

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Robert L. Greene, David P. Johnston  
and Waterbury-Republican, Inc.,

Complainants  
against  
Board of Higher Education of the  
State of Connecticut; and Chair-  
man of the Board of Education of  
the State of Connecticut,  
Respondents

Report of Hearing Officer  
Docket #FIC79-169  
February 27, 1980

The above captioned matter was heard on October 23, and October 30, 1979, at which times the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.

2. Conn. Gen. Stats. §10-323d provides with respect to the board in relevant part that "the board of higher education shall prepare and present to the general assembly, on or before September 1, 1979, a proposal for the organization of the higher education structure, and shall include in this proposal recommendations to be acted upon by the general assembly."

3. Conn. Gen. Stats. §10-323 also provides in relevant part that,

(a) The board of higher education shall establish statewide policy for Connecticut's system of public higher education and in furtherance of such policy shall: ... (2) prepare for the governor and general assembly periodic reports on the conditions and needs of the system including but not limited to a single priority listing of all capitol projects and recommendations to merge, close, or otherwise alter existing programs, facilities, or campuses....

4. In order to fulfill its statutory mandate the respondent board held a series of workshops and a retreat during the month of June 1979.

5. By letter filed with this Commission August 6, 1979, the complainants alleged that the respondents denied them access to minutes of meetings it held on June 7, 18, 21, and 22.

6. The complainants abandoned their claim regarding the request for minutes for the June 7, meeting.

7. The agenda for the June 18, 1979 workshop included the following seven items:

- I. The Case for Change
- II. Comprehensive Two-Year Institutions
- III. Four-Year Institutions
- IV. Capital Facilities Plan
- V. Board of State Academic Awards
- VI. Role of Board of Higher Education in Collective Bargaining
- VII. Total Role of Board of Higher Education.

8. The agenda for the gathering of the Lakeville retreat on June 21, 22, and 23, included the following items:

June 21, 1979 - 8:00 p.m. - 9:30 p.m.

Executive Session

June 22, 1979 - 8:30 a.m. - 11:30 a.m.

- A) Fiscal Flexibility
- B) Tuition Policy
- C) Fee Policy
- D) Student Financial Assistance
- E) Minority Enrollment

11:30 a.m. - 12:30 p.m.

Faculty Advisory Counsel - Discussion

1:30 a.m. - 2:30 p.m.

- F) Enrollment Planning
- G) Consolidated Capital Planning Process

2:30 p.m. - 5:00 p.m.

H) Structure

7:30 p.m. - 9:30 p.m.

Executive Session

June 23, 1979 - 8:30 a.m. - 9:30 a.m.

- I) Postsecondary Cooperative Grant Program
- J) Coordination - Two and Four Year Institution
- K) Coordination - Off-campus Offerings
- L) Relationship of Programs to Manpower Needs

9:30 a.m. - 10:30 a.m.

Wrap-up

10:30 a.m. - 12 Noon

Executive Session

9. None of the aforesaid gatherings were the subject of public notice, nor were minutes prepared in accordance with §1-19(a), G.S.

10. Nonetheless the members of the respondent board were all given telephone notice of gatherings, agendas were prepared, and the meetings were open to all board members who chose to attend as well as to members of the public.

11. The respondent board discussed staff proposals concerning higher education in Connecticut at all of the aforesaid gatherings.

12. During the retreat on June 21, 22, and 23 the members of the respondent board changed staff recommendations on the structure of the governing body for higher education in Connecticut and gave tacit approval to the remainder of the proposals.

13. It is found that all of the aforesaid gatherings of the respondent board were meetings of a public agency within the meaning of §1-18a(b), G.S. in that they were proceedings of a public agency to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power.


14. §1-19(a) provides that "Each such agency shall make, keep and maintain a record of the proceedings of its meetings."

15. §1-19(a) further provides in relevant part that "all records maintained or kept on file by any public agency... shall be public records and every person shall have a right to inspect such records.

16. It is concluded therefore, that the respondents violated the requirements of §1-19(a) when it denied access to the minutes of the meetings of June 18, 22 and 23, 1979

The following Order by the Freedom of Information Commission is hereby recommended.

1. The respondent shall henceforth comply with the minutes and access requirements of §1-19(a), G.S.

  
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Commissioner Donald Friedman  
as Hearing Officer

Approved by order of the Freedom of Information Commission on March 12, 1980.

  
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Leslie Ann McGuire  
Clerk of the Commission