

# MISSOURI SOUTHERN STATE UNIVERSITY POLICY

Policy #:	01-0006				
Name of Policy:	Open Records and Notice of Meetings Policy				
Date of Last Revision:	March 2024	Initial Date of Approval:		Initial Effective Date:	
Policy Owner	Board of Governors				
Policy/Chapter Sections	Records Request Notice of Meetings Exceptions Closed Meetings				
Date of Next Review:	March 2027				

## 1.0 PURPOSE

This policy outlines the University's commitment to compliance with State and federal law concerning public meetings and access to records, in particular the provisions of the Missouri law on Open Meetings and Records ("Sunshine Law") RSMo § 610.010 et seq.

## 2.0 SCOPE

This policy governs the notice of meetings and access to open public records of the Board of Governors and its committees.

## 3.0 POLICY

All meetings, records and votes of the Board of Governors and its committees shall be open to the public unless otherwise provided by law. The provisions of RSMo § 610.010 et seq. apply to such meetings, records and votes of the Board of Governors. While certain policies and procedures are specifically listed herein, the Board of Governors intend to fully comply with all requirements set forth in Chapter 610, RSMo.

## 4.0 PROCEDURE

### Records Requests

Records of meetings of the Board of Governors and its committees shall be maintained by secretary of the board who is hereby designated custodian of records of the Board of Governors.

Open records of the Board of Governors shall be available for inspection and copying as follows:

Requests shall be made to the secretary of the board. Records requests shall be processed and responded to in accordance with §610.023, RSMo. Fees for any records requests shall be charged in accordance with §610.026, RSMo.

Requests for access may be denied if the records or information sought are determined to be closed records pursuant to RSMo § 610.021, or on the grounds that the request fails to comply with the

any other requirements of RSMO Chapter 610.

Inquiries concerning the compliance of the Board of Governors with state or federal law regarding the release of records should be directed to the University custodian of the records.

### **Notice of meetings**

The Board of Governors shall give notice of the time, date, place, and mode of each meeting, and its tentative agenda at least twenty-four (24) hours in advance of such meeting (not including weekends or holidays) unless such notice is impossible or impracticable for good cause, in which case as much notice as is reasonably possible shall be given. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to requesting disabled individuals.

The Board of Governors will allow for the recording by audiotape, videotape, or other electronic means of any open meeting, with permission, and may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting.

When it is necessary to hold a meeting on less than twenty-four hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

A committee of the Board of Governors may conduct a meeting without notice as required above during a lawful meeting of the Board of Governors, a recess in that meeting, or immediately following that meeting, if the meeting of the committee is publicly announced at the Board of Governors' meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the Board of Governors and the committee meeting does not otherwise violate the provisions of Chapter 610, RSMo.

A journal or minutes of open and closed meetings shall be taken and retained by the Board of Governors, including, but not limited to, a record of any votes taken at such meeting. The minutes shall include the date, time, place, members present, members absent and a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each "yes" and "no" vote or abstinence if not voting to the name of the individual member of the Board of Governors.

### **Exceptions**

Except to the extent disclosure is otherwise required by law, and as more fully defined in RSMo § 610.21, the Board of Governors is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any

moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "**personal information**" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and

lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) (a) Security measures, global positioning system (GPS) data, investigative information, or investigative or surveillance techniques of any public agency responsible for law enforcement or public safety that, if disclosed, has the potential to endanger the health or safety of an individual or the public.

(b) Any information or data provided to a tip line for the purpose of safety or security at an educational institution that, if disclosed, has the potential to endanger the health or safety of an individual or the public.

(c) Any information contained in any suspicious activity report provided to law enforcement that, if disclosed, has the potential to endanger the health or safety of an individual or the public.

(d) Operational guidelines, policies and specific response plans developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which has the potential to endanger individual or public safety or health. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(20) The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;

(21) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

(22) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body;

(23) Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business;

(24) Records relating to foster home or kinship placements of children in foster care under section 210.498; and

(25) Individually identifiable customer usage and billing records for customers of a municipally owned utility, unless the records are requested by the customer or authorized for release by the customer, except that a municipally owned utility shall make available to the public the customer's name, billing address, location of service, and dates of service provided for any commercial service account.

### **Closed meetings**

Except as set forth below, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the Board of Governors. The vote of each member of the Board of Governors on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific section of this chapter shall be announced publicly at an open meeting of the Board of Governors and entered into the minutes.

When the Board of Governors proposes to hold a closed meeting or vote it shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to the specific exception allowed pursuant to the provisions of RSMo §610.021. Such notice shall comply with the procedures set forth in section 610.020 for notice of a public meeting.

Any meeting or vote closed pursuant to section 610.021 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. The Board of Governors shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. The Board of Governors, when holding a closed meeting, shall close only an existing portion of the meeting facility necessary to house the members of the Board of Governors in the closed session, allowing members of the public to remain to attend any subsequent open session held by the Board of Governors following the closed session.

In the event any member of the Board of Governors makes a motion to close a meeting, or a record, or a vote from the public and any other member believes that such motion, if passed, would cause a meeting, record or vote to be closed from the public in violation of any provision in the Missouri Sunshine Law, such latter member shall state his or her objection to the motion at or before the time the vote is taken on the motion. The Board of Governors shall enter in the minutes of the Board of Governors any objection made pursuant to this section. Any member making such an objection shall be allowed to fully participate in any meeting, record or vote that is closed from the public over the member's objection. In the event the objecting member also voted in opposition to the motion to close the meeting, record or vote at issue, the objection and vote of the member as entered in the minutes shall be an absolute defense to any claim filed against the objecting member pursuant to RSMo § 610.027.

## **5.0 HISTORY**

This policy may be revised, edited, changed or removed at any time with or without notice to applicable individuals.

March 2024 – Updated to new format, updated by Board of Governors Attorney.

## **6.0 RELATED DOCUMENTS**

None