

EXECUTIVE SESSION MINUTES AND VERBATIM RECORDINGS

Submitted for: Action.

Summary: Based on the semi-annual review of minutes of all closed meetings conducted in accordance with Section 2.06(d), of the Open Meetings Act, this item recommends that the Illinois Board of Higher Education maintain the confidentiality of the minutes from its Executive Sessions held September 23, 2019 Executive Committee and November 22, 2019 Executive Committee.

This item further recommends that (i) the following listed Executive Session minutes, all of which have been previously approved by the Board, be opened for review as the need for confidentiality no longer exists: June 5, 2018, August 2, 2018, September 10, 2018 and December 4, 2018, and (ii) the destruction of verbatim recordings that exist for the Executive Session held June 5, 2018, be approved in accordance with Section 2.06(c) of the Open Meetings Act pursuant to the recommendation of Outside Counsel.

Action Requested: That the Illinois Board of Higher Education determines that the minutes of the Executive Sessions on September 23, 2019 Executive Committee and November 22, 2019 Executive Committee continue to remain confidential.

That the following listed Executive Session minutes, all of which have been previously approved by the Board, be opened for review as the need for confidentiality no longer exists: June 5, 2018, August 2, 2018, September 10, 2018 and December 4, 2018

That the destruction of any verbatim recording for the Executive Session held June 5, 2018, be approved in accordance with Section 2.06(c) of the Open Meetings Act pursuant to the recommendation of Outside Counsel.

STATE OF ILLINOIS
BOARD OF HIGHER EDUCATION

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The Illinois Open Meetings Act (5 ILCS 120 et seq.) requires that minutes of all closed meetings (Executive Sessions) of public bodies which have not been made available to the public be reviewed periodically to determine whether those minutes should continue to remain confidential.

Based upon the recommendation of Outside Counsel, the Illinois Board of Higher Education (IBHE) previously determined that the minutes of the IBHE Executive Sessions of J September 23, 2019 Executive Committee and November 22, 2019 Executive Committee should remain confidential. Upon review, it has been suggested that need for confidentiality still exists for each of these meetings. Further, based on the recommendation of Outside Counsel, that the following listed Executive Session minutes, all of which have been previously approved by the Board, be opened for review as the need for confidentiality no longer exists: June 5, 2018, August 2, 2018, September 10, 2018 and December 4, 2018.

Also, pursuant to Section 2.06 of the Open Meetings Act, the IBHE has the right to destroy the verbatim records of Executive Sessions that occurred 18 months or more prior to such authorization provided that the IBHE has approved the destruction of the recordings and further approved minutes of the subject closed sessions that meet the requirements of Section 2.06(a) of the Open Meetings Act. It is recommended that the destruction of verbatim recording that exists for any Executive Session held June 5, 2018, be approved in accordance with Section 2.06(c) of the Open Meetings Act pursuant to the recommendation of Outside Counsel.

The adoption of the following resolutions is recommended:

The Illinois Board of Higher Education hereby resolves:

Resolved, that the Illinois Board of Higher Education finds that the need for confidentiality exists for the minutes of the IBHE Executive Sessions of the September 23, 2019 Executive Committee and the November 22, 2019 Executive Committee and that such minutes shall continue to remain confidential;

Resolved that the following listed Executive Session minutes, all of which have been previously approved by the Board, be opened for review as the need for confidentiality no longer exists: June 5, 2018, August 2, 2018, September 10, 2018 and December 4, 2018; and further

Resolved that the destruction of the verbatim recording for the Executive Session held June 5, 2018, be approved in accordance with Section 2.06(c) of the Open Meetings Act pursuant to the recommendation of Outside Counsel.