**Opening Meetings of University UPPS No. 01.04.04**

**Committees to Members of the Press Issue No. 5**

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 **Next Review Date: 09/01/2023 (E6Y)**

 **Sr. Reviewer: Special Assistant to the**

 **President**

1. **POLICY STATEMENT**

01.01 This policy describes the circumstances under which the public may attend meetings of university committees.

1. **DEFINITIONS**

\*02.01 As used in this policy, "committee" includes those committees listed in the university's most recent [Roster of Councils, Committees](http://www.vpfss.txstate.edu/Roster), and Teams and all other university-level committees formed since publication of the roster. The term does not include councils listed in the [Roster of Councils, Committees](http://www.vpfss.txstate.edu/Roster), and Teams, nor does it include meetings of the staffs of university administrators or academic department chairs. Meetings of councils and staffs are ordinarily closed to the public. The official version of the [Roster of Councils, Committees](http://www.vpfss.txstate.edu/Roster), and Teams is available on the university website by October 1 each year.

02.02 As used in this policy, "public" means all persons who are not members of the committee involved.

**03. IDENTIFICATION OF APPLICABLE LAW**

03.01 The [Texas Open Meetings Act, Texas Government Code, Chapter 551](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.551.htm), requires a government body to open its meetings to the public, with certain exceptions. [The Act](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.551.htm) defines the word "meeting" as "a deliberation between a quorum of a governmental body or between a quorum of a governmental body and another person, during which public business or public policy over which the governmental body has supervision or control is discussed or considered or during which the governmental body takes formal

Action…"

03.02 The authority of councils, committees, and teams is limited to reviewing, offering suggestions, and making recommendations on matters related to their purpose, as provided in the [Rules and Regulations of the Board of Regents, The Texas State University System (TSUS), Chapter IV, Section 2.2(10)](http://gato-docs.its.txstate.edu/jcr%3Acadb6c26-5fbc-4e8d-87df-da945380ffdd/Rules%20Regs%20May%202017.pdf).

03.03 The attorney general of Texas has held that university committees that do not exercise supervision or control over public business or policy are not subject to the requirements of the [Texas Open Meetings Act](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.551.htm) (Texas Attorney General Letter Opinion No. 93-64).

**04. OPEN OR CLOSED MEETINGS**

04.01 The university recognizes that people should have access to meetings at which business or policy affecting the university is discussed. Although not required by law, it is the policy of the university that persons are, unless otherwise expressly prohibited by university policy or by decision resulting from implementation of that policy, entitled to attend meetings of university committees. Therefore, except as otherwise provided in this policy, the presiding officer will open all university committee meetings to the public unless, after consultation with other members, he or she decides to close the meeting.

04.02 Although the committee’s presiding officer must consult with the other committee members before deciding to close the meeting, the presiding officer will make the final decision, regardless of the opinions of other committee members.

04.03 The presiding officer of a university committee may exclude any witness from a hearing during examination of another witness in a matter being investigated.

04.04 A person attending a university committee public meeting may record any part of the meeting by any means of audio or video reproduction unless the presiding officer directs otherwise. The presiding officer must ascertain: 1) whether attendee may record during the meeting, and 2) whether the attendees include a member of the press.

In either event, the presiding officer will announce such fact to the other members. Surreptitious use of a recording device is a violation of university policy and subjects the user to expulsion from the meeting. In addition, university employees and students who use recording devices surreptitiously under these circumstances are subject to disciplinary sanctions.

04.05 A presiding officer who has any question regarding the legality of opening or closing a meeting to the public may seek advice from the TSUS Office of General Counsel.

**05. EXCEPTIONS TO OPEN MEETINGS**

05.01 The committee will close consultations with an attorney.

05.02 The university president may close to the public all or any portion of any university council, committee, or recognized student, faculty, or staff organization meeting.

05.03 The university will exclude the public from a meeting during which the attendees discuss the purchase, exchange, lease or value of real property, contract negotiations, or prospective gifts or donations to the university, when the discussion would have a detrimental effect on the university’s negotiating position.

05.04 This policy does not require committees to hold meetings open to the public in cases involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a university faculty member or staff employee or student, or to hear complaints or charges against a student or employee of the university. If an employee requests an open meeting in writing, the presiding officer may, at his or her sole discretion, open the meeting to the public. Student disciplinary hearings are always closed.

05.05 This policy does not require university committees to deliberate in open meetings regarding the deployment or implementation of security strategies, personnel, plans, or devices.

05.06 The presiding officer will close committee meetings at which information (other than directory information) contained in students’ education records is revealed unless it obtains the students’ written consent for the release of such information.

**06. PROCEDURES FOR DEALING WITH UNAUTHORIZED DISCLOSURE OF CONFIDENTIAL DATA BY COMMITTEE MEMBERS**

06.01 If a university committee, in a closed meeting, discusses matters deemed confidential by the presiding officer, the presiding officer shall have the responsibility of informing the committee members of the confidential nature of the business discussed.

06.02 If thereafter, the presiding officer or a committee member discloses that confidential information to the news media or public, that member is solely responsible for that release.

**07. PROCEDURE FOR DISTRIBUTION OF POLICY**

07.01 The special assistant to the president will include a statement of the key requirements of this policy in each publication of the [Roster of Councils, Committees](http://www.vpfss.txstate.edu/Roster), and Teams. The official version of the [Roster of Councils, Committees](http://www.vpfss.txstate.edu/Roster), and Teams is available on the university website by October 1 of each year.

**08. REVIEWERS OF THIS UPPS**

\*08.01 Reviewers of this UPPS include the following:

Position Date

Special Assistant to the President September 1 E6Y

TSUS Associate General Counsel September 1 E6Y

Assistant Vice President, September 1 E6Y

University Advancement-

Communications

**09. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Special Assistant to the President; senior reviewer of this UPPS

President