



PASADENA AREA COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES BYLAWS

Title: Closed Sessions

Bylaw No. 1225

Legal Authority: California Education Code Sections 72122,
Government Code Sections 54956-54957; 11125.4
California Public Records Act Section 6254

Page 1 of 3

1. **Authorization**
Closed sessions may only be held where explicitly allowed by the Brown Act, by some other laws (such as those concerning student discipline and receipt of gifts), or inferred from some other confidentiality provision of law (such as by Act of Congress). Closed sessions may only be held during a regular or special meeting. A special meeting can be called for the sole purpose of conducting a closed session.
2. **Matters discussed in closed session may include:**
 - a. **Real Property**
The Board may meet with its negotiator in regard to the purchase, sale, exchange, or lease of real property (The Brown Act, 54956.8). The Agenda is to specify what is to be negotiated, that is, price and terms.
 - b. **Litigation: Existing or Anticipated**
The Board may, upon advice of its legal counsel, meet with or receive advice from such counsel, when discussion in open session would prejudice the position of the District. The Agenda is to specify either existing litigation or number of anticipated cases.
 - c. **Liability Claims**
The Board may meet to consider claims of tort liability, public liability, or workers' compensation liability. The Agenda shall specify the name of the claimant and agency claimed against.
 - d. **Threat to Public Services**
The Board may meet with law enforcement representatives concerning threats to the security of buildings or the public access to services and buildings. The Agenda shall specify the name and title of the law enforcement representatives.
 - e. **Personnel Matters**
The Board may meet to consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session. As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

If any person requests an opportunity to present complaints to the Board about a specific employee, such complaints shall first be presented to the College President. Notice shall be given to the employee against whom the charges or complaints are directed. If the complaint is not resolved at the administrative level, the matter shall be scheduled for a closed session of the Board. The employee shall be given at least 24 hours written notice of the closed session, and shall be given the opportunity to request that the complaints be heard in an open meeting of the Board.

- f. Labor Negotiations
The Board may meet with the District's representative as to salaries, salary schedules, and fringe benefits. The Board may also meet with a state conciliator. No discussion shall be included concerning availability of funds, funding priorities or budget. The Agenda shall specify the name of the District negotiator, the employee organization or the name of the position title of an unrepresented employee.
 - g. Honorary Degrees
The Board may hold closed sessions to consider conferring honorary degrees.
 - h. Student Suspension and Discipline
Unless the student requests a public hearing, the Board shall consider suspension or disciplinary action or any other action as to students (except expulsion) in closed session if a public hearing would lead to the giving out of information concerning students which would be in violation of law. The final action shall be taken at a public meeting.
 - i. Gifts
The Board may hold closed sessions to consider gifts from a donor who wishes to remain anonymous.
 - j. Response to final draft audit report
The Board may meet in closed session to consider its response to a confidential final draft report from the Bureau of State Audits.
3. Confidentiality of Materials
- a. Materials used by the Board during the discussion of closed session agenda items, as described in Section 2 above, shall be considered confidential, provided they meet the requirements of Section 6254 of the California Public Records Act.
 - b. The Board President may direct that such confidential materials remain in the custody of the Board Secretary between closed sessions and until such time as the matter under discussion has been resolved.
 - c. The Board President may also direct that the Board Secretary make such confidential materials available to a Board member for viewing between scheduled meetings. In such cases, the Board member shall not make copies of the confidential materials.
4. Agenda Descriptions
The agenda for each regular or special meeting shall contain information regarding whether a closed session will be held and shall identify the topics to be discussed in any closed session in the manner required by law.
5. Reports of Action Taken
After any closed session, the Board shall reconvene in open session before adjourning and shall announce any actions taken in closed session and the vote of every member present.

6. Minute Book Record of Closed Sessions; Inspection
The record to be made of closed sessions and who may inspect the record shall be in accordance with the Brown Act.
7. Penalties for Violation of Closed Session Confidentiality
Applicable penalties may be imposed by the Board for violation of the confidentiality of closed session meetings.