

Higher Education Governance Transparency Act

A BILL

Requiring governing boards of public higher education institutions to establish uniform standards to make the activities and decision-making processes of these boards more transparent.

WHEREAS board members of public institutions are the representatives of those institutions' owners, the state's residents and taxpayers; and

WHEREAS a state's residents and taxpayers have a right to know how that state's public institutions of higher education are being governed, including how, when, and why decisions are made, and any other relevant information that does not disclose personal or sensitive information; and

WHEREAS information pertaining to university governance is not easily accessible to the public,

Now, therefore, Be it enacted by the [state legislature],

Section 1. Broadcasting and recording meetings

- A. All open meetings shall be video-streamed, recorded, and archived online on a prominently displayed public webpage within two weeks after the meeting date.
- B. Any radio or television station is entitled to broadcast all or any part of a meeting required to be open. Any person may photograph, film, audio-record, or otherwise reproduce any part of a meeting required to be open.

Section 2. Easy Internet Access to Contact Information

- A. Staff and board member email addresses
 - i. Universities shall assign university-affiliated email addresses to each board member.
 - ii. Board members shall use their university email addresses when conducting university affairs.
 - iii. Board members' university email addresses shall be prominently displayed on university websites.
- B. Office or university mailing addresses for each board member shall be prominently displayed online.

Section 3. Adequate Advance Notice of Meetings

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- A. If a university governing board has established a schedule of regular meetings, it shall cause a current copy of that schedule, showing the time and place of regular meetings, to be posted to its Web site.
- B. The university governing board shall post notice of any meetings ten business days prior to the scheduled time of that meeting.
 - i. This includes full board, committee, subcommittee, special meetings, and electronic meetings.
 - ii. If a public body holds an official meeting by use of conference telephone or other electronic means, it shall provide a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by this Act shall specify that location.
- C. For an emergency meeting, the public body shall cause notice of the meeting to be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request, which includes the newspaper's, wire service's, or station's telephone number, for emergency notice with the clerk or secretary of the public body or with some other person designated by the public body. This notice shall be given either by e-mail, by telephone, or by the same method used to notify the members of the public body and shall be given immediately after notice has been given to those members.
 - i. An "emergency meeting" is one called because of generally unexpected circumstances that require immediate consideration by the university governing board.
- D. Public university governing boards shall send notice of all announcements, notices, and schedules for all meetings to each person who has requested to be notified of these matters. The Public university governing boards shall maintain a mailing list for this purpose on which it shall record the name and address of each person who has made a written request to be on the list and the date on which the request was made. In making a request to be put on the list, a person may request to be added to the list for a specified period or indefinitely.

Section 4. Roll-Call Votes

- A. All votes taken at open meetings shall be taken by roll-call
 - i. Votes taken electronically shall be recorded with the date and board member's name.
- B. Each board member's votes shall be recorded in the meeting minutes, including a note of any absences or abstentions.

Section 5. Meeting Minutes

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- A. A copy of the minutes of each open meeting of a public university governing board shall be available for public inspection in the institution's library in print format and online on the institution's publicly accessible Internet website. The minutes shall be maintained in print and online for no fewer than 20 years.
- B. Minutes from open meetings of university governing boards shall be publicized as soon as they are approved by the board.
- C. The minutes shall include all roll call votes taken, including the names of voting members and a note of any absences or abstentions.
- D. Minutes from closed session meetings shall be publicized seven years after the meeting takes place.

Section 6. Independent Board Staff Member

- A. Public university governing boards shall hire or appoint an independent staff member to advise the governing board.
- B. The staff member may not also be employed as a member of the administration of the public university.

Section 7. Public Comment

- A. Public university governing boards shall allow time at each open meeting for public comment. The board may adopt reasonable rules governing the conduct of the public comment period, including, but not limited to, rules
 - i. fixing the maximum time allotted to each speaker,
 - ii. providing for the designation of spokesmen for groups of persons supporting or opposing the same positions,
 - iii. providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall, and
 - iv. providing for the maintenance of order and decorum in the conduct of the hearing.The council is not required to provide a public comment period under this section if no regular meeting is held during the month.
- B. Public comments may be made in writing, in person, or by phone or video call.
 - ii. For public comments made by phone, the Board Secretary shall call the number provided by the member of the public.
 - iii. For comments made by video call, the Board Secretary shall provide a link to a live video call for the member of the public.
- C. The opportunity to submit a written public comment shall be available online either by a comment portal or a designated email address.

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- i. Written public comments shall be distributed to all board members prior to the meeting.
- D. The institution shall notify the public of the opportunity for public comment at least 10 business days ahead of a scheduled meeting of the full board.
 - i. The opportunity for public comment shall be prominently published on the website of the institution's governing board.
 - ii. Public university governing boards shall send notice of the opportunity for public comment to each person who has requested to be notified of this opportunity.

Section 8. Boards shall fully understand their roles and responsibilities

- A. New board members shall receive instruction and training in a board member's duties to the state and the public institution of higher education governed by the board.
 - i. A member shall complete such instruction and training not later than one year after being appointed or elected to either of said boards.

Section 9: The legislature shall prescribe a penalty for any willful violation of this act.

Section 10: If any provision of this act, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this act and the application of its provisions to any other person or circumstance shall not be affected thereby.