

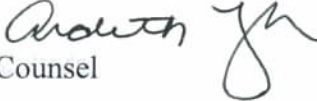
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November 13, 2014

TO: Patrick K. Gamble, President  
FROM: Ardith Lynch   
Associate General Counsel  
RE: Revisions to University Regulations - *Open Meetings*

Attached for your review and approval are proposed revisions to regulations governing open meetings. The changes are shown in redline and in a final version.


The current regulations are out of date; they do not reflect changes in Alaska Statute that have occurred since the regulations were first adopted. I recommend revising the regulations to mirror the relevant portions of Alaska's open meetings law.


In accordance with Regents' Policy 01.03.020 B., I have sought review and comment by the chancellors and the system governance council. No objections to the changes have been received.

I recommend your approval. If you concur, please indicate by signing below. The changes would be effective upon your signature and incorporation in the Manual of Regulations. Thus your approval should be transmitted to Brandi Berg, Board of Regents Executive Officer, for incorporation in the manual and distribution.

Attachment

**I approve and cause to be promulgated the attached changes to University Regulation 02.06.011 – 02.06.046. These changes are effective immediately.**

  
\_\_\_\_\_  
Patrick K. Gamble, President

  
\_\_\_\_\_  
Date

cc: Brandi Berg, Board of Regents Executive Officer  
Chancellors  
General Counsel

# **FINAL VERSION**

## **R02.06.011. Purpose**

This chapter provides the requirements and procedures for giving reasonable public notice of open meetings held by governmental bodies of the university.

## **R02.06.012. Applicability.**

This chapter applies to all meetings held by governmental bodies of the university system. In this chapter, the term “governmental body” means an assembly, council, board, commission, committee, or other similar body of the university with the authority to establish policies or make decisions for the university or with the authority to advise or make recommendations to the university; "governmental body" includes the members of a subcommittee or other subordinate unit of a governmental body if the subordinate unit consists of two or more members.

## **R02.06.013. Exceptions.**

This chapter does not apply to:

- A. A governmental body performing a judicial or quasi-judicial function when holding a meeting solely to make a decision in an adjudicatory proceeding; or
- B. Staff meetings or other gatherings of the employees of the university, including meetings of an employee group established by policy of the Board of Regents of the University of Alaska or held while acting in an advisory capacity to the Board of Regents.

## **R02.06.020. Notice Requirements.**

- A. Except for bona fide emergency circumstances, at least three (3) working days’ advance public notice shall be given for all meetings subject to this chapter.
- B. Notice shall be given as follows:
  - 1. Typewritten or printed notice of the meeting shall be posted on at least one public bulletin board at the affected campus or on a public website; reasonable efforts shall be made to post this notice on a public bulletin board or website that is most likely to attract the attention of known interested parties.
  - 2. For those institutions that regularly publish weekly, biweekly, or monthly newsletters, reasonable efforts shall be made to include advance notice of meetings known to be scheduled at the time that the newsletter is prepared for printing.
- C. Each notice must contain the following:

1. a description of the body holding the meeting;
2. the time, date, and place of the meeting; and
3. the name and telephone number of a person who may be contacted for additional information regarding the meeting.

**R02.06.030. Conduct of Meetings.**

- A. Except when voice votes are authorized, and except as provided below, any votes taken by a body or group shall be conducted in such a manner that the public may know the vote of each person entitled to vote. This provision does not apply to votes required to be taken to organize the aforementioned bodies such as election of officers.
- B. If excepted subjects are to be discussed at a meeting in executive session, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that come within the exceptions listed in C. of this section shall be determined by a majority vote of the body. No subjects may be considered at the executive session unless auxiliary to the main question. No action may be taken at the executive session except as permitted by AS 44.62.310.
- C. The following excepted subjects may be discussed in an executive session:
  1. matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the university;
  2. subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
  3. matters that by law, board policy, or university regulation are required to be confidential; and
  4. matters involving consideration of government records that by law are not subject to public disclosure.

**R02.06.040. Responsibility for Compliance.**

Each of the chancellors shall be responsible for ensuring compliance with this chapter by covered governmental bodies within their respective institutions. The president shall be responsible for ensuring compliance by covered governmental bodies within the Statewide Administration, as well as covered governmental bodies that extend across institutional lines. The president and the chancellors may delegate their responsibilities for ensuring reasonable public notice under this chapter to such persons or positions as they may designate in writing.

**REGENTS' POLICY**  
**PART II - ADMINISTRATION**  
**Chapter 02.06 - Open Meetings**

**P02.06.010. General Statement.** The University of Alaska will conduct meetings in accordance with AS 44.62.310 (the Alaska Open Meetings Law) and any additions or exemptions thereto.

(03-09-84)

**REDLINE VERSION:**

**UNIVERSITY REGULATION  
PART II - ADMINISTRATION  
Chapter 02.06 - Open Meetings**

**R02.06.011. Purpose**

This chapter provides the requirements and procedures for giving reasonable public notice of open meetings held by governmental bodies ~~administrative bodies, boards, commissions, committees, subcommittees, authorities, councils, agencies, organizations, assemblies, departments, divisions, bureaus, or other subordinate units~~ of the university. ~~[Jeannie Phillips: Note approval date of 1984; counsel should verify that regulation meets current legal requirement.]~~

(03-09-84)

**R02.06.012. Applicability.**

This chapter applies to all meetings held by ~~subordinate units~~ governmental bodies of the university system. ~~that are:~~ In this chapter, the term "governmental body" means an assembly, council, board, commission, committee, or other similar body of the university with the authority to establish policies or make decisions for the university or with the authority to advise or make recommendations to the university; "governmental body" includes the members of a subcommittee or other subordinate unit of a governmental body if the subordinate unit consists of two or more members.

~~A. multi-membered bodies;~~

~~B. advisory or otherwise;~~

~~C. supported in whole or in part by public money or authorized to spend public money; and~~

~~D. groups whose group identity and activities are expressly sanctioned by the university as evidenced by an official charter granted under the board policies or university regulations, or by way of an expressed written delegation of authority from the university president or a chancellor to a particular body or group. [J. Phillips comment: There is no definition or process for an 'official charter'.]~~

(03-09-84)

**R02.06.014013. Exceptions.**

This chapter does not apply to:

A. ~~A~~-a governmental body performing a judicial or quasi-judicial function when holding a meeting solely to make a decision in an adjudicatory proceeding; or

B. ~~S~~-staff meetings or other gatherings of the employees of the university, including meetings of an employee group established by policy of the Board of Regents of the University of

~~Alaska or held while acting in an advisory capacity to the Board of Regents.~~

~~A. This chapter does not apply to meetings of a local campus grievance council (P04.08.070.F.) when holding a meeting solely to make a decision in an adjudicatory proceeding. The entire proceedings may be conducted in executive session, unless a party to the grievance demands a public hearing, in which case all proceedings shall be conducted in public, except for the council's private deliberations to reach a decision on the merits, which may be in executive session.~~

~~B. Staff meetings necessary to conduct the routine business of the university are generally excluded from the Open Meetings Law. (03-09-84)~~

### **R02.06.020. Notice Requirements.**

A. Except for bona fide emergency circumstances, at least three (3) working days' advance public notice shall be given for all meetings subject to this chapter. ~~Reasonable efforts shall also be made to personally notify known interested parties in advance of a meeting.~~

B. Notice shall be given as follows: ~~[S. Henrichs comment: Most people are more likely to look for meeting notices on websites.]~~

1. ~~T~~ypewritten or printed notice of the meeting shall be posted on at least one public bulletin board at the affected campus ~~or on a public website; reasonable efforts shall be made to post this notice on a public bulletin board or website that is most likely to attract the attention of known interested parties.~~

2. ~~F~~or those institutions that regularly publish weekly, biweekly, or monthly newsletters, reasonable efforts shall be made to include advance notice of meetings known to be scheduled at the time that the newsletter is prepared for printing; ~~the president and the chancellors may adopt reasonable procedures governing when, how, and to whom the print copy shall be delivered; and~~

3. ~~reasonable efforts shall be made to notify known interested parties in writing, in person, or by telephone.~~

C. Each notice must contain the following:

1. a description of the body holding the meeting;
2. the time, date, and place of the meeting; and
3. the name and telephone number of a person who may be contacted for additional information regarding the meeting.

~~(06-12-86)~~

### **R02.06.030. Conduct of Meetings.**

- A. Except when voice votes are authorized, and except as provided below, any votes taken by a body or group shall be conducted in such a manner that the public may know the vote of each person entitled to vote. This provision does not apply to votes required to be taken to organize the aforementioned bodies such as election of officers.
- B. If excepted subjects are to be discussed at a meeting in executive session, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that come within the exceptions listed in C. of this section shall be determined by a majority vote of the body. No subjects may be considered at the executive session unless auxiliary to the main question. No action may be taken at the executive session except as permitted by AS 44.62.310.
- C. The following excepted subjects may be discussed in an executive session:
  - 1. matters, ~~the~~ immediate knowledge of which would clearly have an adverse effect upon the finances of the university;
  - 2. subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; ~~and~~
  - 3. matters that by law, board policy, or university regulation are required to be confidential; and
  - 4. matters involving consideration of government records that by law are not subject to public disclosure.

(03-09-84)

**R02.06.040. Responsibility for ~~Implementation~~Compliance.**

Each of the chancellors shall be responsible for ensuring compliance with this chapter by covered governmental bodies ~~or groups~~ within their respective institutions. The president shall be responsible for ensuring compliance by ~~subordinate units covered~~ governmental bodies within the Statewide Administration, as well as ~~subordinate units covered~~ governmental bodies that extend across institutional lines, ~~such as System Governance~~. The president and the chancellors may delegate their responsibilities for ensuring reasonable public notice under this chapter to such persons or positions as they may designate in writing.

(03-09-84)

**~~R02.06.042. Master List.~~**

~~Each of the chancellors shall prepare and thereafter maintain a master list of all covered bodies within their institutions. Copies of these master lists shall be forwarded to the office of the university president, who shall forward copies to System Governance. The lists must include reference to any applicable local campus assemblies, faculty senates, support staff councils, community college councils, promotion, tenure and sabbatical leave committees, grievance councils, student councils, and any other bodies covered by R02.06.020.B.~~

(03-09-84)

**~~R02.06.044. Use of Terms.~~**

~~In this chapter, the terms "bodies," "groups," "subordinate units" and the like are used interchangeably.~~

~~(03-09-84)~~

**~~R02.06.046. Assistance.~~**

~~Persons requiring assistance in interpreting the purpose and scope of the Alaska Open Meetings Law (AS 44.62.310) or this chapter may submit questions in writing to the president or to their chancellor.~~

~~(03-09-84)~~