

## OPEN MEETINGS COMPLIANCE

### 1. What campus bodies are covered?

Until further action by the President of The University of North Carolina, a "public body" is deemed to include a committee, council, board, or other campus group (all called "committees" in this document) that satisfies all of the following criteria:

- A. It is established by or at the direction of the Chancellor and/or a Vice Chancellor;
- B. the membership does not consist exclusively of administrative officers of the University;
- C. its designated function or subject-matter jurisdiction is University-wide; and
- D. it is expressly authorized or directed
  - (1) to legislate, make policy, adjudicate, or take administrative action, or
  - (2) to make findings concerning or to recommend legislative, policy-making, quasi-judicial, or administrative action.

Additionally, because the Faculty Senate, the Faculty Hearing Committee, the Due Process Committee and the Faculty Grievance Committee are established by the Board of Governors pursuant to The Code of The University of North Carolina, those bodies are also subject to these requirements.

### 2. How does a committee meet the requirement to give public notice of its meetings?

If you have an annual or semi-annual schedule of meetings, the meetings are called "regular" meetings. If you can simply supply that schedule to the Chancellor's Executive Assistant, Dr. James P. Smith, so that it is received there not later than seven days before the first meeting, a single posting at the first of the year or semester will suffice. If you change your schedule, the changed schedule must be submitted to Dr. Smith at least seven calendar days before the first meeting held pursuant to the changed schedule.

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Many committees do not have an annual or semi-annual meeting schedule, and meetings not conducted on such a regular schedule are generally referred to as "special" meetings. Such meetings require 48 hours notice, and notice forms should be submitted to Public Relations so that they are received at least 48 hours before the meeting.

"Emergency" meetings are to be confined to true emergencies and are meetings which are "called because of generally unexpected circumstances that require immediate consideration by the public body." Notice must be given to Public Relations immediately after the notice has been given to committee members.

**3. What are the requirements for keeping minutes?**

Any committee subject to these requirements must keep minutes, including minutes of closed sessions. Minutes of a closed session may be withheld from public inspection, but minutes of open sessions are public records. Written minutes will be the norm. It is not necessary to prepare minutes if the committee's proceedings are transcribed. Minutes of closed sessions may be very brief. It is only necessary to note that the committee voted to move into closed session. The written motion to move into closed session should be attached. (See attachment 2).

**4. When can we or must we meet in closed session?**

Please consult with the University Attorney regarding your agenda if you believe that your committee's business either may or must be conducted in closed session. As a general rule, you may hold a closed session only to discuss one or more of the following topics:

- A. To discuss information privileged or confidential pursuant to State or Federal law;
- B. to discuss honorary degrees, scholarships, or prizes;
- C. to consult with an attorney and to preserve the attorney-client privilege;
- D. to discuss the location or expansion of industries or businesses;
- E. to discuss real property acquisition (other than by gift or bequest) and employment contracts;

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- F. to discuss personnel matters; or
- G. to discuss alleged criminal misconduct.

**5. What are the procedures for going into and coming out of a closed session?**

A motion form is attached. The motion form must be properly completed and made at the meeting. Even if only committee members are present, it is necessary to move into closed session to discuss the topics listed in number 4. If the committee does not move into closed session, its minutes and other records may become public records.

**6. Can we conduct our meetings by conference telephone call, or video network, or e-mail?**

Please consult with the University Attorney regarding holding a meeting by conference telephone or other electronic means, to assure proper notice to and access for the media and the public.

**7. Can we use written ballots to conduct business at our meetings?**

Public bodies may act or vote by written ballots only if the ballots are signed by the individual voter, the minutes of the meeting record the individually-cast votes, and the ballots are available for public inspection immediately following the meeting at which the vote took place.

**8. Can the press or public broadcast or record our meetings?**

Any person may broadcast or record a meeting of a public body; however, the public body can prevent interference with the meeting and may reasonably regulate placement and use of recording equipment. Please contact the Chancellor's Executive Assistant if you need help.

**9. What do we do if someone disrupts our meeting?**

If a person willfully interrupts or disturbs an official meeting and refuses to leave after being directed to leave by the presiding officer, you may call campus police. You may also adjourn the meeting. This law does not give any member of the public or media the right to speak at a meeting.

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**10. How can we get help?**

The University Attorney and the Chancellor's Executive Assistant will be available to assist you with matters related to compliance with the Open Meetings Law. Their addresses and telephone numbers are provided below:

Dr. James L. Smith  
Executive Assistant to the Chancellor  
Spilman Building, Room 202  
Telephone: 328-6105  
E-mail address: PYSMITH@ECUVM.CIS.ECU.EDU

Ben G. Irons, II  
University Attorney  
Spilman Building, Room 210  
Telephone: 328-6940  
E-mail address: UAIRONS@ECUVM.CIS.ECU.EDU

**11. What if we fail to comply with the requirements of the Open Meetings Law?**

Any person who objects can file a lawsuit seeking injunctive relief. The court may declare any action taken during the meeting to be null and void and may award reasonable attorney's fees. If the court finds that any individual member or members of the public body knowingly or intentionally violated the Open Meetings Law, it may order that such member or members pay personally all or any portion of such attorney's fee, unless such members consulted with an attorney and were following the attorney's advice when the violation occurred.