



STATEMENT REGARDING CLOSING A MEETING  
OF THE USM BOARD OF REGENTS

Date: November 22, 2019  
Time: Approximately 11:00 a.m.  
Location: Building II – Bethesda/Gaithersburg Ballrooms  
Universities at Shady Grove

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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) [X] 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.
- (15) [X] To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to:
- (i) security assessments or deployments relating to information resources technology;
  - (ii) network security information, including information that is:
    1. related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a governmental entity;
    2. collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or
    3. related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity; or
  - (iii) deployments or implementation of security personnel, critical infrastructure, or security devices.

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

- [X] Administrative Matters

TOPICS TO BE DISCUSSED:

1. Meetings with Presidents Nowaczyk and Wight as part of their performance review;
2. Ratification of collective bargaining MOU at UMCES;
3. Consideration of proposed contract for recruiting process contracting services;
4. Discussion of recommendations for an out-of-cycle nomination for an honorary degree;
5. Chancellor Appointment Letter;
6. Chancellor Transition;
7. Discussion of a personnel matter;
8. Update regarding status of investigations in connection with legal claims against an institution and discussion with counsel regarding associated liability issues; and
9. Personnel and Software Security Audit findings against an Institution.

REASON FOR CLOSING:

1. To maintain confidentiality of discussions regarding a specific employee's performance evaluations (§3-305(b)(1));
2. To maintain confidentiality regarding a proposed contract before its award (§3-305(b)(14));
3. To maintain confidentiality regarding collective bargaining negotiations (§3-305(b)(9));
4. To maintain confidentiality of personnel-related and personal information of a candidate for an honorary degree (§3-305(b)(1) and (2));
5. To maintain confidentiality of discussions regarding specific employees' compensation (§3-305(b)(1));
6. To maintain confidentiality of discussion regarding specific employee's employment contract (§3-305(b)(1));
7. To handle an administrative matter involving planning for transition in Chancellor position (§3-103(a)(1)(i));
8. To discuss matters involving the assessment of an institution's IT security system (§3-205(b)(15)); and
9. To maintain attorney-client privilege with regard to discussions with counsel regarding legal claims and liability issues and to maintain confidentiality of discussions of pending and potential legal claims. (§3-305(b)(7) and (8)).