

TOPIC: Convening Closed Session

COMMITTEE: Committee of the Whole

DATE OF MEETING: February 17, 2017

SUMMARY: The Open Meetings Act permits public bodies to close their meetings to the public in special circumstances outlined in §3-305 of the Act and to carry out administrative functions exempted by §3-103 of the Act. The Board of Regents will now vote to reconvene in closed session. As required by law, the vote on the closing of the session will be recorded. A written statement of the reason(s) for closing the meeting, including a citation of the authority under §3-305 and a listing of the topics to be discussed, is available for public review.

It is possible that an issue could arise during a closed session that the Committee determines should be discussed in open session or added to the closed session agenda for discussion. In that event, the Committee would reconvene in open session to discuss the open session topic or to vote to reconvene in closed session to discuss the additional closed session topic.

ALTERNATIVE(S): No alternative is suggested.

FISCAL IMPACT: There is no fiscal impact

CHANCELLOR'S RECOMMENDATION: The Chancellor recommends that the BOR vote to reconvene in closed session.

COMMITTEE ACTION:

DATE:

BOARD ACTION:

DATE:

SUBMITTED BY: Janice Doyle, jdoyle@usmd.edu, 301-445-1906



STATEMENT REGARDING CLOSING A MEETING
OF THE USM BOARD OF REGENTS

Date: February 17, 2017
Time: Approximately 11:00 a.m.
Location: Universities at Shady Grove
Building II – Multipurpose Room
Gaithersburg/Bethesda Rooms
9630 Gudelsky Drive
Rockville, MD 20850

STATUTORY AUTHORITY TO CLOSE A SESSION

Md. Code, General Provisions Article §3-305(b):

- (1) To discuss:
- (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
 - (ii) Any other personnel matter that affects one or more specific individuals.
- (2) To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto.
- (4) To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.
- (5) To consider the investment of public funds.
- (6) To consider the marketing of public securities.
- (7) To consult with counsel to obtain legal advice on a legal matter.
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation.
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations.

- (10) To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:
- (i) the deployment of fire and police services and staff; and
 - (ii) the development and implementation of emergency plans.
- (11) To prepare, administer or grade a scholastic, licensing, or qualifying examination.
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct.
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.
- (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

Md. Code, General Provisions Article §3-103(a)(1)(i):

- Administrative Matters

TOPICS TO BE DISCUSSED:

1. Meetings with President Bell and President Perman as part of their performance reviews;
2. Legislative audit matters that are ongoing and, therefore, confidential;
3. Investigative matters which may lead to criminal prosecution;
4. Status report on the Coalition case;
5. To seek and receive legal advice regarding ongoing matters;
6. Status of unfair labor practice complaint against Towson University;
7. Status of collective bargaining MOUs;
8. Upcoming collective bargaining negotiations relating to UMES and AFSCME;
9. Approval of UMCES Non-Exempt MOU with MCEA;
10. Mid-year reviews of USM presidents and Chancellor's direct reports;
11. Approval of recommendations for USM Regents' Faculty Awards;
12. Approval of nominations for honorary degrees;
13. Consideration of requests by two institutions to name buildings after individuals;
14. A real property acquisition via lease of space in the City of Hagerstown; and
15. The awarding of new contracts for scientific supplies and equipment and IT hardware.

REASON FOR CLOSING:

1. To maintain confidentiality of presidents' personnel-related information (§3-305(b)(1)(i));
2. To maintain confidentiality of personal and personnel-related information concerning individuals nominated for honorary degrees, building namings and faculty awards. discuss any other personnel matter that affects one or more specific individuals (§3-305(b)(1) and (2));
3. To maintain confidentiality of ongoing legislative audit matters as required by law (§3-305(b)(13));
4. To maintain confidentiality of investigative matters which may lead to criminal prosecution (§3-305(b)(12));
5. To maintain attorney client privilege and confidentiality of discussion regarding ongoing litigation (§3-305(b)(8));
6. To maintain confidentiality regarding collective bargaining negotiations (§3-305(b)(9));
7. To maintain confidentiality of discussion with counsel and staff regarding an unfair labor practice complaint against an institution (§3-305(b)(7) and (8));
8. To maintain confidentiality with regard to personnel evaluations for USM presidents and staff. (§3-305(b)(1)(i));
9. To maintain confidentiality of discussions of potential property acquisition(s) prior to BOR approval (§3-305(b)(3)); and
10. To maintain confidentiality of discussions of bid proposal prior to BOR approval and the awarding of a new contract (§3-305(b)(14)).