



Joseph Curtis
Superintendent

***Pittsfield Public
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May 20, 2025

Manza Arthur
Supervisor of Records
One Ashburton Place, Room 1719
Boston, MA 02108

RE: Pittsfield Public Schools - Public Records Request
SPR25/1212 and SPR25/1259

Dear Attorney Arthur:

I am writing this response based upon your order dated May 15, 2025 (SPR25/1212) and your order dated May 16, 2025 (SPR25/1259) requiring the Pittsfield Public Schools to provide the relevant records for *in camera* inspection. You will find attached hereto those records. I have also attached the executive summaries which were sent to each of the requestors and posted on the Pittsfield Public Schools' website. Said summaries in our opinion provide the details that are relevant for the public without compromising the personnel records and/or privacy rights of the individuals involved.

Our counsel has been informed by your office that additional clarification regarding our position concerning the release of these records can be included in this cover letter with the understanding that the cover letter itself (as opposed to the enclosed documents) is a public record. We are also willing to provide this cover letter to the requestor if you want us to do so.

The Pittsfield Public Schools assert that the records are exempt from disclosure under M. G. L. c. 4, § 7(26)(c). Exemption (c) permits the withholding of:
personnel and medical files or information and any other materials or data relating

to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy; provided, however, that this subclause shall not apply to records related to a law enforcement misconduct investigation.

More specifically, the requested records are personnel records and are therefore exempt from disclosure pursuant to the first clause of exemption (c). See Globe Newspaper Co. v. Boston Retirement Bd., 388 Mass. 427, 434 (1983). The records at issue are investigative reports that were prepared in order to determine if certain current and former employees had engaged in misconduct. The Courts have found that a balancing test is not required for these types of records. Instead, the Massachusetts Supreme Judicial Court has found that public employers can withhold personnel information that is "useful in making employment decisions regarding an employee." See Wakefield Teacher's Association, 431 Mass. 792, 798 (2000); see also Colman M. Herman v. City of Boston, et. al., Suffolk Superior Court, Civil Action No. 2384CV2395 at 6 (June 20, 2024). Here, the investigation reports were prepared specifically to make employment decisions (i.e., to determine if personnel/disciplinary action should or should not be taken). Indeed, investigative reports are the core type of record that is used to make such employment decisions.

Redactions to these particular documents would not be suitable as the entire document contains personnel information of a highly sensitive nature. Further, it is known who the staff members and some of the students are due to the intense publicity surrounding these cases and therefore redaction would not protect their interests. It would also be possible in the community to ascertain the identities of the student and adult witnesses even with redaction. If personnel records such as these were to be released, it would have a severe chilling effect on witnesses coming forward to discuss allegations such as these and would violate the privacy rights of the employees involved. Further, the public would not obtain any additional useful information beyond what is already publicly known (i.e., the general nature of the allegations and whether the allegations were or were not sustained).

If you have any questions, please feel free to contact me at 413-499-9505.

Sincerely,



Ann Marie Carpenter,
Human Resources Director
Keeper of the Records

Enclosures