

FERRIS STATE UNIVERSITY

May 18, 2022

GENERAL COUNSEL

VIA EMAIL

Ms. Kaylie Flaughner
KaylieF@peta.org

RE: Your Freedom of Information Act Request Dated April 26, 2022, Received
April 27, 2022

Dear Ms. Flaughner,

I am responding to your Freedom of Information Act (FOIA) request dated April 26, 2022, and received April 27, 2022, for certain information relating to animal euthanasia between March 1, 2020, and December 31, 2020. On May 4, 2022, the University sent you a notice extending its time to respond to your request by no later than May 18, 2022.

Enclosed are the records the University believes are responsive to your request with the following exemptions. FOIA exempts “[i]nformation of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual’s privacy.” MCL § 15.243(1)(a). Certain names, email addresses, phone numbers, personal signatures, and other intimate, private, and/or confidential information of employees and IACUC committee members have been redacted in accordance with this exemption.

In addition, FOIA exempts “records or information of measures designed to protect the security or safety of persons or property, or the confidentiality, integrity, or availability of information systems. . . including, but not limited to, building, public works, and public water supply designs to the extent that those designs relate to the ongoing security measures of a public body.” MCL § 15.243(1)(y). Room numbers and room location descriptions of animal laboratories have been redacted in accordance with this exemption.

Your request for federal and/or state grants related to protocols involving animals euthanized as a result of COVID-19 and photographs and/or videos related to animals euthanized as a result of COVID-19 is denied on the basis that such public records as described do not exist under the name you have described or by another name reasonably known to the University. Certificates attesting to the non-existence of these public records are enclosed.

As described above, your request has been granted in part and denied in part. Because your request was denied in part, the FOIA allows you the right to either: (a) submit to the “head of the public body” (via the FOIA Coordinator) a written appeal of this denial (such appeal must specifically state the word “appeal” and identify the reason or reasons for reversing any denial of your request); or (b) seek judicial review to compel disclosure of public records by commencing an action in the Court of Claims.

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In the event judicial review is sought, and if the Court of Claims determines that the University has not complied with Section 5 of the FOIA and orders disclosure, then you may have the right to receive attorneys' fees and damages as allowed by Section 10 of the FOIA, which is enclosed.

Fees for processing this request have been waived. The University's Freedom of Information Act Processing procedures and guidelines are available at <http://ferris.edu/foia>. If you have any questions regarding the above or our handling of your request in any respect, please do not hesitate to let me know.

Sincerely,

FERRIS STATE UNIVERSITY



Miles J. Postema
Vice President & General Counsel/FOIA Coordinator

Enclosures

From: [REDACTED]
To: [Richard D Marble](#)
Subject: RE: Animal Care Going Forward in Light of Yesterdays Message
Date: Thursday, March 19, 2020 2:12:05 PM

Ok – Just want you to know that I am fine either way.

[REDACTED]

[REDACTED]

From: Richard D Marble [REDACTED]
Sent: Thursday, March 19, 2020 1:40 PM
To: [REDACTED]
Subject: Re: Animal Care Going Forward in Light of Yesterdays Message

We have plenty of supplies. So may as well use them before they go bad.

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From: Richard D Marble [REDACTED]
Sent: Thursday, March 19, 2020 1:39:12 PM
To: [REDACTED]
Subject: Re: Animal Care Going Forward in Light of Yesterdays Message

I plan on keeping them around until the week I leave. I want to continue to have justification for my job, [REDACTED]

Rick

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From: [REDACTED]
Sent: Thursday, March 19, 2020 12:30:44 PM
To: Richard D Marble [REDACTED]
Subject: RE: Animal Care Going Forward in Light of Yesterdays Message

Rick,

I am fine with euthanizing all animals at this point. All of the male rats will be too large and there is no reason to continue to maintain them. Nor the frog or turtle. You will continue to get paid, but

you can continue to "work" from home. Let me know if you hear anything from TN about you leaving. My guess is that the move won't happen until summer. Hopefully by then everything will have settled down by then.

In terms of my animals, I can always purchase new rats later. I brought back some equipment from [REDACTED] lab and was pretty excited to work. We did 26 rat pups last week. Almost all of them worked but we forgot to record 2 of them, Oops. No worries. If I have some free time, I will start on the analysis and maybe we will have enough to write up a short paper. We were hoping to run some more experiments, but at this point maybe we can get things published as is.

Once all animals are euthanized and the rooms cleaned, there probably won't be a need to stop in unless you want to. You can work from home.

Hope everything is going well with you and your wife!

[REDACTED]

[REDACTED]

From: Richard D Marble [REDACTED]
Sent: Thursday, March 19, 2020 10:36 AM
To: [REDACTED]
Subject: Animal Care Going Forward in Light of Yesterdays Message

[REDACTED]

Good morning. So yesterday's message changed the landscape for you moving forward in regards to Animal Care. I figured I would provide you with information along with suggestions so you have time to mull it over while in quarantine for a discussion upon your return.

Currently your protocol is the only "Research Protocol" in place. The rest of the approved protocols are teaching related. Currently in house we have one Frog and One turtle. We also had ordered [REDACTED] male rats just before spring break to be ready for use just following spring break. We then have your lone female and 3male/3female pups left from her litter.

Now for my thoughts. The lone turtle and frog most likely are not going to be usable by Fall semester as they are old now. I would suggest [REDACTED] come in and euthanize them. This will save cleaning and husbandry for those two animals for you and [REDACTED] after I leave, without the help of students. For [REDACTED] rats they will be too old for shaping. You had mentioned you may want one or two for breeding purposes with your female. The rest could go down, be

frozen, and potentially thawed and used for [REDACTED] for dissection when you restart on campus laboratories. This would leave you with simply your couple of cages of rats to maintain until things return to normal and animals are again being used in labs.

I figure we can discuss upon your return, but thought I would give you the information ahead of time.

-Rick