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Via e-mail scarlett@binghamton.edu and

Ms. Barbara Westbrook Scarlett
Administration, Office of the Vice President
Post Office Box 6000
Binghamton, New York 13902-6000

Re: Coach Kevin Broadus FOIL REQUEST for documents relating to the EOP: graduation rates, retention rates, acceptance below admissions standard for non-EOP students; and for other student athletes

Dear Ms. Scarlett:

As a way of introduction, it is reported on the BU website "Binghamton's Educational Opportunity Program (EOP) has had the highest graduation rate among SUNY-wide programs for more than a decade: **67 percent** compared with **46 percent statewide** and 58 percent for a sister program at private in-state colleges. Participants go on to achieve continuing success in a variety of professions. <http://www2.binghamton.edu/think/results/achievement/student-achievement.html> However, it has been reported in the BU newspaper the Pipe Dream on October 23, 1977 that the then current rate was higher: "The program has a current graduation rate of 77 percent and a retention rate of 91 percent..."

We now hereby request on behalf of Coach Kevin Broadus pursuant to the New York Freedom of Information Law ("FOIL" (NY Pub. Off. Law Sec. 84 eat seq.) the following:

1): All documents, statistics, compilations and media releases showing:

- a) the graduation for EOP BU students for *each* calendar year in the last ten years (or as far back as such statistics have been kept if under ten years) ;
- b) the BU rate compared to the statewide rate (or as far back as such statistics have been kept if under ten years);
- c) the number and percentage of all students admitted through EOP who did not meet the published required academic standard for admittance for each of the past ten years (or as far back as such statistics have been kept if under ten years);
- d) the retention rate of all EOP students for the last ten years (or as far back as such

statistics have been kept if under ten years).

- e) The number of EOP students admitted to BU for each year of the last ten years;
- f) The number of EOP students matriculating at one time during each school year for the last ten years.

2) All documents, statistics, compilations showing regarding all student athletes (**not by student name just by number and sport**) for each calendar year in the last ten years (or as far back as such statistics have been kept if under ten years) showing:

- a) the graduation rates for *each* athletic sport in BU by *each* year;
- b) the number or percentage of student athletes admitted by each year who initially did not meet the published required academic standard for admittance for each of the past ten years (or as far back as such statistics have been kept if under ten years);
- c) the retention rate for each athletic sport in BU by both team and by year;
- d) all number all potential student athletes admitted under NCAA waiver(s) for the past ten year by number and sport for each academic year in the last ten years

3) Please advise me of the appropriate time during normal business hours for inspecting the following records prior to obtaining copies.

4) Please inform me of the cost of providing either electronic or paper copies of the requested records.

5) If all the requested records cannot be e-mailed to me, please inform me by e-mail of the portions that can be e-mailed and advise me of the cost for reproducing the remainder of the records requested.

6) If the requested records cannot be e-mailed to me due to the quantity of records identified in response to my request, please advise me of the actual cost of copying all records onto a CD or floppy disk.

7) If my request is too broad or does not reasonably describe the records, please contact me via e-mail so that I may clarify my request, and when appropriate inform me of the manner in which records are filed, retrieved or generated.

8) If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name, address and e-mail address of the person or entity to whom an appeal should be directed.

9) If this request is denied in whole or in part, I hereby request that you make reference at each deletion to the specific statutory section of FOIL you rely on for the claimed justification. If any record can be separated to release non-exempted portions, please accept this as a request to release all otherwise exempt material in line with the intent of the law to

ensure transparency in government. The right to appeal and litigate any decision to withhold any information is further reserved.

Please also contact me by email at kenneybaden@msn.com when the documents are available if they cannot be emailed. I will arrange to have to either have them picked up or supply you with my Fed-ex number for overnight delivery.

My complete contact information is as above.

Yours very truly,

LAW OFFICE OF LINDA KENNEY BADEN

A handwritten signature in black ink, appearing to read "Linda Kenney Baden". The signature is written in a cursive, flowing style.

Linda Kenney Baden, Esq.

LKB:ph

cc: Don Jackson, Esq.
Coach Kevin Broadus