

NORTHEAST COMMUNITY COLLEGE POLICY MANUAL

SECTION 2 - BOARD OF GOVERNORS SUBSECTION 23 – MEETINGS

POLICY NUMBER: BP – 2314

MEETINGS OF THE AREA BOARD – CLOSED OR EXECUTIVE SESSION

1. POLICY REASON/PURPOSE/INTENT

To establish a process for when the Board of Governors can go into an executive session.

2. DEFINITIONS

N/A

3. POLICY

3.1 The Northeast Community College Board of Governors may go into a closed or executive session if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting by the affirmative vote of a majority of the Board's voting members. The subject matter and the reason necessitating the closed or executive session shall be identified in the motion to close. The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each Board member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the Board Chairperson/officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session.

3.2 Closed sessions may be held for, but shall not be limited to, such reasons as: (Neb. Rev. Stat. §84-1410)

3.2.1 Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the College or the Board;

3.2.2 Discussion regarding deployment of security personnel or devices;

3.2.3 Investigative proceedings regarding allegations of criminal misconduct; or

3.2.4 Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

- 3.3 Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.
- 3.4 With regard to closed sessions:
 - 3.4.1 The Board shall restrict its consideration of matters during the closed portions to only those purposes set forth in the minutes' motion to close as the reason for the closed session.
 - 3.4.2 The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subsection (3.2.1) above.
 - 3.4.3 Any member of the Board shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the Board. Such challenge and its disposition shall be recorded in the minutes.
- 3.5 This section does not apply to chance meetings or to attendance at or travel to conventions or workshops by members of the Board at which there is no meeting of the Board then intentionally convened, if there is no vote or other action taken regarding any matter over which the Board has supervision, control, jurisdiction, or advisory power.

4. APPLICABILITY

N/A

EFFECTIVE DATE: 12/12/2013

ORIGINAL ADOPTION DATE: 10/11/1973 (item #0329) Policy 9365

REVISION DATE (AND BOARD OF GOVERNORS' MINUTES ITEM NUMBER): 07/11/1996 (item #7666); 03/13/1997 (item #7957); 08/10/2006 (item #9913); 12/12/2013 (Item #11363)

PRIOR POLICY/PROCEDURE NUMBER: 9220

SCHEDULE FOR REVIEW: 2018

DIVISIONS/DEPARTMENT RESPONSIBLE FOR REVIEW & UPDATE: Board/President

SPONSORING DIVISION/DEPARTMENT: Board of Governors

RESCINDED DATE: none

LEGAL REFERENCE: State Statute Section 84-1410

CROSS REFERENCE: none

PROCEDURE(S) FOR POLICY: none

RELATED POLICIES/REFERENCES: BP-2310; BP-2312

POLICY KEY WORDS: executive session, closed session, board