

# High court rules for UW in tenure, public-records case

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**In a case involving a former professor, the state Supreme Court has sided with an appeals-court ruling that the University of Washington did not withhold public records.**

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The state Supreme Court has upheld a lower court's decision, finding that the University of Washington did not withhold public records and reversing a \$720,000 fine levied against the UW.

The case involves a former UW Tacoma professor, Isabelle Bichindaritz, who sued because she believed she was wrongfully denied tenure at the Tacoma branch campus.

Bichindaritz, who worked in the UW Tacoma's computer science department from 2002 to 2010, was denied tenure three times. She took her case to federal court, claiming she was discriminated against because of her gender and because she is French.

In an effort to prove her discrimination case, Bichindaritz requested a complete copy of her personnel files and other records, and every email related to her from 96 UW employees, according to the appeals-court ruling.

Bichindaritz lost her discrimination case in federal court.

In February 2012, she sued the UW in King County Superior Court, alleging that the university delayed producing records that might have helped her discrimination case.

In September 2013, King County Superior Court Judge Monica Benton [agreed](#), and fined the UW \$723,290 for withholding 12,000 pages of public records. She also awarded Bichindaritz \$102,958 in attorney fees.

This week's finding reverses that decision.

The state Supreme Court decision, released Wednesday, upheld a February 2015 ruling by the state Court of Appeals that found there was no evidence the UW was “less than diligent” in reviewing and releasing the records.

Bichindaritz’s public-records request was complex, according to the chronology provided by the appeals-court decision, and at one point she withdrew it, only to renew it later.

And while UW officials were able to pull the documents together quickly, the job of going through each record to determine if it should be part of the request, and “redacting” or blacking out potentially sensitive information, was far more time-consuming.

It took the UW six months to review and redact the final batch of documents, 12,000 pages in all.

The appeals court noted that the UW did miss self-imposed deadlines for the records Bichindaritz requested, but that the state’s Public Records Act “only demands that agencies provide reasonable estimates for production” of records. And “Bichindaritz admitted in discovery that six months was a reasonable time,” the court said.

Benton, the King County judge, “did not conclude, and neither do we, that the University was disingenuous when it advised her (Bichindaritz) that the process was taking more time than originally estimated,” the appeals-court judges wrote.

But Benton did err in concluding that the UW violated the Public Records Act, the appeals court found.

The court reversed the fee and the money Bichindaritz was awarded in attorney fees.

The appeal cost the UW \$285,000 in legal expenses, said UW spokesman Norm Arkans. He said Bichindaritz has appealed her discrimination lawsuit at the federal level, and the case is now before the 9th Circuit Court of Appeals.

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