

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by                      FINAL DECISION  
Edward R. Purcell,

                    Complainant                                              Docket #FIC83-61

                    against

                                            November 29, 1983

University of Connecticut  
Board of Trustees,

                    Respondent

The above captioned complaint was heard as a contested case on July 7, 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 as defined by §1-18a(a), G.S.
2. The complainant is the executive director of the American Association of University Professors (hereinafter AAUP).
3. The respondent held a regular meeting on April 8, 1983.
4. By letter dated November 15, 1982, the complainant made a request of the respondent, pursuant to §1-21c, G.S., to be placed on a "notice list" pertaining to all meetings of the respondent and its subcommittees.
5. The complainant received a copy of the agenda for the respondent's April 8, 1983 meeting on or about April 4, 1983.
6. Item 8 of the agenda for the April 8, 1983 meeting of the respondent indicated that the respondent would be voting on an academic master plan for regional campuses. Reference was made to an "Attachment Q" that was included in the agenda of the Institutional Policy Committee (hereinafter IPC).
7. By letter of complaint filed with the Commission on April 7, 1983, the complainant alleged that upon direction of the complainant, a representative of the AAUP on April 6, 1983 made a request of the executive secretary of the respondent for a copy of attachment Q, whereupon she was referred to the office of the vice president for academic affairs. Upon inquiring at the office of the vice president for academic affairs, she was told that the document would not be released until immediately prior to the IPC meeting of April 7, 1983.

8. The AAUP representative received a copy of Attachment Q after 10:00 a.m. on April 7, 1983.

9. It is found that Attachment Q was attached only to the agenda of the IPC's April 7, 1983 meeting. However, all members of the respondent received copies of the IPC's agendas.

10. The respondent claims that pursuant to §1-21c, G.S. its responsibility is limited to providing agendas, and that Attachment Q was not an integral part of the agenda, but merely background data.

11. The respondent also claims that Attachment Q, subject to revision through the committee process, was exempted from disclosure by §1-19(b)(1) and 1-19(c), G.S.

12. It is found that Attachment Q was a report prepared by the vice president for academic affairs to assist the IPC in making recommendations to the respondent.

13. It is further found that although the document was, in fact, altered upon review by the IPC, Attachment Q, as submitted to the IPC, represented the final version of the report as prepared by the office of the vice president for academic affairs.

14. It is therefore concluded that Attachment Q was not exempted from disclosure by §§1-19(b)(1) or 1-19(c), G.S.

15. It is therefore concluded that the respondent violated §§1-15 and 1-19(a), G.S. when it refused on April 6, 1983 to provide the AAUP representative with a copy of Attachment Q.

16. §1-21c states that

The public agency shall, where practicable, give notice by mail of each regular meeting, and of any special meeting...to any person who has filed a written request for such notice with such body.

17. It is found that the language of §1-21c, G.S. does not require a public agency to provide more than notice of its meetings, upon written request.

18. The forwarding of an agenda having provided the complainant with notice that a meeting would be held on April 8, 1983, the respondent's failure to include documents referenced in its agenda did not constitute a violation of §1-21c, G.S.

19. The complainant did not raise the issues of whether notice of the April 8, 1983 meeting was timely within the meaning of §1-21c, G.S. or whether the respondent provided the complainant with notice of the IPC's April 7, 1983 meeting. Such issues will therefore not be treated by this Commission.

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

1. Henceforth, the respondent shall act in strict compliance with the requirements of §§1-15 and 1-19(a), 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