



Board of Regents

AGENDA & NOTICE OF SPECIAL MEETING EXECUTIVE COMMITTEE

10:30 a.m., Thursday, September 8, 2022

Conducted Via Remote Participation

Meeting will stream live at <http://youtu.be/z0S7m5yClvI>

1. **Call to Order, Roll Call & Declaration of Quorum**
2. **Adoption of Agenda**
3. **Approval of August 10 Meeting Minutes**
4. **Remarks - Board of Regents Chair JoAnn Ryan**
5. **Updates – President Cheng**
6. **Action Items**
 - Amendments to Board Bylaws and Human Resources Committee Charter – Alice Pritchard
 - Procedures for Public Participation at Board of Regents Meetings – Ernestine Weaver
 - Delegation of Authority for Awarding Community College Emeritus Status – Pam Heleen
7. **Informational Items**
 - Regent Mentor Program – Pam Heleen
 - Freedom of Information Act Public Meetings Guide – Pam Heleen
 - Proposed Locations/Formats for BOR Meetings – Sept. 2022 – June 2023 – Alice Pritchard
8. **Executive Session, if needed**
9. **Adjourn**



Board of Regents

Executive Committee
Wednesday, August 10, 2022 at 1:00 p.m.
Conducted Via Remote Participation
Meeting Minutes

EXECUTIVE COMMITTEE MEMBERS	PARTICIPATING
JoAnn Ryan, Chair	Yes
Richard Balducci	No
Ira Bloom	Yes
Holly Howery	Yes
Elease E. Wright	No

CSCU STAFF PRESENT:

Terrence Cheng, CSCU President
Dr. Alice Pritchard, Chief of Staff/Chief Strategy Officer
Ernestine Weaver, General Counsel
Pam Heleen, Assistant Secretary of the Board (recorder)

1. CALL TO ORDER

With a quorum present, Chair Ryan called the meeting to order at 1:02 p.m.

2. ADOPTION OF AGENDA

Chair Ryan called for a motion to adopt the Meeting Agenda; on a motion by Regent Howery, seconded by Regent Bloom, the Agenda was unanimously adopted.

3. INTRODUCTORY REMARKS - CHAIR JOANN RYAN

Chair Ryan noted that the action before the Committee is in response to the lifting of public health state of emergency by the General Assembly and the phasing out of the remaining executive orders impacting the CSCU during the Spring 2022.

Clarification of the Board's policy and its recommended guidelines are required before the beginning of the Fall semester.

On a motion by Regent Howery which was seconded by Regent Bloom, the motion was put before the Committee for consideration.

Chair Ryan requested that President Cheng, Dr. Pritchard, and General Counsel Ernestine Weaver present the Staff Report and resulting resolution.

4. COMMENTS - PRESIDENT CHENG

President Cheng recognized and thanked Dr. Alice Pritchard who has served as CSCU's primary COVID coordinator for nearly three years. She knows every step that the system and its institutions and campuses have taken. He also thanked the institutional presidents and campus leaders and their teams, as well as the faculty and staff for all the hard work, time, effort, perseverating, planning, and true care they have invested since March 2020 to manage the pandemic.

He noted that the adjustment to the proposed policy continues the practice that has been exercised during the summer on all campuses. It is shaped by institutional leaders and their teams and reflects confidence and experience in keeping our campuses safe. The policy change also keeps CSCU in alignment with other state agencies and the State at large.

President Cheng stated that he will continue to work with institutional presidents and all leaders across CSCU to maintain safe and healthy learning environments for all students, faculty, and staff.

5. COMMUNITY MESSAGE - DR. ALICE PRITCHARD

Dr. Pritchard noted that the following mitigation actions are effective immediately:

- Vaccine distribution: CSCU will work with the Department of Public Health (DPH) to make vaccines, including updated booster shots, available on all campuses throughout the semester.
- Vaccine education: The vaccines currently approved for use by the FDA remain the safest, most effective means of protecting yourself from serious illness and hospitalization. While vaccine requirements have been suspended for students and employees, CSCU is strongly advising everyone to be vaccinated and boosted and will continue to provide up to date information to the community.
- Supplies available: Antigen tests and masks are available on campus for employees and students who don't have ready access to these supplies.
- Monitoring symptoms: Employees and students should continue to monitor their health and stay home whenever they have COVID-like symptoms.
- Quarantine and isolation: Employees and students are required to follow current CDC guidance on quarantine and isolation.
- Track and adjust to local conditions: CSCU will follow guidelines set forth for state facilities by the Department of Administrative Services (DAS), which are developed utilizing CDC's guidance on community risk levels. COVID-19 Community Levels are a new tool to help communities decide what prevention steps to take based on the latest data. Levels can be low, medium, or high and are determined by looking at hospital beds being used, hospital admissions, and the total number of new COVID-19 cases in an area. When conditions meet the "high" level, campus leaders will strongly encourage masking in indoor public places.

Dr. Pritchard also provided the following Fall 2022 updates:

- Masks optional: CSCU has shifted to a "mask-optional" protocol. Mask wearing remains an effective prevention strategy against the spread of the virus and other respiratory diseases, and CSCU leadership fully supports and expects all employees and students to respect those who choose to continue wearing masks.
- Physical distancing restrictions have been removed.
- In-person events are now welcome on campus for both internal and external audiences. A full schedule of in-person courses, meetings, and convenings is planned for this fall.

She closed by thanking all the COVID coordinators for their hard work to keep the campuses safe.

6. PROPOSED AMENDMENT TO POLICY - REGENT IRA BLOOM

Regent Bloom proposed friendly amendment to the resolution that clarifies that the vaccination mandate instituted in June 2021 is suspended and reinforces the authority and responsibility charged to President Cheng to enact mitigation strategies required to keep students, faculty, and staff safe on all campuses. Assistant Secretary to the Board read the revised resolution into the record:

RESOLUTION
Concerning
Policy Regarding
SUSPENSION OF COVID-19 IMMUNIZATION REQUIREMENTS FOR STUDENTS
August 10, 2022

WHEREAS, all of the Governor's Executive Orders related to the Public Health Emergency declaration beginning March 10, 2020, were lifted by the Connecticut General Assembly; and

WHEREAS, the Connecticut General Assembly, enacted Special Act 22-1 to address the orderly removal of COVID-19 safety protocols such as masking, social distancing, mandatory vaccination of State employees and other COVID-19 related measures by no later than June 30, 2022, for all purposes; and

WHEREAS, as public institutions, the Connecticut State Colleges and Universities have abided by the state's enactment in lessening its COVID-19 related restrictions; and

WHEREAS, the above referenced student vaccination policy amendment does not lessen the authorization of the CSCU President to create and promulgate COVID-19 mitigation requirements, for employees, vendors, visitors, and others to ensure the health and safety of everyone who frequents a BOR controlled property; therefore, be it

RESOLVED, the Policy dated June 24, 2021, regarding COVID-19 Immunization Requirements for Students is hereby suspended until further notice.

AND BE IT FURTHER RESOLVED THAT, the BOR restates its charge to the CSCU President to continue exercising this authority, with the input of institutional and campus leaders across CSCU institutions and other state agencies, partners, and resources, to adapt to and evolve with local, regional, and state-wide conditions as related to the virus, in ways that will allow CSCU to enact mitigation strategies with both broad approaches and targeted tactics, to address the needs and circumstances of our students, faculty, and staff on all our campuses.

Regent Howey thanked Regent Bloom for the friendly amendment as she believes it clarifies the policy. She also thanked the teams for their monumental efforts and that they are very much appreciated by the Board.

7. VOTE ON AMENDED RESOLUTION - CHAIR RYAN

Chair Ryan noted that she has been very impressed with the leadership of the CSCU who works diligently for the welfare of everyone in the System.

As no further questions remained, Chair Ryan called for the vote. The resolution passed unanimously.

8. ADJOURNMENT

On a motion by Regent Howery, seconded by Regent Bloom, Chair Ryan declared the meeting adjourned at 1:17 p.m.

CT BOARD OF REGENTS FOR HIGHER EDUCATION

RESOLUTION

AMENDMENTS TO BOARD BYLAWS and STANDING COMMITTEE CHARTERS

September 22, 2022

WHEREAS, the Bylaws of the Board of Regents have not been updated since September 2015; and

WHEREAS, all references to Public Acts have been removed and replaced by the proper citations in Connecticut General Statute, Chapter 185, Sec. 10a; and

WHEREAS, reference to the BOR President should accurately refer to the CSCU System President; and

WHEREAS, training for newly appointed members of the Board has been legislatively mandated in PA22-16; and

WHEREAS, procedures for providing public comment to the Board of Regents have been developed; and

WHEREAS, the charter for the Human Resources & Administration Committee has been amended, specifically in the “Meetings” section, to be consistent with other committee charters; and

WHEREAS, the Executive Committee of the Board of Regents has reviewed and approved the revised Bylaws at their September 8, 2022 meeting; therefore, be it

RESOLVED, that the Board of Regents for Higher Education ratifies the Board Bylaws dated September 22, 2022.

**BYLAWS OF THE CONNECTICUT BOARD OF REGENTS
FOR HIGHER EDUCATION
amended and restated - September 17, 2015 22, 2022**

ARTICLE I - THE BOARD OF REGENTS FOR HIGHER EDUCATION

SECTION 1 - AUTHORITY OF THE BOARD OF REGENTS

Pursuant to Section 10a-1a of the Connecticut General Statutes as amended, the Board of Regents for Higher Education serves as the governing body for the regional community-technical college system, the Connecticut State University System and Charter Oak State College collectively referred to as the Connecticut State Colleges and Universities in accordance with Section 10a-1 of the Connecticut General Statutes, as amended. The Board of Regents is authorized to act, as necessary, as the Board of Trustees for the constituent units which comprise the Connecticut State Colleges and Universities pursuant to sections 10a-71, 10a-88 and 10a-143 of the Connecticut General Statutes, as amended. The specific powers and duties of the Board are prescribed in Title 10a of the Connecticut General Statutes and are further delineated in policies adopted by the Board from time to time.

SECTION 2 - BOARD MEMBERSHIP

Membership on the Board is defined in Section 10a-1a of the Connecticut General Statutes as follows:

The board shall consist of twenty-two members who shall be distinguished leaders of the community in Connecticut. The board shall reflect the state's geographic, racial, and ethnic diversity. The voting members shall not be employed by or be a member of a board of trustees for any independent institution of higher education in this state or the Board of Trustees for The University of Connecticut nor shall they be employed by or be elected officials of any public agency as defined in subdivision (1) of section 1-200 of the general statutes, during their term of membership on the Board of Regents for Higher Education. The Governor shall appoint nine members to the board as follows: Three members for a term of two years; three members for a term of four years; and three members for a term of six years. Thereafter, the Governor shall appoint members of the board to succeed such appointees whose terms expire and each member so appointed shall hold office for a period of six years from the first day of July in the year of his or her appointment. Four members of the board shall be appointed as follows: One appointment by the president pro tempore of the Senate, who shall be an alumnus of the regional community-technical college system, for a term of four years; one appointment by the minority leader of the Senate, who shall be a specialist in the education of children in grades kindergarten to twelve, inclusive, for a term of three years; one appointment by the speaker of the House of Representatives, who shall be an alumnus of the Connecticut State University System, for a term of four years; and one appointment by the minority leader of the House of Representatives, who shall be an alumnus of Charter Oak State College, for a term of three years. Thereafter, such members of the General Assembly shall appoint members of the board to succeed such appointees whose terms expire and each member so appointed shall hold office for a period of four years from the first day of July in the year of his or her appointment. The chairperson and vice-chairperson of the faculty advisory committee created under section 10a-3a shall serve as ex-officio, nonvoting members of the board for a term of two years and, in their respective roles as chairperson and vice-chairperson, may be invited to any executive

session, as defined in section 1-200, by the chairperson of the board. The chairperson and vice-chairperson of the student advisory committee created under section 10a-3 of the general statutes, as amended by this act, shall serve as members of the board. The Commissioners of Education, Economic and Community Development and Public Health, the Labor Commissioner, and the Chief Workforce Officer shall serve as ex-officio, nonvoting members of the board.

It shall be the duty of each Regent to attend all Board meetings, as well as meetings of committees to which he or she has been appointed.

SECTION 3 - CODE OF ETHICS

Members of the Board of Regents shall serve for the public good and not for personal interest or gain. They shall comply with the provisions of the Code of Ethics for Public Officials set forth in Sections 1-79 through 1-90 of the Connecticut General Statutes. A Regent may not directly enter into a contract for a fee or be employed by the Board of Regents or any of its colleges or universities. A Regent shall not engage in any activity that violates the intent of this section and shall avoid any appearance of impropriety.

SECTION 4 – TRAINING

As legislatively mandated, newly appointed members of the Board shall complete instruction and training as outlined in PA22-16.

ARTICLE II - ORGANIZATION OF THE BOARD

SECTION 1 - MEETINGS OF THE BOARD OF REGENTS

A. REGULAR MEETINGS

Regular meetings of the Board shall be held in accordance with a schedule established and approved yearly by the Board. The decision to cancel a meeting for lack of business shall be made by the Chair in consultation with the CSCU System President.

B. SPECIAL MEETINGS

Special meetings shall be at the call of the Chair or whenever requested by nine or more voting members of the Board. Notice of a special meeting shall be given in accordance with the Connecticut Freedom of Information Act and shall specify the time and place of the meeting, and the business to be transacted.

C. QUORUM

A majority of the current voting membership of the Board shall constitute a quorum. Meetings may be conducted in the absence of a quorum provided that all actions taken are confirmed and ratified at a subsequent meeting where a quorum is present. Participation and interaction using available technologies will constitute a member's being present, provided that all members participating in the meeting are able to communicate with one another.

D. MOTIONS AND VOTING

Only voting members of the Board may bring forward a motion for consideration and possible vote.

For the purposes of these Bylaws, a “majority vote” shall be defined as a vote of more than half of the votes cast by members present, excluding abstentions, at a regular or properly-called meeting at which a quorum is present. A “two-thirds vote” shall be defined as a vote of at least two-thirds of the votes cast by members present, excluding abstentions, at a regular or properly called meeting at which a quorum is present.

E. PARLIAMENTARY RULES

Parliamentary rules as set forth in Robert's Rules of Order (latest revised edition) shall govern the conduct of the meetings of the Board.

So far as is practicable, the order of business for regular meetings of the Board shall be set by the Secretary of the Board and shall follow a standard format.

F. ~~CONSENT CALENDAR~~ AGENDA

Resolutions and other proposed actions of a routine nature may be adopted on motion without discussion provided information regarding such items has been provided to Board members for review prior to the date of the meeting. At any time before a motion for adoption of such consent calendar is made, a member of the Board may request removal of the item from the consent items in which case the item shall be so removed and assigned by the Chair of the Board to a place on the regular agenda. If possible, members should advise the Chair of the Board at least 24 hours before a meeting if they intend to request removal of an item from the consent calendar so that interested parties can be informed that the Board may discuss the item.

G. ADDING ITEMS TO THE AGENDA

Any motion made to add an item to the agenda shall require an affirmative two-thirds vote.

H. PUBLIC COMMENT

Public comment must be made in accordance with the Board procedures for written and oral presentations to the Board and as communicated in the publicly posted agenda for regular Board meeting.

Public comment will not be invited for Special Board Meetings.

SECTION 2 - OFFICERS OF THE BOARD

A. The officers of the Board shall be the Chair, Vice-Chair, CSCU System President and Secretary.

B. The Chair shall be appointed by the Governor pursuant to Section 10a-1a(c).

C. The vice chair shall be elected by majority vote of the Board for a term of three years.

- D. The **CSCU System** President shall be appointed by the Board of Regents and shall serve at the pleasure of the Board pursuant to **Section 10a-1b(a) of the Connecticut General Statutes**.
- E. A member of the **CSCU System** President's staff shall be appointed by the Board as the Secretary of the Board and shall serve at the pleasure of the Board.
- F. In the event ~~any officer except the Chair or the **CSCU System** President shall be~~ that the Vice Chair is unable to complete his or her term, a new officer shall be elected to fill the unexpired term.

SECTION 3 - DUTIES OF THE OFFICERS

A. CHAIR

The Chair shall preside over meetings of the Board in accordance with the general principles stated in Robert's Rules of Order, shall appoint members to committees established by the Board, and shall serve as ex-officio member of all committees. The Chair shall have the same right to vote and to participate in discussion as any other member.

B. VICE CHAIR

In the absence of the Chair, the Vice Chair shall preside over meetings of the Board and shall perform all the duties of the Chair.

C. **CSCU SYSTEM PRESIDENT**

Pursuant to Section 10a-1b of the Connecticut General Statutes:

The Board of Regents for Higher Education shall appoint a president of the Connecticut State Colleges and Universities who shall be the chief executive officer of the Connecticut State Colleges and Universities and shall administer, coordinate, and supervise the activities of the board in accordance with the policies established by the board. The President shall (1) have the authority to implement the policies, directives and rules of the board and any additional responsibilities as the board may prescribe, (2) implement the goals identified and recommendations made pursuant to section 10a-11b of the general statutes, (3) build interdependent support among the Connecticut State University System, the regional community-technical college system and Charter Oak State College, (4) balance central authority with institutional differentiation, autonomy and creativity, and (5) facilitate cooperation and synergy among Connecticut State University System, the regional community technical college system and Charter Oak State College.

D. SECRETARY

The Secretary shall be responsible for providing notice of meetings and maintaining the minutes and other records of the proceedings of the Board. The Secretary shall sign the minutes of each meeting of the Board following approval thereof by the Board. In the absence of the Secretary, any other Officer of the Board may sign the approved minutes.

E. CHAIR PRO TEM

In the absence of the Chair and Vice Chair, the Secretary shall call the meeting of the Board to order and a Chair Pro Tem shall be elected by an affirmative vote of two-thirds of the Board members present and voting to perform the duties of the Chair.

F. STAFF

There shall be an executive staff responsible for the operation of the Connecticut State Colleges and Universities. The executive staff shall be under the direction of the President of Connecticut State Colleges and Universities, who may employ staff as is deemed necessary.

ARTICLE III - COMMITTEES AND REPRESENTATIVES OF THE BOARD***SECTION 1 – EXECUTIVE/GOVERNANCE COMMITTEE***

The Executive Committee shall consist of the Board Chair, Vice Chair, the chairs of all the Board's standing committees, and such additional members as the Board Chair may appoint. The **CSCU System** President shall serve as an ex officio nonvoting member. The Chair of the Board shall chair this committee. Fifty percent of the members of the Committee shall constitute a quorum. It shall meet at such times as deemed necessary by the Chair. The Executive Committee shall exercise in emergencies the authority of the Board of Regents, consistent with the policies of the Board or with any action taken earlier by the Board. For purposes of executive committee action, a matter shall be deemed an emergency circumstance when delaying action until the full Board's next meeting could result in significant risk, expense, or disruption to the Universities, Colleges or their operations. The Executive Committee shall also serve, on an as-needed basis, as the Governance Committee of the Board of Regents for Higher Education. Upon recommendation from the ~~BOR~~ **CSCU System** President, the Committee will review the Board's governance practices and provide recommendations to the Board of Regents to maintain or improve such practices, including but not limited to proposed bylaw amendments, committee structure, and board self- assessment. The Executive Committee shall undertake such other matters and review such other issues as may be directed from time to time by the Board of Regents or as recommended by the ~~BOR~~ **CSCU System** President.

SECTION 2 - STANDING COMMITTEES

Standing Committees of the Board shall be the Academic & Student Affairs Committee, Audit Committee, Finance Committee and Administration Committee, and such additional committees as may be authorized by the Board Chair from time to time for purposes of efficient operation.

- **Academic & Student Affairs** is charged with oversight of student affairs and system academic policy including, but not limited to, program approval, academic standards and transfer policy.
- **Audit Committee** is charged with oversight of external audits of all system functions including individual campus audits.
- **Finance and Infrastructure Committee** The Committee is charged with oversight of the institutional facilities, financing strategy, financial policies and financial condition of the Connecticut State College & University System. The Committee shall conduct reviews, receive reports and provide direction to management and counsel to the Board of Regents concerning matters within its scope of responsibility.

- **Human Resources and Administration Committee** The Committee shall consider, review and/or develop policies and make recommendations governing employees of the Connecticut State Colleges & Universities and the BOR system office.

SECTION 3 - COMMITTEE MEMBERSHIP

- A. The Chair of the Board shall appoint the Chair of each Standing Committee.
- B. To provide a quorum for a committee meeting, the Chair or acting Chair of a committee may appoint any Board member to act in the absence of a regular committee member.
- C. When the Chair of a Standing Committee is unable to be present for a committee meeting, he or she may appoint any regular member of the committee as acting Chair.

SECTION 4 - SPECIAL COMMITTEES

The Chair of the Board may appoint committees from time to time to address other subjects or issues as appropriate.

SECTION 5 - COMMITTEE QUORUM

Fifty percent or a majority of the members of a standing or special committee shall constitute a quorum.

SECTION 6 - ADVISORY BODIES

- A. The Board is advised by two bodies created by statute:
 - 1. The Student Advisory Committee created pursuant to Section 10a-3 of the Connecticut General Statutes, as amended.
 - 2. The Faculty Advisory Committee created by Section 10a-3a of the Connecticut General Statutes, as amended.
- B. The Board may authorize the creation of additional advisory bodies on a permanent or temporary basis from time to time.

SECTION 7 - BOARD REPRESENTATIVES TO OTHER COMMITTEES, BOARDS OR OTHER ORGANIZATIONS

The Chair of the Board of Regents shall appoint a member or members to represent the Board on other committees, boards, or organizations, where required by statute or otherwise appropriate.

ARTICLE IV - MAINTENANCE OF BYLAWS

SECTION 1 - AMENDING THE BYLAWS

The Bylaws may be adopted, repealed, or amended by:

- A. The introduction of a proposed amendment at the time of a regularly scheduled meeting, and
- B. An affirmative vote of two-thirds of the members of the Board at the time of the next regularly scheduled meeting.
- C. Non-substantive revisions to the bylaws (as identified below) may be made by providing an informational update to the Board at a regularly scheduled meeting. A Board vote is not necessary.

Revisions, Editorial: Includes modifications related to spelling, grammar, format, and updates to hyperlinks or URLs, contact information, references, titles of individuals and organizations.

Revisions, Non-substantive: Includes modifications intended to enhance clarity without changing the intent of the policy, such as adding or modifying definitions, rearranging or re-wording sentences without changing their meaning or the policy's requirements for compliance.

APPROVED 12/20/11; AMENDMENTS 06/21/12; 10/18/12; 11/15/12; 6/20/13; 3/13/14; 9/18/14; 9/17/15;
9/22/2022

**Board of Regents for Higher Education
Connecticut State Colleges & Universities
Human Resources and Administration Committee Charter**

Introduction

There is established a committee to be called the Human Resources and Administration Committee of the Board of Regents for Higher Education (BOR). This charter broadly defines the Committee's roles with respect to human Resources and Administration.

Membership

The Human Resources and Administration Committee shall be appointed by the Chair of the BOR. It shall be composed of not less than three members of the BOR. One BOR member shall serve as chair of the Committee. At least one Committee member shall have expertise in Human Resources and Administration.

General Purpose and Scope

The Human Resources and Administration Committee shall be a standing committee of the BOR. The Committee shall consider, review and/or develop policies and make recommendations governing employees of the Connecticut State Colleges & Universities and the BOR **CSCU** system office.

Committee Responsibilities

The Committee's jurisdiction shall include, but not be limited to, policies concerning the following topics:

1. Classification and compensation.
2. ~~Duties and personnel distribution to achieve system mission/goals.~~
3. Equal opportunity and affirmative action.
4. Ethics.
5. Employee personnel files.
6. ~~Employee benefits.~~
7. Collective bargaining goals and objectives.
8. Processes for recruitment, appointment, evaluation, compensation, duties, and termination, if appropriate, of the **CSCU System** President of the BOR.
9. ~~Appointment and reappointment of campus presidents.~~
10. ~~Recruitment, appointment, and compensation of interim/acting presidents and of senior staff employees.~~
11. ~~Appointments that are exceptions to board policy.~~
12. Nepotism in employment.
13. Workplace safety.
14. Sexual harassment reporting, investigation, and administrative actions.

15. ~~Pre-employment background verification.~~
16. Litigation.
17. ~~Use of computers and equipment.~~
18. ~~Reimbursement/expenses.~~
19. Student workers, graduate assistants and interns, university assistants, co-op employees, and honorary titles.

Adoption of policies that may be recommended by the Committee shall require action of the BOR. A policy manual that incorporates approved policies shall be maintained and may be amended as necessary to reflect on-going BOR actions. The office of the **CSCU System** President ~~of the BOR~~ shall disseminate the manual and amendments to all management and confidential professional employees in a manner the President deems appropriate.

Meetings

The Human Resources Committee shall meet as often as deemed necessary by the Chair, ~~but not less than three times a year.~~ **An annual calendar will be established.**

Annual Review of Activities and Committee Charter

Each year the Human Resources and Administration Committee shall assess its activities with respect to the activities outlined in this charter and take action as needed. This assessment shall include the adequacy of the charter itself. Recommendations to modify the charter's general purpose and scope shall require approval by the BOR.

Staff to the Human Resources and Administration Committee

CSCU Vice President ~~for Human Resources~~ **of Finance and Administration**

CT BOARD OF REGENTS FOR HIGHER EDUCATION

RESOLUTION

Concerning

Procedures for Public Participation at Board of Regents Meetings

September 22, 2022

WHEREAS, Members of the public – students, faculty, staff, and other individuals – seek access to the Board to present their views on existing or potential Board actions; and

WHEREAS, Although the Board is not required to provide for oral public comment, the Regents believe this is an opportunity to receive valuable information, helpful in their deliberations and general understanding of issues confronting the system.

WHEREAS, The bylaws of the Board of Regents have been revised to indicate that public comment must be made in accordance with Board procedures for oral and written presentations to the Board; therefore, be it

RESOLVED, That the attached procedure regarding Public Access to the Board of Regents is hereby adopted effective October 1, 2022.

Procedures for Public Participation at Board of Regents (BOR) Meetings

Staff Report

The newly revised BOR bylaws (September 2022) indicates that public comment must be made in accordance with Board procedures for written and oral presentations to the Board.

This “new” BOR procedure codifies practices that have been instituted since the beginning of the COVID pandemic in March 2020. And as such, the following two policies are hereby rescinded:

- Community College Policy 1.3 - Oral Presentations at Board Meetings (adopted November 17, 1975)
- University Resolution 87-109 Policy – Policy on Public Access to the Board of Trustees (dated July 24, 1987)

Overview

The BOR welcomes thoughtful communication from within the CSCU system and from the public on specific matters pending before the Board and on general matters of concern to the CSCU institutions.

Summary of Best Practices and Significant Changes/Improvements

1. The pandemic required the BOR to create opportunities for remote meeting protocols which continue to evolve over time.
2. Written communication to the BOR continues to be an important medium for students, employees, and members of the public who wish to present their views to the Board. These communications are presented to the Regents immediately prior to a regularly scheduled Board meeting for careful review and consideration.
3. Although the BOR is not required to provide for oral public comment, the Regents believe this is an opportunity to receive valuable information helpful in their deliberations and general understanding of issues confronting the system.

Proposed Procedure

Under the conditions described below, the Regents may hear brief oral presentations from students, employees, and members of the public who wish to express their views on matters pending before the Board or on other issues of general concern to CSCU.

1. The decision to include public comment for full Board meetings will be consistent with the necessity to ensure that Regents have sufficient time to discuss and act upon matters pending before them.
2. The agenda for each regular open meeting will indicate whether time will be allotted for the Regents to hear brief presentations from students, employees, and members of the public, at what point in the meeting agenda, and what form the presentations must take. Public comment will not be invited for Special meetings of the Board or for Committee meetings of the Board.

3. The notice for public comment and the form it will take for that specific meeting will appear clearly at the top of the agenda for each regular open Board meeting. Agendas will be posted on the Board webpage and distributed via email to all CSCU employees at least 48 hours prior to the Board meeting.
4. If any student, employee, or member of the public is unable to attend the meeting in real-time due to a lack of physical location or electronic equipment, they may request assistance by emailing the Board Office at least 24 hours before the meeting.
5. Written comments will be accepted concerning any matters and will become part of the permanent record of the meeting. Written comments must be received via email to the Board Office at least 24 hours in advance of the meeting. All emails received will be compiled, shared with the Regents, and posted on the Board webpage in advance of the meeting, as well as attached to the meeting minutes. The author's name, affiliation (public, faculty, staff, student) and, if applicable, college or university affiliation must be included. Anonymous emails will not be posted or shared.
6. If oral presentations are invited, requests to address the Regents shall be made to the Office of Board Affairs at least 24 hours before the beginning of the meeting, but in no case after the meeting has been called to order. In signing up to address the Regents, each speaker shall specify the subject to be addressed.
 - If a quorum of the Board will be present at one specific location, oral presentations may be made in person from that site or conducted virtually.
 - If the majority of the voting members of the Board will participate in a meeting virtually, oral presentations will be conducted virtually.
7. If oral presentations to the Regents are invited, a receipt email is sent to those wishing to participate. The email will state that if time allows for their comments, speakers will receive a confirmation email with instructions concerning the location of the meeting (if in person) or how to access the meeting (if virtual) the day before the meeting. Speakers will also be encouraged to provide a written version of their public comment in case technical issues or unexpected time constraints arise.
8. If more speakers request the opportunity to address the Regents than time permits, the speakers will be encouraged to submit their testimony in writing.
9. In fairness to all who wish to address the Regents, each speaker must abide by a three-minute time limit. At the end of each speaker's allotted time, the speaker will be asked to yield to the next speaker.
10. If public comment is invited at a regular Board meeting, thirty (30) minutes will be allotted for public comment on the agenda. Presenters and their planned comments will be prioritized based on the agenda of the meeting. First, the Regents will hear comments on action items before them; students will speak first, followed by the public, faculty, and staff. If time remains within the 30 minutes allocated to public comment, general presentations will be heard first from students followed by the public, faculty, and staff. Supplemental information may be provided in written

form for distribution to the Regents. Again, should time not be sufficient to accommodate all speakers, written submissions are encouraged.

11. The Chair of the BOR (or designee) shall recognize each speaker, maintain proper order, and require adherence to time limits.
12. The BOR will give due attention to all oral presentations but is neither required nor expected to respond immediately to questions or issues.
13. Speakers and members of the audience must avoid disruptive behavior that interferes with the orderly conduct of a public meeting. Placards, banners, and hand-held signs are not allowed in Board or committee meetings, and speakers and members of the audience should avoid personal affronts, profanity, and other disruptive conduct. The Board Chair may direct that anyone who disrupts a meeting be removed from the room or expelled from a virtual meeting.
14. No member of the public (students, staff, others) shall be called upon by the Board Chair to provide commentary outside of the "Public Comment" portion of the meeting. The Board Chair may recognize members of the Board, the CSU System President, the System Office staff, institution presidents/CEOs and/or content matter experts engaged in the meeting agenda items.
15. At the Chair's discretion, an informal forum of the Regents (non-quorum) may be announced so that they may discuss issues of concern with students, employees, and the public.

CONNECTICUT BOARD OF REGENTS FOR HIGHER EDUCATION
RESOLUTION

concerning

**DELEGATION OF AUTHORITY FOR AWARDING EMERITUS STATUS
TO COMMUNITY COLLEGE STAFF**

September 22, 2022

WHEREAS, The Agreement between the Congress of Connecticut Community Colleges and the Board of Regents of Higher Education (“4Cs Agreement”) Article X, specifically Section O, provides for emeritus status to be awarded to professional staff members who have retired in accordance with the provisions of the 4Cs Agreement; and

WHEREAS, The Agreement between the Federation of Technical College Teachers, American Federation of Teachers, Local 1942, AFL-CIO and the Board of Regents of Higher Education (“AFT Agreement”) Article XVII, specifically Section 17.5, provides for emeritus status to be awarded to professional staff members who have retired in accordance with the provisions of the AFT Agreement; and

WHEREAS, The Agreement between the Congress of Connecticut Community Colleges, AFSCME, Local 2480, Council 4, and the Board of Regents of Higher Education (“AFSCME Agreement”) Article X, specifically Section 3M, provides for emeritus status to be awarded to professional staff members who have retired in accordance with the provisions of the AFT Agreement; and

WHEREAS, The provisions identified above further state that emeritus status is awarded by the Board of Regents upon the recommendation of the President or President of the Connecticut State Colleges and Universities, as appropriate; and

WHEREAS, The Board of Regents delegates this authority and authorizes the chief executive authority of the institution to award emeritus status in satisfaction of the 4Cs Agreement, the AFT Agreement, and the AFSCME Agreement; now therefore, be it

RESOLVED, The chief executive authority of the institution is authorized to award emeritus status to community college employees; and be it further

RESOLVED, that notice of an emeritus designation be sent to the Associate Director of Board Affairs so that recognition can be included in each May BOR meeting.

A True Copy:

Dr. Alice Pritchard, Secretary of the
CT Board of Regents for Higher Education

ITEM

Delegation of Authority for Awarding Emeritus Status to Community College employees

AFFECTED COLLECTIVE BARGAINING AGREEMENTS

- Congress of Connecticut Community Colleges and the Board of Regents of Higher Education (“4Cs Agreement”) Article X, Section O
- Federation of Technical College Teachers, American Federation of Teachers, Local 1942, AFL-CIO and the Board of Regents of Higher Education (“AFT Agreement”) Article XVII, Section 17.5
- Congress of Connecticut Community Colleges, AFSCME, Local 2480, Council 4, and the Board of Regents of Higher Education (“AFSCME Agreement”) Article X, Section 3M

Each agreement contains identical language stating that emeritus status is award by the Board of Regents upon recommendation by the President or President of the Connecticut State Colleges and Universities, as appropriate.

Persons eligible for emeritus status must have retired from state service with at least fifteen years of service to the college/System. Upon approval of the emeritus designation, a community college employee is entitled to the following privileges:

- Formal announcement to staff and the public
- Separate listing in the college catalog
- Placement on a select mailing list, including invitations to college functions and receipt of college publications
- Invitation to participate in commencement exercises
- Use of the library on the same basis as an active staff
- Access to college email
- Course privileges for themselves and their dependents
- As appropriate, staff parking
- As appropriate, notification and attendance at staff meetings with the right to participate but not vote

To expedite the emeritus process and align the awarding of the emeritus designation with other units across the System, the Board would have to delegate the authority to award emeritus status to the chief executive authority of the institution.

The attached resolution is designed to give the chief executive authority of the institution the ability to grant this status without Board approval. From the date of this resolution until June 30, 2023, the chief executive authority of the institution is defined as the Campus CEO. Thereafter, the chief executive authority of the institution shall be defined as the President of CT State Community College.

RECOMMENDATION

That the Board of Regents for Higher Education adopts the proposed resolution delegating the authority for awarding emeritus status to community college employees to the chief executive authority of the institution. In addition, notification of such awards should be forwarded to the Board Office for inclusion in the May BOR meeting which recognizes the achievements of all CSCU employees.



Board of Regents for Higher Education

Regent Mentor Program

Purpose: To provide connection and support for all new Board members during their first year of Board service by assigning long-standing members to act as mentors.

To address (in part) the June 2018 Board self-assessment which found that only ½ of the Regents believed that the program for orienting new Regents to the System and to their duties and responsibilities as a Regent was “very good” or “excellent.”

To accelerate a new Regent’s ability to effectively contribute to the business of the Board and to understand the language of higher education.

To be a part of board leadership development and succession planning.

Mentor Selection:

More than two years as a Regent; preferably with some experience as a Board leader

Understands Board bylaws and Committee structure

Provides a strong role model for governing

Responsive to questions and genuinely interested in mentoring new Regents

Procedure: When a new Regent is appointed to the Board, the Executive Committee and CSCU leadership will decide which established Board member would be the most appropriate mentor. Ideally mentors should share committee assignments with the new Regent.

The Executive Committee will ask the Regent to serve as a mentor. It is at the discretion of the mentoring pair to determine the best way to structure the interactions. The Associate Director of Board Affairs will be available to facilitate the process as needed.

Expectations of Mentors:

Contact the new Regent prior to their first Committee meeting to discuss the meeting agenda items, clarify any governance issues and practices, and build relationships with other Board members and System Office senior leadership.

Keep in close contact with the new Regent during the first few months to answer questions and assure a comfortable transition into Board service, as well as to assist as needed in the completion of the legislatively mandated training programs.

Introduce new Regents to fellow Board members, staff, faculty, and students.

Follow up with new regent after Committee and Board meetings to answer questions, provide additional information and background, and offer guidance. Be available for the new Regent to ask about Board dynamics and complex issues and to explain big-picture context.

CSCU

FREEDOM OF INFORMATION ACT

Public Meetings Guide



TABLE OF CONTENTS

Contents

Public Meeting_____	1
Non-Public Meetings and Executive Sessions _____	3
Notices, Agendas and Minutes of Meetings_____	5
Frequently Asked Questions_____	7
Public Meetings Chart for Public Institutions _____	10
Contact Information_____	11
Endnotes _____	11

PUBLIC MEETING

Public Meeting

WHAT IS A PUBLIC MEETING?

Under the Connecticut Freedom of Information Act (FOIA), “[m]eeting” means:

1. “any hearing or other proceeding of a public agency,”
2. “any convening or assembly of a quorum of a multimember public agency, and”
3. “any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has **supervision, control, jurisdiction or advisory power.**” (Emphasis added.)ⁱ

Except where specified under federal or state statute, e.g., the FOIA, the procedures for conducting public meetings are governed by institution policy.ⁱⁱ

TYPES OF PUBLIC MEETINGS

There are three types of public meetings under the FOIA; **Regular**, **Special**, and **Emergency**. As discussed below, each type of public meeting has specific requirements under the FOIA.

Regular Meeting

Regular meetings of public institutions are regularly recurring meetings whose times, dates and places are set forth in a schedule of regular meetings filed with the Secretary of the State by January 31 of each year and made available for public inspection at the institution’s regular office or place of business. If a public institution maintains a website, it also must post its schedule of regular meetings on such website.

Special Meeting

A **Special** meeting is a meeting a public institution determines it must conduct before the next regular meeting and for which it must provide at least twenty-four (24) hours advance notice with the Secretary of the State. The institution must also make such notice available for public inspection at the institution’s regular office or place of business at least 24 hours before the special meeting. If a public institution maintains a website, it must post its special meeting notices on such website.

Emergency Meeting

An **Emergency** meeting of a public institution is a meeting which the public institution determines must be convened within twenty-four (24) hours; therefore, insufficient time for notice of a special meeting.ⁱⁱⁱ Note that there must be a bona fide emergency necessitating the meeting within 24 hours.

Access to Public Meetings

Meetings of the Board of Regents for Higher Education (BOR) and the public institutions governed by the BOR are required to be open to the public under the FOIA.^{iv} Members of the public have a right to attend any meeting of a public agency ~~by simply showing up at the meeting place~~ **by means of:**

PUBLIC MEETING

- Electronic equipment,
- Electronic equipment in conjunction with an in-person meeting, or
- An in-person meeting.^v

A public institution cannot require that a member of the public sign in or provide personal information, like their address or telephone number, to attend a public meeting.^{vi}

While the public has a right to attend public meetings of the BOR and the Connecticut State Colleges and Universities (CSCU), members of the public do not have a right to speak at such meetings. As a courtesy, however, a public institution may permit members of the audience to comment at a designated time during a public meeting. The public has a right to tape record, photograph and broadcast public meetings, “as inconspicuously as possible and in such a manner as not to disturb the proceedings of the public [institution].”^{vii} It should also be noted that public institutions may remove disruptive members of the audience pursuant to the FOIA.^{viii}

Any public agency that conducts a meeting, other than an executive session or special meeting solely by means of electronic equipment shall provide any member of the public upon a written request not less than twenty-four hours prior to such meeting with a physical location and any electronic equipment necessary to attend such meeting in real-time.^{ix}

If a quorum of the members of the public agency attends a meeting by means of electronic equipment from the same physical location, members of the public must be permitted to attend the meeting from the same physical location.^x

Whenever a meeting being conducted by means of electronic equipment is interrupted by the failure, disconnection or, in the chairperson's determination, unacceptable degradation of the electronic means of conducting a meeting, or if a member necessary to form a quorum loses the ability to participate because of the interruption, failure or degradation of such member's connection by electronic equipment, the public agency may, not less than thirty minutes and not more than two hours from the time of the interruption or the chairperson's determination, resume the meeting (1) in person, if a quorum is present in person, or (2) if a quorum is restored by means of electronic equipment, solely or in part by such electronic equipment. In each case of resumption of such meeting, electronic access shall be restored to the public if such capability has been restored. The public agency shall, if practicable, post a notification on its web site and inform attendees by electronic transmission of the expected time of resumption or of the adjournment or postponement of the meeting, as applicable, and may announce at the beginning of any meeting what preplanned procedures are in place for resumption of a meeting in the event of an interruption.^{xi}

A public agency is not required to adjourn or postpone a meeting if a member of the public loses the ability to participate because of an interruption, failure or degradation of such person's connection to the meeting by electronic equipment.^{xii}

NON-PUBLIC MEETINGS AND EXECUTIVE SESSIONS

Non-Public Meetings and Executive Sessions

NON-PUBLIC MEETINGS

“Meeting’ does not include:”^{xiii}

1. “[a]ny meeting of a personnel search committee for executive level employment candidates;”^{xiv}
2. “any chance meeting, or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business;”
3. “strategy or negotiations with respect to collective bargaining;”
4. “a caucus of members of a single political party notwithstanding that such members also constitute a quorum of a public agency;”
5. “an administrative or staff meeting of a single-member public agency; and”
6. “communication limited to notice of meetings of any public agency or the agendas thereof.”

EXECUTIVE SESSIONS

“Executive session” means “[a portion of a] meeting of a public [institution] at which the public is excluded for one or more of the following purposes:

- (A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting;
- (B) strategy and negotiations with respect to pending claims^{xv} or pending litigation^{xvi} to which the public agency or a member thereof, because of the member’s conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled;
- (C) matters concerning security strategy or the deployment of security personnel, or devices affecting public security;
- (D) discussion of the selection of a site or the lease, sale or purchase of real estate by the state or a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would adversely impact the price of such site, lease, sale, purchase or construction until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and
- (E) discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-210.”^{xvii}

NON-PUBLIC MEETINGS AND EXECUTIVE SESSIONS

Only public institution members may attend an executive session portion of a public meeting, with the exception of persons invited to testify or give opinion. However, the attendance of a person invited to testify or give opinion during the executive session portion of a public meeting is limited to the time such persons are providing testimony or opinion. Members of a public institution must vote in public, by at least 2/3rds of those present and voting, to convene in executive session, and must state the purpose for executive session.

NOTICES, AGENDAS AND MINUTES OF MEETINGS

Notices, Agendas and Minutes of Meetings

NOTICES

Regular Meeting Notice

Public institutions are required to annually file by January thirty-first (31) of each year, the schedule of its regular meetings in the Office of the Secretary of the State and must post such schedule on the public institution's Internet web site, if available.

Special Meeting Notice

"Notice of each special meeting of [a] public [institution] ... [must] be posted not less than twenty-four hours before the meeting to which such notice refers on the public agency's Internet web site, if available..." The special meeting notice must be given not less than twenty-four hours prior to the time of such meeting by filing the notice ... in the office of the Secretary of the State ...^{xviii} "The notice [must] specify the time and place of the special meeting and the business to be transacted."

Emergency Meeting Notice

A public institution may hold an Emergency meeting without complying with the notice requirements under the FOIA, if there is a bona fide emergency justifying such emergency meeting.^{xix}

AGENDAS

A meeting agenda must "fairly apprise the public of the action proposed" and of the "matters to be taken up at the meeting in order to [permit the public] to properly prepare and be present to express their views."^{xx} An executive session listed on an agenda must also fairly apprise the public of the reason for such session. Thus, an agenda item stating "Executive Session – Personnel Matters" is inadequate and more specificity is required based on Freedom of Information Commission (FOIC) final decision precedents.^{xxi}

Regular Meeting Agenda

A public institution must make the agenda of its regular and special meetings available to the public at least twenty-four (24) hours before the meetings to which they refer: "(1) in such [institution's] regular office or place of business, and (2) in the office of the Secretary of the State..." The FOIA also requires that a public institution post such agenda of its regular meetings on the institution's and the Secretary of the State's web sites. Members of a public institution must vote in public, by at least 2/3rds of those present and voting, to add any business to the agenda to be considered and acted upon at such regular meeting.^{xxii}

Special Meeting Agenda

A public institution must make the agenda of its special meetings, detailing the business to be transacted, available to the public at least twenty-four (24) hours before the meetings to which they refer: "(1) in such institution's regular office or place of business, and (2) in the office of the Secretary of the State. The FOIA also requires that a public institution post such agenda of its special meetings on the institution's and the Secretary of the State's web sites. Note that no other business may be added or considered at such special meeting."^{xxiii}

NOTICES, AGENDAS AND MINUTES OF MEETINGS

Emergency Meeting Agenda

A public institution may hold an Emergency meeting without complying with the agenda requirements under the FOIA, if there is a bona fide emergency justifying such emergency meeting. Note, however, that only emergency matters may be considered at such emergency meeting.^{xxiv}

MINUTES

The FOIA requires that meetings are recorded or transcribed, excluding any portion of the meeting that was an executive session and requires that the following be included in the minutes of a public institution:

1. Time of convening and adjournment.
2. Date and place of the meeting.
3. Names of institution members attending, whether they attended in person or virtually, and how they voted on each issue.
4. Statement of each issue discussed or acted on.
5. Purpose of any executive session and who attended such executive session.

Regular Meeting Minutes

Minutes of a public institution's regular meeting must be made available for public inspection and posted on the public institution's website, if available, within seven (7) days of such meeting. Such minutes must adequately set forth the reason for the regular meeting and the business transacted at such meeting.

Special Meeting Minutes

Minutes of a public institution's special meeting must be made available for public inspection and posted on the public institution's website, if available, within seven (7) days of such meeting. Such minutes must adequately set forth the reason for the special meeting and the business transacted at such meeting.

Emergency Meeting Minutes

Minutes of a public institution's emergency meeting must be made available for public inspection and posted on the public institution's website, if available, within seventy-two (72) hours of such meeting. Such minutes must adequately set forth the reason for the emergency meeting and the business transacted at such meeting.^{xxv}

Record of Votes

Any vote taken at a meeting during which any member participates by means of electronic equipment shall be taken by roll call unless the vote is unanimous.

A record of institution member votes must be "reduced to writing and made available for public inspection within forty-eight hours [(48)] hours." Note that the record of institution member votes must also be included in the minutes of public meetings.^{xxvi}

FREQUENTLY ASKED QUESTIONS

Frequently Asked Questions

WHAT ARE MULTIMEMBER PUBLIC INSTITUTIONS?

- Multimember public institutions are public agencies subject to the open meeting requirements under the FOIA. Since Connecticut Courts interpret the provisions of the FOIA broadly, as presumptively permitting the public to access all public meetings with limited exceptions, many bodies or groups of public institutions may be subject to the public meeting requirements under FOIA. Examples of multimember public institutions include, but are not limited to: a board, committee, council, conference, panel, task force, working group, or other similar group, or subcommittee or subgroup thereof. In determining whether a particular entity is subject to the FOIA's open meetings requirements, institutions should look at the entity's characteristics (e.g., funding, purpose, authority, connection to the public institution, public benefit of the body, created by, subject to, or created for the benefit of CSCU institutions, etc.). Bodies or groups that are multimember public institutions must comply with the meeting provisions under the FOIA unless expressly excluded from the public meetings requirements under the FOIA or other applicable law.

WHAT MEETINGS OF A COLLEGE OR UNIVERSITY BODY CONSTITUTE PUBLIC MEETINGS?

- A meeting of a multimember college or university body (such as a board of trustees or faculty senate) is a public meeting if such meeting constitutes a "hearing or other proceeding" of that body, or is a "convening or assembly of a quorum of" that body, or consists of "communication by or to a quorum of" that body **"to discuss or act upon a matter over which the public [institution] has supervision, control, jurisdiction or advisory power."** (Emphasis added.)^{xxvii}

WHAT NUMBER OR PERCENTAGE OF MEMBERS CONSTITUTES A QUORUM OF A MULTIMEMBER BODY OF A PUBLIC INSTITUTION FOR PUBLIC MEETING PURPOSES?

- A quorum of a multimember body is comprised of the minimum number of members necessary for such members to conduct the business of the body. Generally, quorum is defined in the governing regulations, charter, or policy of the public institution.

IS A QUORUM OF A MULTIMEMBER BODY OF A PUBLIC INSTITUTION REQUIRED FOR A MEETING TO BE SUBJECT TO THE FOIA?

- **No.** A meeting is still subject to the FOIA even if a quorum of the body isn't present. See, *Emergency Medical Services Commission of the Town of East Hartford v. Freedom of Information Commission*, 19 Conn. App. 352 (1989). See also, the FOI Commission's Final Decision in *Gloria Sterns v. Board of Finance, Town of Ridgefield*, Docket #FIC 1998-135.^{xxviii} Note that "[a] quorum of the members of a public agency who are present at any event which has been noticed and conducted as a meeting of another public agency under the provisions of the Freedom of Information Act **shall not** be deemed to be holding a meeting of the public agency of which they are members as a result of their presence at such event." (Emphasis added.) Conn. Gen. Stat. §1-200 (2).

FREQUENTLY ASKED QUESTIONS

MY ADMINISTRATIVE WORKING GROUP HAS A BOARD MEMBER OR REGENT ON IT – IS THE WORKING GROUP SUBJECT TO THE FOIA'S MEETING REQUIREMENTS?

- **This is determined on a case-by-case basis.** Generally, a small designated group of a public institution (e.g., a committee or subcommittee) is held to the same meeting requirements under the FOIA as every other multimember body of the public institution. See, *East Hartford Town Council v. FOIC*, Docket No. CV 960549602 (Jan. 24, 1996, Maloney J.). However, depending on the nature and/or function of smaller groups within a public institution and the role the board member is playing in the working group, such groups may not be subject to the meeting provisions outlined herein. **See, e.g., FAQ on administrative or staff meetings of public institutions, below.** Please consult CSCU Legal Affairs at 860-723-0131 or CSCU-legal@ct.edu for more information on this matter.

ARE EMAIL EXCHANGES BETWEEN MEMBERS OF A MULTIMEMBER BODY OF A PUBLIC INSTITUTION SUBJECT TO THE FOIA'S MEETING REQUIREMENTS?

- **Yes**, if within such email exchanges by members of the body, members are discussing or acting “upon a matter over which the public [institution] has supervision, control, jurisdiction or advisory power.”
- **No**, if the board members are exchanging procedural emails in which members discuss meeting scheduling or administrative matters pertaining to the conduct of the public institution’s business (e.g., the unavailability of a member to attend a regular meeting).

ARE ALL PERSONNEL SEARCH COMMITTEES EXEMPT FROM THE FOIA'S MEETING REQUIREMENTS?

- **No.** The FOIA defines “Personnel Search Committee as “a body appointed by a public agency, whose sole purpose is to recommend to the appointing agency a candidate or candidates for an executive-level employment position.” Conn. Gen. Stat. § 1-200 (7). A personnel search committee “whose sole purpose is to recommend to the appointing [institution] a candidate or candidates for an executive-level employment position” is exempt from the FOIA's meeting requirements.

ARE UNPLANNED OR CHANCE MEETINGS OF A MULTIMEMBER BODY OF A PUBLIC INSTITUTION PUBLIC MEETINGS UNDER THE FOIA?

- **No.** Unplanned or chance meetings of multimember body of a public institution are not subject to the FOIA **if** no official business is conducted. *Elizabeth V. Varcoe v. Board of Selectmen of the Town of Redding, et al.*, Docket #FIC 85-138 (1985).

WHAT IS A SINGLE-MEMBER PUBLIC AGENCY UNDER THE FOIA?

- The FOIA does not define single-member public agency.^{xxix} However, examples of a single-member public agency may include, but are not limited to, the chairman of the governing board of a multimember public agency (e.g., Chair of Board of Regents), president of a public institution’s system office, and a commissioner or executive director of a public agency.^{xxx}

FREQUENTLY ASKED QUESTIONS

ARE ADMINISTRATIVE OR STAFF MEETINGS OF A SINGLE-MEMBER PUBLIC AGENCY SUBJECT TO THE OPEN MEETINGS REQUIREMENTS OF THE FOIA?

- **No.** A single-member public agency's administrative or staff meeting is not subject to the open meetings requirements of the FOIA. See, *New London Planning and Zoning Commission v. FOIC*, Docket No. CV 94-053-19-47, (May 1, 1996, Maloney, J.). See, also, *Richard Guinness and the Middletown Press v. Planning and Zoning Commission, City of Middletown*; and *the City of Middletown*, Docket #FIC 1998-322 (1999). For example, if a meeting of staff members of a public institution is attended by a single-member public agency (e.g., Chairman of the governing board), such meeting is not subject to the open meetings provisions of the FOIA.

A BODY OR OFFICIAL OF A PUBLIC INSTITUTION INVITED SEVERAL INDIVIDUALS (E.G., STAFF MEMBER, ATTORNEY) TO PROVIDE TESTIMONY AND OPINION ON MATTERS THAT THEY ARE PERMITTED TO DISCUSS DURING AN EXECUTIVE SESSION PORTION OF THEIR PUBLIC MEETING. HOW LONG CAN SUCH INVITED PERSONS REMAIN IN THE INSTITUTION'S EXECUTIVE SESSION UNDER THE FOIA?

- "At an executive session of a public agency, attendance shall be limited to members of said body and persons invited by said body to present testimony or opinion pertinent to matters before said body provided that such persons' attendance shall be limited to the **period for which their presence is necessary** to present such testimony or opinion . . ." (Emphasis Added).^{xxxii} In practice, properly invited persons who are providing testimony and opinion during an executive session may be asked to exit and return to the executive session for additional testimony or opinion.

WHAT CONSTITUTES A BONA FIDE EMERGENCY PERMITTING A BODY OR OFFICIAL OF A PUBLIC INSTITUTION TO CONDUCT AN EMERGENCY MEETING UNDER FOIA?

- The Freedom of Information Commission and the Connecticut Courts apply the commonly used meaning of the word "emergency" in determining what permits a public agency to conduct an emergency meeting.^{xxxii} The Freedom of Information Commission has consistently held that "circumstances which permit an emergency meeting occur only rarely and only when there is not time for a special meeting notice to be posted twenty-four hours in advance."^{xxxiii} Thus, oversight or failure to add an urgent item to a public meeting agenda alone does not constitute a bona fide emergency permitting a public body or official to conduct an emergency meeting.

PUBLIC MEETINGS CHART FOR PUBLIC INSTITUTIONS

Public Meetings Chart for Public Institutions

TYPE	NOTICE	AGENDA/ NOTICE CONTENTS	ADDING TO AGENDA/ NOTICE	FILING RECORD OF VOTES	FILING MINUTES
Regular	File yearly schedule with Sec'y Of State (state) or Town Clerk (municipal) by Jan. 31 st .**	Agenda available at least 24hrs. before meeting.**	Agenda items may be added by 2/3 vote of those members present and voting.	Within 48 hrs. after meeting (if minutes not available within 48 hours).	Within 7 calendar days after meeting.***
Special	At least 24 hrs. before meeting, file at Sec'y Of State (state) or Town Clerk (municipal).*	At least 24 hrs. before meeting. Time, place and business must be included in notice.*	Not permitted	Within 48 hrs. after meeting (if minutes not available within 48 hours).	Within 7 business days after meeting.***
Emergency	None required if emergency is justified.	None required if emergency is justified.	Only emergency matters may be considered.	Within 48 hrs. after meeting (if minutes not available within 48 hours).	Within 72 hrs. after meeting. Must state reason for emergency.***

* Available with Secretary of the State (state) or Town Clerk and in place of business. Also, must be posted on agency website.

** Available with Secretary of the State (state) or Town Clerk and in place of business. Also, if a state agency, must be posted on agency website.

*** Must be posted on agency website if a state agency.

CONTACT INFORMATION

Contact Information

The purpose of these guidelines is to provide guidance to institution employees on how to comply with the FOIA meeting requirements.¹ This compilation is unofficial and for the convenience of institution employees only. While every effort was made to attain complete accuracy herein, institution employees are advised to consult the Connecticut General Statutes for the official codification of the law.

All inquiries concerning this handbook may be directed to CSCU Legal Affairs at 860-723-0131 or CSCU-legal@ct.edu

¹ Public institution employees are expected to comply with the requirements of federal and state statutes when conducting public meetings.

CONTACT INFORMATION

Endnotes

ⁱ Conn. Gen. Stat. § 1-200 (2).

ⁱⁱ If BOR's policy is silent on specific meeting procedures, an institution may reference *Robert's Rules of Order* for guidance on meeting procedures.

ⁱⁱⁱ Conn. Gen. Stat. § 1-225 (d).

^{iv} The BOR and the public institutions governed by the BOR each constitute a "public agency" within the meaning of Conn. Gen. Stat. § 1-200 (1).

^v Public Act No. 22-3

^{vi} Conn. Gen. Stat. § 1-225 (e).

^{vii} Conn. Gen. Stat. § 1-226 (a).

^{viii} Conn. Gen. Stat. § 1-232.

^{ix} Public Act No. 22-3 Section 1(b)

^x Public Act No. 22-3 Section 1(b)(3)

^{xi} Public Act No. 22-3 Section 1(f)

^{xii} Public Act No. 22-3

^{xiii} Exclusions to the open meetings requirements of the FOI Act are generally found under Conn. Gen. Stat. § 1-200(2).

^{xiv} "**Personnel search committee**" is defined under the FOIA as: a body appointed by a public agency, whose sole purpose is to recommend to the appointing agency a candidate or candidates for an executive-level employment position. Members of a "**personnel search committee**" shall not be considered in determining whether there is a quorum of the appointing or any other public agency.

^{xv} Conn Gen. Stat. § 1-200 (8) defines "pending claim" as: "a written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institution an action in an appropriate forum if such relief or right is not granted."

^{xvi} Conn Gen. Stat. § 1-200 (9) defines "pending litigation" as: "(A) a written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institute an action before a court if such relief or right is not granted by the agency; (B) the service of a complaint against an agency returnable to a court which seeks to enforce or implement legal relief or a legal right; or (C) the agency's consideration of action to enforce or implement legal relief or a legal right."

^{xvii} Conn. Gen. Stat. §1-200 (6).

^{xviii} Conn Gen. Stat. § 1-225 (d).

^{xix} Conn. Gen. Stat. § 1-225 (d).

^{xx} See *Zoning Board of Appeals of the Town of Plainfield v. Freedom of Information Commission*, Docket No. CV 99-047917-S, 2000 WL 765186 (superior court, judicial district of New Britain, May 3, 2000), reversed on

CONTACT INFORMATION

other grounds, *Zoning Board of Appeals of the Town of Plainfield v. Freedom of Information Commission*, 66 Conn. App. 279 (2001).

^{xxi} See, e.g., *Richard L. Stone v. Board of Selectmen, Town of Cromwell*, Docket #FIC 2010-738 (August 24, 2011) (agenda item “[e]xecutive session: [p]ersonnel,” did not fairly apprise the public of proposed matter to be discussed); *Preston D. Schultz and the Citizens for Prudent Spending v. Board of Education, Woodstock Public Schools*, Docket #FIC 2008-236 (February 25, 2009) (agenda item “discussion of attorney/client privilege [sic] documents and pending litigation,” did not fairly apprise the public); *Bradshaw Smith v. Milo W. Peck, Jr., Member, Board of Education, Windsor Public Schools*, Docket #FIC 2007-003 (August 8, 2007) (agenda item “employee personnel matters,” did not fairly apprise the public of the matter to be discussed in executive session); *John Voket and the Newtown Bee v. Board of Education, Newtown Public Schools*, Docket #FIC 2006-013 (October 11, 2006) (agenda item “executive session – personnel,” did not fairly apprise the public); *Trenton Wright, Jr. v. First Selectman, Town of Windham*, Docket #FIC 1990-048 (agenda item “executive session – personnel matters,” did not sufficiently state the reason for the executive session); and *Robert Cox v. Ridgefield Board of Education*, Docket #FIC 88-165 (January 25, 1989) (the agenda item listing executive session to “receive advice from legal counsel on a legal matter,” was insufficient).

^{xxii} Conn. Gen. Stat. § 1-225 (c).

^{xxiii} Conn. Gen. Stat. § 1-225 (d).

^{xxiv} Conn. Gen. Stat. § 1-225 (c).

^{xxv} Conn. Gen. Stat. § 1-225 (d).

^{xxvi} Conn. Gen. Stat. § 1-225 (a).

^{xxvii} Conn. Gen. Stat. § 1-200 (2).

^{xxviii} A quorum is the minimum number of members of a multimember public institution necessary for such members to conduct the business of the group.

^{xxix} See *Endnote ii, above*.

^{xxx} *Jesse M. Frankl, Chairman of the State of Connecticut, Work’s Compensation Commission v. FOIC, et al.*, Docket No. CV 970568431, 1998 Conn. Super. Lexis 129, (1998).

^{xxxi} Conn. Gen. Stat. § 1-231 (a).

^{xxxii} The Connecticut Supreme Court in *Board of Selectmen v. FOIC*, 294 Conn. 438, 449-50 (2009), quoted the following language in defining emergency: “See American Heritage Dictionary of the English Language (3d Ed. 1992) (defining emergency as “[a] serious situation or occurrence that happens unexpectedly and demands immediate action [or] a condition of urgent need for action or assistance”); Webster’s Third New International Dictionary (1961) (defining emergency as “an unforeseen combination of circumstances or the resulting state that calls for immediate action”).”

^{xxxiii} *Lebanon v. Wayland*, 39 Conn. Supp. 56, 61 (1983).

Board of Regent Meetings

September 2022 – June 2023

Suggested Locations and Formats

September 22, 2022	Hybrid	System Office, Board Room 61 Woodland Street, Hartford
October 20, 2022	Hybrid	Middlesex Community College 100 Training Hill Rd., Middletown
November, 2022	Board is not in session	
December 15, 2022	Hybrid	Southern CT State University 1501 Crescent St., New Haven
January, 2023	Board is not in session	
February, 2023	Virtual	
March, 2023	Virtual	
April, 2023	Hybrid	System Office, Board Room 61 Woodland Street, Hartford
May, 2023	Hybrid	Central CT State University 1615 Stanley St., New Britain
June, 2023	Hybrid	Naugatuck Valley Community College 750 Chase Parkway, Waterbury, CT