

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Frances E. Kochanski,  
Complainant

Report of Hearing Officer

against

Docket #FIC79-174

City and Town of Norwich and  
Board of Education of the City and  
Town of Norwich,  
Respondents

December 12, 1979

The above captioned matter was heard as a contested case on October 22, 1979, at which time the complainant and the respondents appeared and presented testimony, exhibits and arguments on the complaint.


After consideration of the entire record the following facts are found:

1. The respondents are public agencies as defined by §1-18a(a), G.S.
2. On July 17, 1979 the respondent board of education met in executive session to discuss a grievance concerning complainant's appointment as a supervisor of special education in the Norwich school system.
3. The complainant had no notice of the matter and no opportunity to request that the discussion be held at an open meeting.
4. When the respondent board emerged from executive session, it voted to revoke its previous appointment of the complainant to the position discussed.
5. The respondents maintain that the discussion in executive session was based on the grievance procedure in the teacher's contract and concerned only the matter of the appointment procedure, not the merits of the appointment.
6. It is found that in discussing the appointment procedure, the respondent did in fact discuss the complainant's appointment, employment and performance as an employee.
7. It is further found that the respondent board was required under §1-18a(e)(1), G.S. to give notice to the complainant of its meeting of July 17, 1979.
8. It is concluded that the decision to revoke the complainant's appointment without affording her the opportunity to require that the discussion be held at an open meeting constituted a wrongful denial of her right to attend such meeting within the meaning of §1-21, G.S.

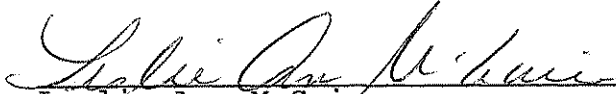
The following order of the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The vote of the respondent board at its meeting of July 17, 1979 revoking the complainant's appointment is hereby declared null and void.

2. Henceforth, the respondent shall provide notice to any and all employees who are the subject of discussion under §1-18a(e)(1), G.S.

  
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Commissioner Judith A. Lahey  
as Hearing Officer

Approved by Order of the Freedom of Information Commission  
at its regular meeting of January 9, 1980.

  
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Leslie Ann McGuire  
Clerk of the Commission