

Exhibit B

Legal Insurrection Foundation
18 Maple Avenue # 280
Barrington, RI 02806
Email: contact@legalinsurrection.com

VIA EMAIL: foil@upstate.edu

December 4, 2020

Records Access Officer
SUNY Upstate Medical University
Office of the Internal Audit and FOIL Officer
750 East Adams Street
Syracuse, NY 13210

RE: Freedom of Information Law Request

Records Access Officer:

Under the provisions of the New York Freedom of Information Law, Article 6 of the Public Officers Law, Sections 84-90, the Legal Insurrection Foundation and Free Beacon LLC hereby request the following records, as defined by Section 84(4), and also including, but not limited to, emails, text messages, electronic messages, notes, minutes, handouts, programs, and drafts, from State University of New York Upstate Medical University ("Upstate Medical"), for the date range May 1, 2020, to the present:

Request No. 1: All records of the Diversity Task Force¹ and Implement and Oversight Tiger Teams.²

Request No. 2: All records received, reviewed, or created by the Diversity Task Force Chair, **Daryll Dykes, PhD, MD, JD**, regarding the business of the Diversity Task Force and/or Implement and Oversight Tiger Teams.

¹ "Diversity Task Force" means the task force that was assembled by Chief Diversity Officer, Daryll Dykes, PhD, MD, JD, to, per Upstate Medical, accomplish "the herculean task to make *actionable* recommendations to move Upstate in a bold new direction toward greater diversity, equity, inclusion and belonging", as referenced in the following links : <https://www.upstate.edu/diversityinclusion/initiatives/task-force/index.php>; <https://www.upstate.edu/diversityinclusion/pdf/task-force-report.pdf>.

² "Implement and Oversight Tiger Teams" mean the teams, per Upstate Medical, that evaluate, prioritize, develop, and coordinate the action items proposed in the Diversity Task Force Report, including, but not limited to, the following teams: (1) Policy, Bias Reporting, and Mitigation; (2) Recruitment & Retention; (3) Patient, Community, and Alumni Services; (4) Diversity Organization, Branding, and Messaging; and (5) Education and Training, as referenced in the following links: <https://www.upstate.edu/diversityinclusion/initiatives/task-force/index.php>; (<https://www.upstate.edu/diversityinclusion/pdf/task-force-report.pdf>).

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Request No. 3: All records received, reviewed, or created by the following Implement and Oversight Tiger Team Co-Chairs, regarding the business of the Implement and Oversight Tiger Teams and/or the Diversity Task Force:

- **David Amberg;**
- **Sipho Mbuqe;**
- **Jennifer Welch;**
- **Nancy Page;**
- **Janell Gage;**
- **Nakeia Chambers;**
- **Sean Patterson;**
- **Daryll Dykes;**
- **Rachel Hopkins;** and
- **Rebecca Greenblatt.**

Request No. 4: All records received, reviewed, or created by the following persons employed in the Office of Diversity and Inclusion, regarding the Diversity Task Force and/or the Implement and Oversight Tiger Teams:

- **Daryll C. Dykes, PhD, MD, JD,** Chief Diversity Officer;
- **Carl Thomas,** Interim Affirmative Action Officer/Title IX Coordinator and Supplier Diversity Coordinator;
- **Mary Meier,** EEO/AA Compliance Specialist;
- **Connie Gregory,** Resident Engagement Specialist; and
- **Sean Patterson,** SPHR, SHRM-SCP, Affirmative Action Assistant/Data Analyst.

Request No. 5: All records received, reviewed, or created by the following persons on Upstate Medical's Executive Committee, regarding the Diversity Task Force and/or the Implement and Oversight Tiger Teams:

- **Mantosh Dewan, MD,** President;
- **Lawrence Chin, MD,** Dean, College of Medicine;
- **Robert J. Corona, DO, CPE, MBA, FCAP, FASCP,** CEO Upstate University Hospital;
- **David C. Amberg, PhD,** Vice President for Research;
- **Mark Schmitt, PhD,** Dean, College of Graduate Studies;
- **Tammy Austin-Ketch, PhD, FNP, FAANP,** Dean, College of Nursing;
- **Katherine Beissner, PT, PhD,** Dean, College of Health Professions;
- **Lynn Cleary, MD,** Vice President for Academic Compliance and University Accreditation;
- **Eric J. Smith, CPA, MBA,** Senior Vice President for Finance and Administration & Senior Associate Dean for Finance, College of Medicine;
- **Eileen Pezzi,** Vice President for Development;
- **Linda Veit, MPH,** Interim Chief of Staff & Assistant Vice President of Community Relations; and

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- **Daryll C. Dykes, PhD, MD, JD**, Chief Diversity Officer.

Request No. 6: All records regarding faculty meetings, including but not limited to meeting minutes, meeting agendas, presentation material, as well as communications exchanged about such meetings, regarding the Diversity Task Force and/or the Implement and Oversight Tiger Teams.

Request No. 7: All records, including but not limited to meeting minutes, meeting agendas, presentation material, as well as communications exchanged about such meetings, emails, electronic messages, drafts, and memoranda, regarding Upstate Medical's Office of Diversity and Inclusion's Report of the 2020 Diversity Task Force, dated August 31, 2020, as referenced in the following link: <https://www.upstate.edu/diversityinclusion/pdf/task-force-report.pdf>.

Request No. 8: All copies of application forms, templates, and documents that ask questions regarding diversity, equity, inclusion, antiracism, social justice, bystander intervention for bias, race, identity, and/or belonging of *prospective students* applying to Upstate Medical, including but not limited to records regarding the development, purpose, and necessity of these forms and questions. (Note: This request does not seek documents as filled out by applicants, only the forms of such documents.)

Request No. 9: All copies of application forms, templates, and documents that ask questions regarding diversity, equity, inclusion, antiracism, social justice, bystander intervention for bias, race, identity, and/or belonging of *prospective faculty* applying to Upstate Medical, including but not limited to records regarding the development, purpose, and necessity of these forms and questions. (Note: This request does not seek documents as filled out by applicants, only the forms of such documents.)

Request No. 10: All copies of application forms, templates and documents that ask questions regarding diversity, equity, inclusion, antiracism, social justice, bystander intervention for bias, race, identity, and/or belonging of *prospective staff* applying to Upstate Medical, including but not limited to records regarding the development, purpose, and necessity of these forms and questions. (Note: This request does not seek documents as filled out by applicants, only the forms of such documents.)

Request No. 11: All copies of application forms, templates, and documents that ask questions regarding diversity, equity, inclusion, antiracism, social justice, bystander intervention for bias, race, identity, and/or belonging of *prospective managerial administrators* applying to Upstate Medical, including but not limited to records regarding the development, purpose, and necessity of these forms and questions. (Note: This request does not seek documents as filled out by applicants, only the forms of such documents.)

Request No. 12: All records, including but not limited to program materials, handouts, and videos, for all orientation sessions held for incoming students at Upstate Medical regarding diversity, equity, inclusion, antiracism, social justice, bystander intervention for bias, race,

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identity, and/or belonging, including but not limited to as described in the following link:
https://www.upstate.edu/currentstudents/document/session_ii_schedule.pdf.

Request No. 13: All records regarding the creation and selection of the Upstate Medical “Interview Questions” for incoming students, referenced in the link below, as well as all documents that demonstrate the identities of committee(s), group(s), professor(s), administer(s), or individual(s) involved in creating this list of questions, including but not limited to as described in this link:

https://www.upstate.edu/currentstudents/document/college_of_medicine_interview_questions_2020.pdf.

Please note that this request does not seek personally identifiable information regarding any student or prospective student of Upstate Medical, and we agree that any such personally identifiable information may be redacted.

If this request appears to be too extensive or fails to reasonably describe the records, please contact me in writing.

We request that the records be produced in electronic format, on a flash drive or other means of electronic transfer.

If there are any fees for copying the records requested, please supply the records without informing me if the fees are not in excess of one hundred dollars (\$100.00).

As you know, the Freedom of Information Law requires that an agency respond to a request within five (5) business days of receipt of a request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly.

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 and address of the person or body to whom an appeal should be directed.

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Very truly yours,

//William A. Jacobson//

William A. Jacobson, Esq.
President
Legal Insurrection Foundation
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-and-

Eliana Johnson
Editor-in-Chief
Free Beacon LLC