

### **Policy Statement**

The Open Meetings Law (OML) applies to any official convening of any of the College's public bodies with two or more members that requires a quorum to conduct public business and that is performing a governmental function. Finger Lakes Community College boards, committees, subcommittees, organizations and agencies may be subject to the OML. College judicial proceedings, the deliberations of political committees, and matters made confidential by federal or state law are exempt from the OML.

An executive session may only be called for one or more of the following purposes: to discuss matters that could imperil the public safety if disclosed; to discuss any matter which could disclose the identity of a law enforcement agent or informer; to discuss information relating to the current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed; to discuss matters relating to proposed, pending or current litigation; collective negotiations under Article 14 of the New York Civil Service Law; to discuss information that could reveal the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation; the preparation, grading or administration of examinations; or the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by the public body, but only when publicity would substantially affect the value thereof.

Copies of agency records scheduled to be the subject of discussion at the public meeting must be made available to the public prior to or at the meeting for a reasonable fee, or by posting them online prior to the meeting. Agency records that are scheduled to be discussed at a public meeting shall be posted on the website to the extent practicable as determined by the College. If there is a basis for conducting an executive session, records scheduled to be discussed during the executive session are not required to be disclosed.

Minutes will be taken at all College meetings that are subject to the OML. Minutes need not include any information that is not required to be available to the public under the NY Freedom of Information Law. Minutes will be available for public inspection at the Office of the President within two weeks from the date of the meeting. Those portions of the minutes taken during an executive session which are required to be made public will be available within one week from the date of the meeting.

### **Reason for Policy**

The New York State Open Meetings Law fosters open government by imposing certain requirements on the meetings of public bodies.

This policy ensures that the College is in compliance with the "OML" and assists members of the College community and general public who wish to attend meetings pursuant to the OML.

### **Applicability for the Policy**

All members of the College community should be familiar with this policy.

### **Definitions**

None

### **Related Documents**

- NYS Education Department Regulations, 8 NYCRR Part 311
- NY Public Officers Law, Article 7 (Open Meetings Law)
- NY Public Officers Law, Article 6 (Freedom of Information Law)
- FLCC Availability of Policies and Procedures for Review policy

- FLCC Communications and Public Affairs policy

**Review dates/action taken (requires Board of Trustees approval):**

- May 2010: original approval date
- March 2013: revisions approved by the Board of Trustees
- Fall 2014: no revisions
- Fall 2019: no substantive changes (legal review of policy conducted)

## **Procedures**

### Public Notice

The OML requires the following procedure for public access to covered meetings:

1. In the event that a meeting is scheduled more than one week prior to the time of the meeting, the Office of the President will give or electronically transmit notice of the time and place of the meeting to the news media and post notice of the meeting on the FLCC website at least seventy-two hours before the meeting.
2. For meetings that are scheduled less than one week prior to the time of the meeting, the Office of the President will give or electronically transmit notice of the time and place of the meeting to the news media and post notice of the meeting on the FLCC website at a reasonable time prior thereto.
3. Notice of any public meetings conducted via videoconference shall state that video conferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.
4. Copies of agency records scheduled to be the subject of discussion at the public meeting will be made available to the public prior to or at the meeting for a reasonable fee, or by posting them online prior to the meeting. Agency records that are scheduled to be discussed at a public meeting shall be posted on the website by the Office of the President to the extent practicable as determined by the College. If there is a basis for conducting an executive session, records scheduled to be discussed during the executive session are not required to be disclosed.
5. Executive sessions of College meetings are open only to any member of the public body holding the meeting and any other individuals authorized by that public body. However, executive sessions may only be called subject to the following:
  - A majority vote of the total membership of the body holding the meeting must approve the executive session during a public meeting, upon a motion identifying the general subject(s) to be considered during executive session.
  - A formal vote with respect to appropriation of public monies shall not be taken in an executive session.

### **Forms/Online Processes**

Although the College is not required to provide online services, the College provides the following online records at the discretion of each office responsible for maintaining the records:

- Annual Reports and Strategic Plans (current only)
- President's Cabinet Membership (internal site only)
- College Council Membership and Meeting Minutes (internal site only)
- Diversity Steering Committee Membership
- Presidential Updates

### **Appendix**

- None

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