

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Paul Parker, Editor, The Wall,

FINAL DECISION

Complaint

Docket #84-92

against

September 26, 1984

Associated Student Government,
University of Connecticut,
Waterbury Campus.

Respondent

The above captioned complaint was heard as a contested case on August 7, 1984, 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. On April 2, 1984, the respondent, the Associated Student Government of the University of Connecticut, Waterbury Campus, held a meeting. Among the topics considered at this meeting was funding for After Long Silence, a campus literary magazine.

2. By letter dated April 25, 1984, the complainant alleged that the respondent voted on the funding for the literary magazine through paper ballot, in effect excluding the public from observing its vote in violation of §1-18a (e), G.S. In addition, the complainant alleged that the respondent's failure to reduce the votes of its individual members to writing constituted a violation of §1-21, G.S.

3. The respondent admitted that it convened, held a meeting and voted by paper ballot, as alleged by the complainant, but claimed that it is not subject to FOI law because it does not constitute a "public agency."

4. The four-part test to determine whether a respondent qualifies as a "public agency," is stated in Woodstock Free Academy v. Freedom of Information Commission, 181 Conn. 554 as:

- (1). whether the entity performs a governmental function;
- (2). the level of government funding.
- (3). the extent of government involvement or regulation.
- (4). whether the entity was created by the government.

5. The respondent conceded that it was created by the government.

6. It is found that the respondent does not receive direct taxpayer funding and does not perform a government function per se, and therefore falls short of satisfying those segments of the Woodstock test.

7. However, it is also found that the respondent's funding, derived from student fees, is under the direct supervision of the University administration. This arrangement demonstrates significant involvement with or regulation by a government entity and fulfills one of the four criteria of the Woodstock test.

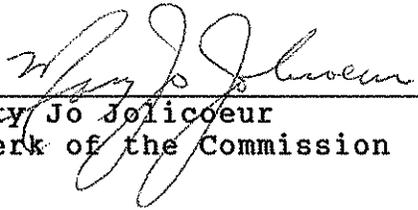
8. It is concluded that because the criteria, as suggested in the Woodstock test, has not been met, the respondent does not qualify as a "public agency," as defined in §1-18a (a), G.S.

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

1. The complaint is hereby dismissed.

2. However, even though the respondent does not fall within the statutory definition of "public agency," the respondent is supervised by an educational institution of the state of Connecticut and formed to provide students with the experience of self-government. For these reasons, it is strongly recommended that in the future the respondent comply substantially with the open meeting law requirements of the §1-21, G.S., which are intended to promote open government.

Approved by order of the Freedom of Information Commission at its regular meeting of September 26, 1984.



Mary Jo Jolicoeur
Clerk of the Commission