

ON BEING EXCLUDED FROM A MEETING AT THE STUDENT CENTER  
AND ISSUES OF FREEDOM OF ACCESS AND SPEECH

As is generally known, I was required to leave the “open meeting” on obstacles to student graduation on Monday, April 2, and wrote an email to the faculty listserv in protest; I also asked that the matter be placed on the Faculty Senate agenda, as it has for this meeting of April 9. I think the immediate circumstances and recollection of statements made at the time both by myself and Prof. Mulrooney have been sufficiently well covered by the student newspaper, *The Recorder*, that I need not repeat them here<sup>1</sup>. In any case, the details are a matter of the past; what I wish to focus on is the future; and in particular the concern about transfer of credits which prompted my attempt to attend the meeting in the first place, as well as a further issue related to freedom of access and freedom of speech at the university, and in particular, at the Student Center, the most public of buildings on the campus.

I had hoped to attend last Monday’s meeting to bring up the problem of delays in graduation due to inadequate transfer of credits to satisfy General Education for courses earned by students at other institutions. I had intended to mention just a few of the recent examples I had encountered, since as Chair of a department, I see dozens of students each week for course substitutions, declaration of majors and minors, and advising for course selection. I’ll skip the details, which I think could well have been presented at the open meeting as examples of the problem, and pass immediately to my proposed solution, which was my main motivation for attending the meeting: that courses be transferred to General Education by category and not on a course by course basis, so that a course which satisfies the Humanities requirement at a community college, which is not offered at CCSU, nonetheless count immediately for CCSU General Education purposes on the basis of fulfilling the humanities category. Failure to adequately transfer such credits means that students repeat categories of classes they have already taken, and this delays their graduation, as well as constituting a surcharge on their total tuition. But that is now a matter for another venue, and I will raise this again at a more appropriate time and place.

I do think that there remains an important issue for discussion here, and as a lesson to be incorporated into policy for future events similar to that which prompted my listserv email. This is the problem of freedom of access and speech at meetings dealing with issues of university policy and concern – such as graduation rates at the open meeting of last Monday. I continue to refer to it as an open meeting, even if in the mind of at least one other faculty member, it was closed to faculty other than himself. I still find it surprising that it was assumed, by anyone, that a meeting could be closed to a designated group (in this case: faculty) when advertised as “open”, invitation to which while directed towards students did not explicitly exclude any group, held in the most public of buildings and the largest rooms in that building, with an open door to the main passageway through the building, and a microphone and speaker system broadcasting student comments that could be heard by any passerby stopping to listen.

The argument that my presence, and that of other faculty, would deter students from speaking freely by our mere presence is contradicted by the fact that while I was there, students certainly did speak freely, and that even after I was excluded, as were the Chair of the Economics Department and a colleague from the Psychology Department, I am told -- by at least one student

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<sup>1</sup> Muszynski, Justin, “Mulrooney Gets Blitzed Over Faculty Listserv: Professor Outraged Over His Exile From Public Forum”, *The Recorder*, Weds, Apr. 4, 2012: vol. 108, no. 23, p. 1.

-- that other less easily identified (profiled) faculty did attend. Moreover, the type of incident that occurred on Monday provides an unfortunate example to students of collegiality and community, though I do believe we remained within the bounds of civility. Further, restricting attendance to one or even a few designated faculty can lead to bias, even unintentional, in recording and interpreting what is said at such a meeting. Open access provides a check and balance against this, and invites contributions from faculty and other members of the university community that can shed additional light on obstacles to student graduation.

Basic support for my claim is provided by the Connecticut Freedom of Information Act, as codified in Chapter 14 of the Connecticut General Statutes.<sup>2</sup> That Act identifies among the organizations deemed as “public agencies”, institutions such as CCSU. It also defines “meeting” as “any hearing or proceeding” of a public agency or its constituent components, excluding for purposes of freedom of information only specifically enumerated and obviously confidential activities such as search committee meetings, meetings to discuss pending litigation, and meetings for strategy or negotiations related to collective bargaining<sup>3</sup>. The act nowhere excludes meetings called to discuss institutional issues of general concern such as graduation rates and obstacles thereto. Indeed, the principles underlying the Act can and should be read to imply broad access precisely to such meetings and, as a result, the information so generated: “The meetings of all public agencies, except executive sessions, as defined in subdivision (6) of section 1-200, shall be open to the public.”<sup>4</sup> I note, as a further evidence for my claim, that the attempt several years ago to exclude press from a Senate meeting discussing the charges of plagiarism against a former CCSU President was rejected on grounds similar to the above.<sup>5</sup>

I have found, in discussion with colleagues, that almost all of those who responded privately to my email were in agreement with my position; but I understand that that is far from a universally held opinion. Incidents such as that of last Monday will no doubt arise again, and I think it wise for Senate to (re)affirm its commitment to the basic principles of freedom of access to public meetings, and the consequent speech rights that implies (subject to considerations of the agenda and the rules of procedure of the meeting). This applies especially to meetings in the Student Center and/or on issues of institutional policy and procedures. These freedoms are essential to the well-being of our university and deserve both affirmation and protection, as should now be made clear to both faculty and students, through a thorough consideration of issues involved by the appropriate Senate committee.

David Blitz, April 8, 2012

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<sup>2</sup> “The Connecticut Freedom Of Information Act” as Codified in Chapter 14 of Connecticut General Statutes at <http://www.state.ct.us/foi/2001FOIA/2001FOIAStatutoryIndex.htm>. See [http://www.state.ct.us/foi/FOIC\\_Highlights/English/FOIC\\_HighLightsEng.htm](http://www.state.ct.us/foi/FOIC_Highlights/English/FOIC_HighLightsEng.htm) for a synopsis of the legislation.

<sup>3</sup> Op cit, FOIA, section 1-200(2)

<sup>4</sup> ibid, section 1-225(a)

<sup>5</sup> A further relevant case is *Healy v. James*, 408 US 169 (1972), which deals with freedom of organization and speech at CCSC, the predecessor institution to CCSU. This decision of the US Supreme Court overturned the refusal of the then President of CCSC, F. Don James (after whom a residence is named on campus) to recognize Students for a Democratic Society (SDS), and by implication, to use the Student Center and exercise their freedom of speech in that public venue. See <http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=us&vol=408&page=192>