

CSUEU Board Agenda Item



Board Agenda Item: B&P __/14/__

Action Item: March 29, 2014

Subject: 401.04 Holding Closed Sessions

Source and/or Proponent: CSUEU Policy File Committee

Presentation By: Steve Mottaz, CSUEU Policy File Chair

Assigned To: Nancy Yamada, CSUEU Staff

Recommended Action:

That the CSUEU Board of Directors adopt the attached amendments to DIVISION 401.04 Holding Closed Sessions of the CSUEU Policy File.

Background:

This item was introduced at the November Board meeting to exempt closed session meetings from the 20-day advance notice requirement for providing agendas and supporting documents. The very nature of a closed session regularly prevents the electronic dissemination of confidential information. Also, special Board meetings are often called for time-sensitive issues, which require action within a week or a few days. The Board referred the motion back to the Policy File Committee to clarify exceptions to the 20-day rule.

The attached version of the amendment still exempts closed session from the 20-day rule, but would require that the agenda be provided at least 7 days in advance, if practicable. The agenda should be provided at the time the meeting is called.

Estimated Cost/Savings: None.

Funding Source: N/A

Board Action: ☐ Adopt ☐ Reject ☐ Refer

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DIVISION 4: MEETINGS

401.00 APPROVAL OF MEETINGS

- (a) All meetings shall be called at the direction of the President.
- (b) All meetings of the Board of Directors, Committees, and Bargaining Unit Councils at CSUEU expense require the prior approval of the President. Each request for a meeting must be accompanied by an agenda in order to be approved. Any denial shall be in writing and appealable to the Board of Directors. Such appeal shall be voted on by the Board of Directors within five (5) days.

401.01 Meetings

- (a) Except as noted below, meetings or hearings at which official actions are taken, including but not limited to, meetings or hearings of the Board of Directors, Executive Officer Committee, committees, units, councils, and sub-groups thereof shall be open to all members of the Association.
- (b) CSUEU shall publish an online calendar of statewide meetings on its website, which shall be updated regularly. (BD 78/10/2)
- (c) Bodies of the CSUEU may conduct business by telephone conference call, video conferencing, e-mail and/or fax, as appropriate. Meetings may be held by conference call or video conferencing. (BD 34/11/14)
- (d) The Board of Directors, Bargaining Unit Councils, Presidents' Forum or CSUEU committees may utilize staff assigned by the Chief of Staff in order to implement their responsibilities. (BD 41/09/3) (BD 34/11/14)
- (e) The CSUEU Bylaws, Policy File, and Robert's Rules of Order, in that order, shall govern the conduct of all meetings. (BD 41/09/3) (BD 34/11/14)

401.02 Closed Session Mandatory

Bodies of the CSUEU must meet in closed session to consider the following:

- (a) Litigation matters;
- (b) Matters involving privileged relations such as attorney-client or doctor-patient; and
- (c) Personnel matters, including the employment, suspension or dismissal of a CSUEU employee. (BD 34/08/4)

401.03 Closed Session Optional

Bodies of the CSUEU may meet in closed session to consider the following:

- (a) Discussion of bargaining strategy;
- (b) Member grievance appeals and disciplinary actions; (BD 34/08/4)
- (c) Representation appeals;
- (d) Confidential financial information; (BD 2/10/1)

- (e) Negotiation, modification or termination of contracts; and (BD 2/10/1)
- (f) Legislative matters. (BD 2/10/1)

401.04 Holding Closed Sessions

- (a) Attendance at closed sessions shall be limited to: the elected or appointed member(s) of the appropriate CSUEU body holding the meeting; members of the Board of Directors; and staff and other individuals who have pertinent information and whose presence is determined to be necessary by the presiding officer, subject to disaffirmation by the body.
- (b) Closed sessions, when held as a part of regular meetings, should be scheduled for an announced time certain. Announcement of the closed session and its purpose must be made to the members in attendance, if held during a regular meeting. All Board of Directors and Bargaining Unit Council closed sessions must be reported in the minutes of the next regular meeting and shall include a list of actions taken.
- (c) Closed sessions shall be exempt from the provisions that require advance notice of agendas and supporting materials. However, if practicable, the agenda shall be provided seven (7) days in advance of the meeting.
- ~~(e)~~(d) A meeting, except a Chapter's Steward Council, shall conduct business in closed session or return to open session only by motion passed by a majority of the body. The body may not suspend this rule.
- ~~(d)~~(e) A Chapter's Steward Council shall always meet in closed session and shall discuss only items listed in sections 401.02 and 401.03, above.

401.05 Reporting and Minutes of Closed Sessions

- (a) All closed sessions must be reported in the minutes of the next regular meeting and shall include a list of actions taken.
- (b) The minutes or record of closed sessions shall indicate when and for what purpose the closed sessions were held and shall further state that no other matters were considered.

402.00 AGENDAS

402.01 CSUEU Meetings (BD ___/12/4)

- (a) All meetings of the CSUEU shall have an agenda. For Board of Directors and Bargaining Unit Council meetings, the agendas and supporting documents shall be transmitted to the members of that body not less than twenty (20) days prior to that meeting. For all other statewide meetings, the agendas and supporting documents shall be transmitted to the members of that body not less than fourteen (14) days prior to that meeting. All matters appearing on the agenda that are not disposed of shall appear on the next agenda as items of unfinished business.

- (b) Supporting documents that are delayed shall be identified in the agenda, and in any case shall be distributed at least ten (10) days prior to the meeting.

402.02 Board of Directors (BD __/12/4)

- (a) Only members and members-elect of the Board of Directors, standing committees or the Executive Committee, as a body, may submit agenda items. (BD __/12/4)
- (b) Any member may request a member of the Board of Directors to submit an agenda item to the Board of Directors. Members may approach their chapter Executive Board regarding submission of agenda items. (BD __/12/4)
- (c) All items for the printed action agenda, except those from actions of the Executive Committee, shall be submitted to the President at least 30 days prior to each meeting of the Board of Directors and shall be accompanied by factual supporting data. (BD __/12/4)
- (d) Items submitted, from any source other than the Executive Committee, as a body, for the action agenda after the 30-day limit as provided in subsection (a) above, shall be referred to the Board Executive Committee. Supporting data to demonstrate the emergency nature shall accompany each item. (BD __/12/4)
- (g) Items that propose to expend funds not otherwise budgeted must identify a funding source. (BD __/12/4)
- (h) The minutes of the Executive Committee meetings shall be an informational item on the agenda at the Board of Directors meeting. (BD __/12/4)
- (i) The President may refer or defer items submitted for the action agenda. Such referred or deferred items shall become informational items on the agenda. By majority vote, the Board of Directors may place informational items on the action agenda. (BD __/12/4)