



STATE OF NEBRASKA
Office of the Attorney General
2115 STATE CAPITOL BUILDING
LINCOLN, NE 68509-8920
(402) 471-2682
TDD (402) 471-2682
FAX (402) 471-3297 or (402) 471-4725

MIKE HILGERS
ATTORNEY GENERAL

LESLIE S. DONLEY
ASSISTANT ATTORNEY GENERAL

December 10, 2025

Via email at [REDACTED]
Chris Dunker
[REDACTED]

RE: *Public Record Matter Involving the University of Nebraska*
Our File No. 20251146

Dear Mr. Dunker:

This letter is in response to your public records petition received by this office on November 25, 2025. You have requested this office to review the response you received from the University of Nebraska (University) relating to your November 18, 2025, records request. We considered your petition and the University's response to this office described below in accordance with the Nebraska Public Records Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2024). Our findings are set out below.

RELEVANT FACTS

On September 3, 2025, you emailed Molly McCleery, Associate General Counsel and Director of University Records, requesting a copy of a contract between the University and a consulting firm engaged to evaluate the performance of a University chancellor. You received the contract on September 8. On November 18, you emailed Ms. McCleery requesting

[a]ny final report or performance review produced by CFAR as part of its "360-Degree Assessment" of a University of Nebraska chancellor. This report is related to the June 16, 2025, contract between the University of Nebraska and CFAR.

Ms. McCleery timely responded to your request on November 24. She stated that "[u]pon searching, the University did not identify any records of or belonging to the University responsive to your request." You followed up with Ms. McCleery that day, seeking an

explanation as to why the University did not have a report. You also asked whether the firm completed its review and did the University finalize the payment.

Your petition challenges the University's response. You assert that since Ms. McCleery did not cite an exemption to withhold the records in her response, you are "left to speculate" that (1) the consulting firm "did not complete the work outlined in the contract" or (2) the consulting firm retained possession of the report "so [the University] would not be required to make it available to the public upon request."

On December 2, we forwarded your petition to Ms. McCleery requesting that she confirm the University has no records responsive to your request. Ms. McCleery confirmed this to be the case via email to the undersigned on December 3.

DISCUSSION

Section 84-712.03(1)(b) requires this office to review petitions "to determine whether a record may be withheld from public inspection" or whether a public body has complied with the NPRS. Ms. McCleery represented to this office that there are no records responsive to your request. Thus, there would be no reason to cite to an exception since no records were withheld. We presume that Ms. McCleery has operated in good faith.¹ Finally, while § 84-712 gives Nebraska residents and other interested persons the right to access public records, it does not require public bodies to respond to questions or explain why certain records do not exist.

¹ See *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009) ("In the absence of evidence to the contrary, it may be presumed that public officers faithfully performed their official duties and that absent evidence showing misconduct or disregard of law, the regularity of official acts is presumed.").

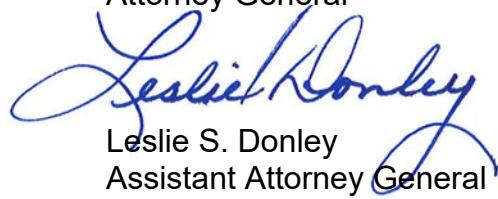
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CONCLUSION

Since the University has no records responsive to your request, you have not been denied access to public records. Consequently, no further action by this office is necessary and we are closing this file. If you disagree with our conclusion, you may wish to review the other remedies available to you under Neb. Rev. Stat. § 84-712.03.

Sincerely,

MIKE HILGERS
Attorney General



Leslie S. Donley
Assistant Attorney General

c: Molly McCleery (via email only)

49-4028-31