

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Kay Warren,

FINAL DECISION

Complainant

Docket #FIC83-55

against

November 29, 1983

Board of Education, Town
of Ashford,

Respondent

The above captioned matter was heard as a contested case on July 19, 1983, at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.
2. At hearing the Connecticut Association of Boards of Education (hereinafter CABA) requested intervenor status. CABA was granted permission to participate at the hearing level, but was not granted party status.
3. On April 7, 1983 the respondent held a meeting during which it convened in executive session for the purpose of conducting an evaluation by CABA.
4. By letter of complaint filed with the Commission on April 21, 1983, the complainant, a member of the respondent, alleged that the April 7, 1983 executive session had been held not to evaluate all members of the respondent, but to humiliate her.
5. The complainant further alleged that the respondent had "intimidated" her into voting to convene in executive session.
6. It is found that the April 7, 1983 executive session was convened by the respondent to allow discussion of the performance of its members as individuals and as a group.
7. It is found that the complainant voted, believing the executive session was proper, voted to convene in executive session. However, as the executive session progressed, the discussion began to focus upon the members' grievances against the complainant.

8. The complainant, distressed by the emphasis upon her performance, made a motion to reconvene in public session, which motion was not seconded. The executive session continued for approximately one-half hour more before the respondent reconvened in public session upon motion of the complainant.

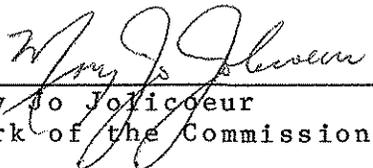
9. It is found that the complainant's initial motion to reconvene in public session was, in effect, an attempt to exercise her right to require that the ongoing discussion of her performance be held in public session.

10. It is concluded that the respondent violated §§1-21 and 1-18a(e)(1), G.S. when it failed to reconvene in public session upon the complainant's expression of her desire to have the discussion held in public session.

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

1. The respondent shall henceforth act in strict compliance with §§1-21 and 1-18a(e)(1), G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of November 23, 1983.



Mary Jo Jolicœur
Clerk of the Commission