

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Dick Polman and Marjorie Howard
(The Hartford Courant),

FINAL DECISION

Complainants

Docket #FIC83-68

against

University of Connecticut
School of Law

November 4, 1983

Respondents

The above captioned matter was heard as a contested case on July 14, 1983, at which time the complainants 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. By letter of complaint filed with the Commission on April 13, 1983, the complainants appealed a decision of the faculty of the respondent to bar the press from a discussion held on April 6, 1983.
3. On April 6, 1983 the faculty of the respondent met to discuss the policy of the respondent regarding military recruitment. Following such discussion the faculty voted to prohibit military recruitment on the law school campus, which vote effected a change in the law school's advertised policies.
4. Admitted to such discussion upon vote of the faculty were three of five law students designated by the student bar association to attend faculty meetings, and five other law students not so designated.
5. Upon request by the complainant Howard to attend the discussion, the faculty voted against allowing members of the press to attend on the ground that the presence of the press would inhibit discussions. The complainant Polman, also a member of the press, did not attempt to attend the discussion after learning of the faculty's decision.
6. The respondent claims that the University of Connecticut's board of trustees, alone, has policy and decision-making authority within the University.

7. The respondent further claims that public agencies exist only pursuant to statutory authority and that without statutory authority for the faculty to act as a public agency or for the board of trustees to delegate its powers, the faculty is not a public agency as defined by §1-18a(a), G.S.

8. Consequently, the respondent claims, the April 6, 1983 discussion was not a "meeting" as defined by §1-18a(b), G.S.

9. It is found that the board of trustees of the University of Connecticut presides over the operations of the entire university, including the law school.

10. The faculty of the law school, in these areas, operates in a legislative capacity in areas not covered by direction from the board of trustees. The faculty, in effect, makes whatever decisions have to be made for the running of the law school.

11. It is found that the fact that a board of trustees presides over the operation of the university as a whole does not diminish the faculty's authority to effectuate policy and render decisions within the law school.

12. It is further found that absence of a legislative mandate does not preclude a finding of public agency. The faculty of the law school has and exercises supervision, control, jurisdiction or advisory power over the decisions which must be made in the course of operating the law school

13. It is therefore found that the faculty of the law school is an institution of the state which met, on April 6, 1983, to discuss and act upon a matter over which it has supervision, control, jurisdiction or advisory power.

14. It is concluded that the April 6, 1983 discussion was a "meeting" as defined by §1-18a(b), G.S.

15. The respondent failed to prove that the public was excluded from the April 6, 1983 meeting for a proper purpose as such purposes are defined at §1-18a(e), G.S.


16. It is therefore concluded that the faculty of the respondent violated §1-21, G.S. when it excluded the complainants from its April 6, 1983 meeting.

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

1. Henceforth the faculty of the respondent shall act in strict compliance with the requirements of §1-21, G.S. regarding access to public meetings.

2. The Commission notes with some dismay that the faculty of the respondent, whose members are perceived as exemplars of the legal profession by students and the community alike, should choose to conduct its business in derogation of the Freedom of Information Act.

Approved by order of the Freedom of Information Commission at its regular meeting of October 26, 1983.



Mary Jo Jolicœur
Clerk of the Commission