



THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, INC.

Government Administration and Elections Committee

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Raised Bill SB 1153

An Act Establishing an Exemption from Disclosure for Certain Records Pertaining to Research or Teaching Under the Freedom of Information Act

Michael Bailey, Executive Director, UConn-AAUP

Co-Chairs Sen. Flexor and Representative Blumenthal, Vice Chairs Sen Slap and Representative Morrin Bello, Ranking Members Sen. Sampson and Representative Mastrofrancesco, and esteem members of the Government Administration and Elections Committee, my name is Michael Bailey, and I am the Executive Director of UConn-AAUP, the union that represents the faculty and coaches in collective bargaining at UConn. I am here to testify in support of Bill SB 1153.

UConn-AAUP supports open records laws that encourage government transparency and allow for the general public to access copies of administrative records. When those open records requests are abused and used as a weapon to harass and interfere with faculty research, teaching, and scholarship, or used to threaten or chill faculty from their right to academic freedom and unfettered reporting of research, UConn-AAUP must rely on open records laws to protect faculty.

The most widely known interference with scientific research has been in the politically charged climate change, stem cell, vaccination and abortion areas. But abuse of open records requests has impacted a broad spectrum of fields, including the research by the professor who exposed the Camel cigarette marketing campaign in the 1990's, to the publishing of how foreign governments are weaponizing their history to gain a political advantage by a UConn faculty member.

SB 1153 increases that level of protection and we encourage its passage.

In the Fall of 2022, it was brought to my attention in a [report](#), by the Climate Science Legal Defense Fund, that the state of Connecticut had received a grade of C for the way its state institutions – courts, open records review boards, attorneys general offices, and university records offices, have historically treated scientific and academic records under open records laws. Only three states had received an A grade, Maine, Delaware and Pennsylvania, but 12 states had received a B grade. The grades were based on the five kinds of approaches used by states to protect some or all research records under open records laws: 1.) statutory exclusion, 2) statutory exemption, 3) deliberative process protection, 4) balancing tests, 5) no protection for research. I can provide you with this report if you like.

Around the same time of learning of the report, I was made aware of a case at UConn where a faculty

member was subjected to this exact weaponizing of the CT FOIA act. Professor Alexis Dudden will be testifying today of her traumatic and exhaustive experience with requests for information on her research. Since then, other instances of request for information have been brought forward and compelled me to pursue improvements to the CT FOIA laws.

There are several reasons why I support this amendment to the CT FOIA act:

1. The proposed language gives the University administration the necessary tools to immediately deny malicious requests that only intend to harass, intimidate, or discredit scientists whose research or teaching they simply don't like.
2. The increased use of University email communications that create public records are often sought in public information requests. Discussions between faculty in the early stages of research exploration can be misinterpreted and used to discredit or defame faculty.
3. There is evidence that abusive requests target the most vulnerable and easily intimidated faculty: junior faculty, women, and people of color. ([Pew Research Center 2021](#))
4. There is a potential loss of competitiveness with our peer institutions whose states have better protections for their faculty and can advance their research without time-consuming, unnecessary delays. ([RI](#), [Maine](#), [New Jersey](#), [Pennsylvania](#) and [Virginia](#))
5. Increased costs for using university resources to defend the university and faculty from frivolous information requests.

The current exemptions to the CT Freedom of Information Act do not contain the terms "faculty", "research" or "teaching" and limit's the ability of the university's general counsel office to adequately protect faculty from interference with their research, teaching, and scholarship. The proposed exemption will provide the necessary tools and I urge the committee to pass SB 1153.