

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
William Gomez,

Report of Hearing Officer

Complainant

Docket #FIC80-72

against

November 12, 1980

Board of Trustees of Central  
Connecticut State College

Respondent

The above captioned matter was heard as a contested case on September 15, 1980, at which time the complainant and the respondent appeared, stipulated to certain facts, 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. By letter to the respondent dated October 29, 1979, the complainant alleged that subordinates of the respondent disciplined his son as a result of an incident involving the use of firecrackers in a college dormitory and requested the respondent to provide him with records of the dispositions of similar instances of student misconduct.

3. By letter dated November 16, 1979, a representative of the respondent denied the complainant's request.

4. By letter filed with this Commission on November 28, 1979, the complainant appealed from said denial.

5. The respondent contends that the records in question are exempt from disclosure pursuant to § 1-19(b)(2), G.S.

6. It is concluded that said records constitute "similar files," as contemplated by § 1-19(b)(2), G.S.

7. It is further concluded that disclosure of the identities of students disciplined in incidents similar to that involving the complainant's son would constitute a deprivation of personal privacy.

8. The respondent failed to produce substantial evidence that providing complainant with expurgated copies of the records in

question will result in the disclosure of the identities of the subjects of those records, if the following information is deleted: names of offenders, accomplices, and witnesses; names of dormitories and other place names identifiable to the incidents; all dates relating either to the violations or to disciplinary actions; names of all college personnel involved in apprehending, judging, disciplining, or supervising the offenders; addresses, social security numbers, or other numbers identifiable to any party named in the records.

9. Consequently, it is concluded that copies of the records in question, expurgated as described in the preceding paragraph, are not exempt from disclosure pursuant to § 1-19(b)(2), G.S.

10. The respondent further contends, citing the "Buckley Amendment," 20 U.S.C. § 1232g, that the records in question are exempt from disclosure pursuant to the "except as otherwise provided by any federal law" clause of § 1-19(a).

11. It is concluded that the Buckley Amendment is not such a compulsory and mandatory provision of federal law as to exclude the requested documents from the category of public records under § 1-19(a), G.S.

12. Consequently, it is concluded that the records in question, expurgated as described above in paragraph 8, are not exempt from disclosure pursuant to § 1-19(a), G.S.

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

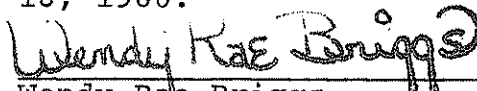
1. The respondent shall forthwith provide the complainants with copies of the records of the dispositions of all student disciplinary matters occurring within the five years preceding November 12, 1979 involving the use of firecrackers in the respondent's dormitories.

2. The respondent may delete the following information from said copies: names of offenders, accomplices, and witnesses; names of dormitories and other place names identifiable to the incidents; all dates relating either to the violations or to disciplinary actions; names of all college personnel involved in apprehending, judging, disciplining, or supervising the offenders; addresses, social security numbers, or other numbers identifiable to any party named in the records.



Commissioner Donald Friedman  
as Hearing Officer

Approved by Order of the Freedom of Information Commission at its special meeting of December 18, 1980.



Wendy Rae Briggs  
Clerk of the Commission