



The State University of New York

June 25, 2009

Office of the
University Counsel and
Vice Chancellor for
Legal Affairs

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Re: Foil Request Regarding Research Misconduct
by Prof. W.C. Wang

Dear Mr. Keenan:

Upon review and analysis of your request for information regarding Professor W. C. Wang, please be advised that I am denying the submission of the information you have requested.

Dr. Wang was found after investigation not to have engaged in research misconduct. The foregoing finding makes the release of information regarding that misconduct investigation under the circumstances an unwarranted invasion of personal privacy consistent with the Committee on Open Government's consistent rulings with respect to the release of the results of disciplinary investigations in which there has not been a finding of misconduct. In those cases the Committee on Open Government and the cases cited, recognized the harm to an employee's professional reputation from the release of information pertaining to unfounded accusations (*Johnson Newspaper Corp. v. Melino*, 77 N.Y.2d 1, 563 N.Y.S.2d 380, 564 N. E. ed 1046).

It should be noted the information regarding the investigation would have been released if it was determined that wrongdoing or misconduct had occurred. When allegations or charges of misconduct have not yet been determined or did not result in disciplinary action, the records relating to such allegations may, in my view, be withheld, for disclosure would result in an unwarranted invasion of personal privacy (*Herald Company v. School District of City of Syracuse*, 430 NYS 2d 460 (1980)).

While I recognize the response you have received is not in your favor, I trust it is both informative and helpful.

Sincerely,

Rose Marie Scrodanus
Associate Counsel
SUNY Foil Appeals Officer