

## Open Meetings

The Oklahoma Open Meetings Act, 25 O.S. 301 *et seq.*, requires that meetings of the Board of Regents of the Regional University System of Oklahoma be open to the public. As KCSC is an operating Unit of the University of Central Oklahoma, and the University is the legal entity, the policy required by the Corporation for Public Broadcasting also applies to the Board of Regents.

This policy applies to the Board of Regents of the Regional University System of Oklahoma, any committee or any advisory body. All meetings will be preceded by reasonable notice to the public. All persons shall be permitted to attend any meeting of the board, or of any such committee or body, and no person shall be required, as a condition to attendance at any such meeting, to register such person's name or to provide any other information.

Nothing contained in this paragraph shall be construed to prevent any such board, committee, or body from holding closed sessions to consider matters relating to individual employees, proprietary information, litigation and other matters requiring the confidential advice of counsel, commercial or financial information obtained from a person on a privileged or confidential basis, or the purchase of property or services whenever the premature exposure of such purchase would compromise the business interests of any such organization.

If any such meeting is closed pursuant to the provisions of this paragraph, the organization involved shall thereafter (within a reasonable period of time) make available to the public a written statement containing an explanation of the reasons for closing the meeting."

The term 'meeting' means the deliberations of at least the number of members of a governing or advisory body, or any committee thereof, required to take action on behalf of such body or committee where such deliberations determine or result in the joint conduct or disposition of the governing or advisory body's business, or the committee's business, as the case may be, but only to the extent that such deliberations relate to public broadcasting.

By state law, the Board of Regents' meetings:

- Must be held at "specified times and places which are convenient to the public."
- By Dec. 15 of each year, a schedule must be posted showing the date, time and place of regularly scheduled meetings for the following calendar year. This and the following requirements are met through posting on the RUSO web page, [www.ruso.edu](http://www.ruso.edu).
- Any change in the date, time or place of a regularly scheduled meeting must be provided in writing no less than 10 days in advance.
- Written notice of special meetings must be made at least 48 hours in advance and must be mailed or delivered to anyone who has filed a written request for such notices.

- Agendas for regular and special meetings must be posted in a location accessible by the public "for at least a total of 24 hours prior to its meeting." (Weekends and state holidays do not count toward the required 24 hours.)
- Agendas must "identify all items of business to be transacted" by the public body at the meeting. Agendas should be worded in "plain language, directly stating the purpose of the meeting, in order to give the public actual notice. The language used should be simple, direct and comprehensible to a person of ordinary education and intelligence."
- Information packets distributed along with agendas to members of the public body are public records.
- Under "new business," public bodies may discuss only matters "not known about or that could not have been reasonably foreseen" prior to posting the agenda.
- "New business" cannot be discussed at a special meeting because "only matters appearing on the posted agenda may be considered at said special meeting."
- Proposed executive session must be noted on the agenda with:
  - "Sufficient information for the public to ascertain that an executive session will be proposed,
  - Identify the items of business and purposes of the executive session," and
  - State the specific statutory authorization for the executive session.
- A majority of a quorum of the members present must vote in the public meeting to meet in executive session.
- Generally, any vote or action taken on an item considered in executive session must be publicly cast and recorded.
- Executive sessions may be conducted under "new business" if the subject has legitimately arisen since the agenda was posted and is one of the permitted topics. But the "new business" exception should "not to be used either as a subterfuge or as an excuse to violate the Act."
- Public bodies may not meet confidentially with experts in an attempt to gain more knowledge about a subject.
- Anyone attending a public meeting may record the meeting by "videotape, audiotape or by any other method" as long as the recording does "not interfere with the conduct of the meeting."
- Minutes must be kept during meetings, including executive sessions.
- Minutes, excluding those for executive sessions, become public records open for inspection when they are created, even before the public body has approved them.
- One member of a public body may not meet individually with other members outside of a public meeting to obtain a consensus on an item of business.

All inquiries to KCSC regarding open meetings and the Board of Regents of the Regional University System of Oklahoma will be referred to the RUSO Office.

KCSC is not required by CPB to have an Advisory Board, and KCSC does not have an Advisory Board.

KCSC will host a brief explanation of the Open Meetings requirement on its own web page and will include a direct link to the RUSO Board of Regents web page regarding their adherence to the open meetings requirements.

## Open Records

The Oklahoma Open Records Act, *51 O.S. 24A.1 et seq.*, requires that public records of the University be open to any person for inspection and copying during business hours. As KCSC is an operating Unit of the University of Central Oklahoma, and the University is the legal entity, the policy required by the Corporation for Public Broadcasting also applies to the Board of Regents.

The University is not required, however, to assume additional record keeping responsibilities except to keep and maintain complete records already in the University's possession. Records may be disposed of as provided by law.

The Act defines "record" as all documents, including, but not limited to, any book, paper, photograph, microfilm, data files created by or used with computer software, computer tape, disk, record, sound recording, film recording, video record or other material regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control or possession of public officials, public bodies, or their representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public property.

There are a number of statutory exceptions to the definition of "record." Some public records are required to be kept confidential under the Open Records Act. The Open Records Act sets out specific exceptions based upon a need for confidentiality or privilege.

Requests for records shall be made in writing to the UCO Office of Legal Counsel. Requests for records, which are received by a University official outside of the UCO Office of Legal Counsel, shall be forwarded to that office within one (1) business day.

The UCO Office of Legal Counsel shall determine whether any responsive records exist and whether those records are subject to any confidentiality or privilege exceptions enumerated in the Open Records Act. The Officer will then make a written response on behalf of the University.

The UCO Office of Legal Counsel shall be available at all times during regular business hours to release records subject to the Act. The University shall establish a schedule for costs of reproduction, which shall be reasonably calculated to permit the recovery of the direct costs involved in the reproduction of documents. When a request is solely for commercial purposes or would clearly cause excessive disruption of the University's essential functions, a reasonable fee to recover the direct cost of record search is charged in addition to document reproduction. A written schedule of fees shall be clearly posted in the Office of University Relations.

Areas to review non-confidential documents shall be established on each campus during regular business hours for those members of the public who desire to examine and review the documents on campus.

The state statute requires:

- Oklahomans "are vested with the inherent right to know and be fully informed about their government." The purpose of the Oklahoma Open Records Act is "to ensure and facilitate the public's right of access to and review of government records so they may efficiently and intelligently exercise their inherent political power."
- Unless a record falls within a statutory exemption, it must be made available for public inspection.
- Public records "must be open to any person for inspection, copying, and/or mechanical reproduction during regular business hours."
- Public bodies are required to designate someone to be available at all times during their regular business hours to release records.
- Public bodies must provide "prompt, reasonable access" to public records, which the attorney general defined as "only the time to locate and compile the records."
- The requester can be asked for enough information to determine if a search fee should be charged because the records request is for a commercial purpose. Otherwise, "In no event could a public body or public official ever require a requestor to provide the reason for a request for access to records."
- For uncertified paper documents sized 8 1/2 by 14 inches or smaller, the charge for copying may not exceed 25 cents per page.
- "Charges for providing copies of electronic data to the news media for a news purpose" cannot "exceed the direct cost of making the copy."
- For microfiche or computer tapes, the "reasonable, direct costs" for copying should be "based upon the cost of materials [and] labor needed for providing the computer program and service to produce the requested data."
- In no case shall a search fee be charged when the release of said documents is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.
- A public body denying access to a record bears the burden of proving that a statutory exemption applies to the record.
- Personnel records relating to internal personnel investigations including examination and selection material for employment, hiring, appointment, promotion, demotion, discipline, or resignation may" be kept confidential.
- The statute keeps confidential employment applications of people not hired by government but makes public the employment applications of those who are hired.
- Other personnel records specifically open are the gross receipts of public funds; the dates of employment, title or position; and any final disciplinary action resulting in loss of pay, suspension, demotion of position, or termination.
- Home addresses of current and former government employees are confidential.
- Home phone numbers and Social Security numbers of state employees are confidential.
- The statute allows for statutorily exempted information such as the home address of a government employee to be deleted and the rest of the record to be released.

- E-mail created or received by a public body in connection "with the transaction of public business, the expenditure of public funds or the administering of public property" is a record subject to the Open Records Act.

All inquiries to KCSC regarding open records requirements will be directed to the appropriate department:

- Inquiries regarding employment and benefits issues will be referred to the UCO Human Resources Department.
- Inquires regarding purchasing and the solicitation of bids will be referred to the UCO Purchasing Office and the UCO Office of University Relations.
- Inquires regarding the expenditure of funds will be referred to the UCO Department of Financial Services.
- Inquires regarding the annual Corporation for Public Broadcasting financial reports and records, and all other matters regarding KCSC and the Corporation for Public Broadcasting will be referred to the General Manager of KCSC Radio. These items are open to public inspection. These include:
  - Annual financial reports filed with CPB;
  - Audited statements or other financial statements filed with CPB. These include the reports from CPB required audits conducted by independent certified public accountants or state-certified independent public accountants, according to the CPB adopted audit standards, and the financial statements which CPB may permit to be submitted in lieu of such audit reports under certain circumstances; and
  - Other information regarding finances submitted to CPB related to any funding agreement with CPB that requires a financial report.
- When in doubt, refer any and all inquiries to the General Manager of KCSC Radio.

KCSC will host a brief explanation of the Open Records requirement on its own web page, and will annually post its audited financial report on the web page.