Director
Human Resources Department

303 University Ave

Newark, NJ 07102-1719
Tel: (973) 877-3461

Fax: (973) 877-3409

recordscustodian@essex.edu

From: Recordscustodian

Sent: Monday, August 7, 2017 4:53 PM

To: Bridgett, Karen

Subject: FW: FIRE Letter of Aug., 4, 2017, re: Constructive Denial of OPRA Request

From: Marieke Tuthill Beck-Coon [mailto:marieke@thefire.org]
Sent: Friday, August 4, 2017 1:17 PM
To: Recordscustodian
Cc: Munroe, Anthony; Tolliver, Joy
Subject: FIRE Letter of Aug., 4, 2017, re: Constructive Denial of OPRA Request

To Whom it May Concern:

Attached please find a letter from the Foundation for Individual Rights in Education regarding the constructive denial of an OPRA request submitted on July 13, 2017. Also attached are a copy of the records request at issue and subsequent correspondence sent to this office regarding the request.

Thank you for your prompt attention to this matter.

Sincerely,

--

Marieke Tuthill Beck-Coon

Director of Litigation

Foundation for Individual Rights in Education (FIRE)

[510 Walnut Street, Suite 1250](#)

[Philadelphia, PA 19106](#)

tel: [215-717-3473](tel:215-717-3473)

fax: [215-717-3440](tel:215-717-3440)

thefire.org

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1/3/2018

EXHIBIT 8

Third request for records,
October 11, 2017



Sarah McLaughlin <sarah@thefire.org>

OPRA Request

Sarah McLaughlin <sarah@thefire.org>
To: recordscustodian@essex.edu
Bcc: Adam Steinbaugh <adam@thefire.org>

Wed, Oct 11, 2017 at 3:57 PM

Hello,

Please see the attached PDF for a request pursuant to the Open Public Records Act (P.L. 2001, s.404). Please don't hesitate to contact me if I can be of any assistance in narrowing or interpreting these requests.

--

Sarah McLaughlin
Senior Program Officer, Individual Rights Defense Program and Social Media Manager
Foundation for Individual Rights in Education (FIRE)
510 Walnut Street
Suite 1250
Philadelphia, PA 19106
Ph: 215-717-3473 Fax: 215-717-3440
sarah@thefire.org
[@sarahemclaugh](#)

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OPRA Request.pdf
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ESSEX
COUNTY COLLEGE
 Exceed Expectations

Attention: Records Custodian
 303 University Avenue
 Newark, NJ 07102
 recordscustodian@essex.edu

OPEN PUBLIC RECORDS ACT REQUEST FORM

Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information - Please Print

First Name Sarah MI E Last Name McLaughlin
 E-mail Address sarah@thefire.org
 Mailing Address 510 Walnut St., Suite 1250
 City Philadelphia State PA Zip 19106
 Telephone 215-717-3473 FAX 215-717-3440
 Preferred Delivery: Pick Up US Mail On-Site Inspect Fax E-mail

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / ~~HAVE NOT~~ been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature Sarah McLaughlin Date 10/11/17

Payment Information

Maximum Authorization Cost \$ 30

Select Payment Method
 Cash Check Money Order

Fees: Letter size pages - \$0.05 per page
 Legal size pages - \$0.07 per page
 Other materials (CD, DVD, etc) - actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

See attached.

AGENCY USE ONLY

Est. Document Cost _____
 Est. Delivery Cost _____
 Est. Extras Cost _____
 Total Est. Cost _____
 Deposit Amount _____
 Estimated Balance _____
 Deposit Date _____

AGENCY USE ONLY

Disposition Notes
 Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open
 Denied - Closed
 Filled - Closed

AGENCY USE ONLY

Tracking Information		Final Cost	
Tracking #	_____	Total	_____
Rec'd Date	_____	Deposit	_____
Ready Date	_____	Balance Due	_____
Total Pages	_____	Balance Paid	_____
Records Provided			
Custodian Signature _____		Date _____	

Records Requested

The processing notes for the records requests issued by Sarah McLaughlin and/or the Foundation for Individual Rights in Education on or about July 13, 2017 and July 31, 2017.

The term "processing notes" includes, means, and refers to any records (including but not limited to memoranda, emails, handwritten notes, folders, documents, etc.) generated by or currently (as of the time this request is made) in the personal possession of the Records Custodian, or any person supervised by the Records Custodian, which reflect the efforts of Essex County College to locate records for or otherwise respond to the OPRA requests issued by Sarah McLaughlin and/or the Foundation for Individual Rights in Education on or about July 13, 2017 and July 31, 2017.

Please note that these requests should in no way be construed to include a review or search of email accounts, websites, or other forms of data or document retention which are controlled by students, alumni, or faculty members, nor by governmental or advisory bodies controlled by the same. Any search should be limited to documents held by the administration of Essex County College and/or its staff members.

Additionally, we request a fee waiver. The instant topic concerns a matter of public controversy, and the institution believed the matter necessitated a public statement from the president of the college. FIRE is a non-profit organization that seeks the records for a non-commercial purpose—namely, the dissemination of information concerning government affairs.

EXHIBIT 9

Email from Bridgett on
October 20, 2017
(fourth extension request)



Marieke Tuthill Beck-Coon <marieke@thefire.org>

OPRA Request 7/12/17 - FIRE -- Extension Requested

Bridgett, Karen <bridgett@essex.edu>

Fri, Oct 20, 2017 at 6:25 PM

To: "marieke@thefire.org" <marieke@thefire.org>, "sarah@thefire.org" <sarah@thefire.org>

Cc: "Tolliver, Joy" <jtolliver@essex.edu>, "Jack, Syrion A" <sjack1@essex.edu>



October 20, 2017

Marieke Tuthill Beck-Coon
Director of Litigation
Email: marieke@thefire.org

Sarah E. McLaughlin
Email: sarah@thefire.org

Foundation for Individual Rights in Education (FIRE)
[510 Walnut St., Suite 1250](#)
[Philadelphia, PA 19106](#)
Phone: [\(215\) 717-3473](tel:(215) 717-3473)

Hello:

Essex County College and the official Records Custodian, Karen Bridgett, received your Open Public Records Act (OPRA) request on Jul. 12, 2017, and the "Constructive Denial of OPRA Request" email on August 4, 2017. Extension of time were requested, and subsequently granted, on August 14, 2017, August 21, 2017, September 14, 2017 and September 29, 2017. The College is requesting an additional extension of time to Friday, October 27, 2017 for the following request(s):

1. In President Anthony E. Munroe's June 23, 2017 statement, he asserted: "The College was immediately inundated with feedback from students, faculty and prospective students and their families expressing frustration, concern and even fear that the views expressed by a College employee (with influence over students) would negatively impact their experience on the campus." Please provide any and all records comprising, reflecting, or referencing these communications, expressions, or "feedback" to which Munroe's statement refers.
4. Any emails or communications (or other records) sent or received between June 5 and June 9, 2017, referencing Durden, which emails or communications were sent or received by Munroe or any Essex employee or officer, excluding any records whose only sender or recipient is a member of Essex's faculty. (In other words, this request does not seek faculty members' correspondence, but instead seeks correspondence to or from non-faculty employees.)

Due to the volume of records to be researched and reviewed, the College requires additional time. If you have any concerns regarding this request for an extension of time, you may contact the college's General Counsel, Joy Tolliver.

She can be reached via email at jtolliver@essex.edu or phone at (973) 877-3260.

OPRA allows custodians to seek extensions of time pursuant to N.J.S.A. 47:1A-5.i. Specifically, OPRA states that, "the requestor shall be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied."

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by Essex County College to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,



KAREN BRIDGETT

Associate Director
Human Resources Department

303 University Ave

Newark, NJ 07102-1719
Tel: (973) 877-3461

Fax: (973) 877-3409

recordscustodian@essex.edu

From: Recordscustodian
Sent: Tuesday, October 3, 2017 4:31 PM
To: Marieke Tuthill Beck-Coon
Cc: sarah@thefire.org; Tolliver, Joy; Jack, Syrion A
Subject: RE: OPRA Request 7/12/17 - FIRE -- Extension Requested

[Quoted text hidden]



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EXHIBIT 10

Emails exchanged on
November 3, 2017
(fifth extension request)



Marieke Tuthill Beck-Coon <marieke@thefire.org>

Essex County College - OPRA Requests

Marieke Tuthill Beck-Coon <marieke@thefire.org>

Fri, Nov 3, 2017 at 12:11 PM

To: "Tolliver, Joy" <jtolliver@essex.edu>

Dear Joy,

Thank you for reaching out to discuss our outstanding ORPA requests. We are fine with extending the deadline to produce the requested records until November 20, 2017.

Have a great weekend.

Best,

Marieke

On Fri, Nov 3, 2017 at 11:27 AM, Tolliver, Joy <jtolliver@essex.edu> wrote:

Dear Mrs. Beck-Coon:

Thank you so much for taking the time to talk this morning. I shared that, due to lack of personnel to assist with an inundation of OPRA requests, our Records Custodian has required additional assistance and time to respond to OPRA requests. It is anticipated that the College can provide a response to your request by Monday, November 20, 2017.

We thank you for your kind consideration of this request and appreciate any courtesies that you and your team can extend in this regard.

Should you have any questions, please feel free to contact me at any time on my direct line at (973) 877-3260.

Best regards,

Joy



JOY B. TOLLIVER, ESQ.

GENERAL COUNSEL

303 University Avenue

Newark, NJ 07102-1719

Tel: (973) 877-3260

Fax: (973) 877-3290

E: jtolliver@essex.edu

www.essex.edu

--

Marieke Tuthill Beck-Coon
 Director of Litigation
 Foundation for Individual Rights in Education (FIRE)
 510 Walnut Street, Suite 1250
 Philadelphia, PA 19106

1/3/2018

Foundation for Individual Rights in Education Mail - Essex County College - OPRA Requests

tel: 215-717-3473
fax: 215-717-3440
thefire.org

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EXHIBIT 11

Email from Beck-Coon to Tolliver on
December 19, 2017



Marieke Tuthill Beck-Coon <marieke@thefire.org>

Essex County College - OPRA Requests

Marieke Tuthill Beck-Coon <marieke@thefire.org>
To: "Tolliver, Joy" <jtolliver@essex.edu>

Tue, Dec 19, 2017 at 2:56 PM

Dear Joy,

Last we communicated, you stated that Essex County College would respond to our outstanding OPRA requests by November 20, 2017. It is now almost December 20 and we have received no records or further communication from Essex. We ask that you provide the requested records by this Friday, December 22.

Please be advised that we are adding my colleague Joe Cohn as an additional requestor to our previous OPRA requests. Please also be advised that, to the extent it was not previously clear from the face of our requests, we are also requesting the records pursuant to the common law right of access.

If necessary, we are prepared to seek judicial intervention and an order to compel production of the requested records.

Regards,
Marieke

--

Marieke Tuthill Beck-Coon
Director of Litigation
Foundation for Individual Rights in Education (FIRE)
510 Walnut Street, Suite 1250
Philadelphia, PA 19106
tel: 215-717-3473
fax: 215-717-3440
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On Fri, Nov 3, 2017 at 12:18 PM, Tolliver, Joy <jtolliver@essex.edu> wrote:

Thank you very much. Have a great weekend!

Regards,

Joy

From: Marieke Tuthill Beck-Coon [mailto:marieke@thefire.org]
Sent: Friday, November 3, 2017 12:11 PM
To: Tolliver, Joy <jtolliver@essex.edu>
Subject: Re: Essex County College - OPRA Requests

Dear Joy,

Thank you for reaching out to discuss our outstanding ORPA requests. We are fine with extending the deadline to produce the requested records until November 20, 2017.

Have a great weekend.

1/3/2018

Foundation for Individual Rights in Education Mail - Essex County College - OPRA Requests

Best,

Marieke

On Fri, Nov 3, 2017 at 11:27 AM, Tolliver, Joy <jtolliver@essex.edu> wrote:

Dear Mrs. Beck-Coon:

Thank you so much for taking the time to talk this morning. I shared that, due to lack of personnel to assist with an inundation of OPRA requests, our Records Custodian has required additional assistance and time to respond to OPRA requests. It is anticipated that the College can provide a response to your request by Monday, November 20, 2017.

We thank you for your kind consideration of this request and appreciate any courtesies that you and your team can extend in this regard.

Should you have any questions, please feel free to contact me at any time on my direct line at (973) 877-3260.

Best regards,

Joy



JOY B. TOLLIVER, ESQ.

GENERAL COUNSEL

303 University Avenue

Newark, NJ 07102-1719

Tel: (973) 877-3260

Fax: (973) 877-3290

E: Jtolliver@essex.edu

www.essex.edu

--

Marieke Tuthill Beck-Coon

Director of Litigation

Foundation for Individual Rights in Education (FIRE)

510 Walnut Street, Suite 1250

Philadelphia, PA 19106

tel: 215-717-3473

fax: 215-717-3440

1/3/2018

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