

K-STATE OLATHE INNOVATION CAMPUS, INC.

POLICIES AND PROCEDURES

Policy 102.

Adopted: _____

Compliance with Kansas Open Meetings Act

.010 Introduction

The Open Meetings Act, K.S.A. 75-4317, et seq., as amended, declares that it is the public policy of this state that meetings for the conduct of governmental affairs and the transaction of governmental business be open to the public and that it is against the public policy of this state for any such meeting to be adjourned to another time or place in order to subvert the policy of open public meetings.

.020 Meetings of the board of directors of K-State Olathe Innovation Campus, Inc. (K-State Olathe) open to public

Meetings of the board of directors of K-State Olathe are subject to the terms of the Open Meetings Act and are open to the public, subject to the exceptions set forth in subsection .050.

..030 Meeting defined

As used in the Open Meetings Act, "meeting" means any gathering or assembly in person or through the use of a telephone or any other medium for interactive communication by a majority of the membership of the K-State Olathe board.

.040 Notice of meetings of the K-State Olathe board of directors

Notice of meetings of the K-State Olathe board of directors shall be provided in the manner prescribed by K.S.A. 75-4318, as amended.

.050 Closed or executive meetings of the K-State Olathe board of directors

1. Upon formal motion made, seconded and carried, the K-State Olathe board of directors may recess, but not adjourn, open meetings for closed or executive meetings. Any motion to recess for a closed or executive meeting shall include a statement of (1) the justification for closing the meeting, (2) the subjects to be discussed during the closed or executive meeting and (3) the time and place at which the open meeting shall resume. Such motion, including the required statement, shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the board of directors. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.

2. No subjects shall be discussed at any closed or executive meeting, except the following:

A. Personnel matters of nonelected personnel;

B. consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship;

C. confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships;

D. matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person;

E. preliminary discussions relating to the acquisition of real property;

F. matters relating to security measures, if the discussion of such matters at an open meeting would jeopardize such security measures, that protect: (1) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (2) transportation and sewer or wastewater treatment systems, facilities or equipment; (3) a public body or agency, public building or facility or the information system of a public body or agency; or (4) private property or persons, if the matter is submitted to the agency for purposes of this paragraph. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments; or

H. any other subject for which an exception is explicitly provided in K.S.A. 75-4317, as amended.

3. No binding action shall be taken during closed or executive recesses, and such recesses shall not be used as a subterfuge to defeat the purposes of the Open Meetings Act.

4. Records submitted during a closed or executive meeting that are confidential under an exception set forth above or in statute shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

.060 Forms of motion

An appendix that sets forth forms of motion that may be used by the board of directors to go into an executive or closed session under certain exceptions is attached as an appendix to this Policy.

Appendix to Policy 102: Forms of motion for executive session

Non-elected personnel

I move that we go into executive session to discuss a matter involving non-elected personnel, in order to protect the privacy of the persons involved, and that we reconvene in open session in _____ minutes. No action will be taken during the executive session. Persons included shall be:

Privacy of students

I move that we go into executive session to discuss matters affecting a student, in order to protect the privacy interests of the individual(s) to be discussed, and that we reconvene in open session in _____ minutes. No action will be taken during the executive session. Persons included shall be:

Confidential financial data

I move that we go into executive session to discuss confidential financial data or trade secrets of a business, in order to protect the interests of the business to be discussed, and that we reconvene in open session in _____ minutes. No action will be taken during the executive session. Persons included shall be:

Consultation with counsel that is privileged

I move that we go into executive session for consultation with our attorney on a matter protected by the attorney-client privilege, in order to protect the privilege and the board's position, and that we reconvene in open session in _____ minutes. No action will be taken during the executive session. Persons included shall be:

Acquisition of real estate

I move that we go into executive session to have preliminary discussions about the acquisition of real property, in order to protect the public interest in obtaining the property at a fair price, and that we reconvene in open session in _____ minutes. No action will be taken during the executive session. Persons included shall be:

Security of campus, facilities, information system

I move that we go into executive session to discuss matters relating to the security of the campus, its facilities or information system, in order to protect the security of the campus, ensure its buildings or information systems are not jeopardized, and that we reconvene in open session in _____ minutes. No action will be taken during the executive session. Persons included shall be:

Security measures that protect a public body or agency and private persons

I move that we go into executive session to discuss matters relating to security measures that protect a public body or agency and private persons pursuant to K.S.A. 75-4319(b)(13), and that we reconvene in open session in _____ minutes. No action will be taken during the executive session. Persons included shall be: