

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, based on advice from outside counsel, determine that the need for confidentiality exists in relation to minutes from closed sessions for (a) the September 23, 2019, November 22, 2019, December 12, 2019, and December 13, 2019, meetings of the Executive Committee and (b) the December 10, 2019, and January 8, 2020, Board Meetings.

This item further recommends that the destruction of verbatim recordings that exist for the Executive Sessions held August 2, 2018, September 18, 2018, and December 4, 2018, be approved by the Board 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 determine that the need for confidentiality exists for minutes of the closed sessions for the September 23, 2019, November 22, 2019, December 12, 2019, and December 13, 2019, Executive Committee meetings and closed sessions of Board Meetings held December 10, 2019 and January 8, 2020, and that the foregoing closed session minutes remain confidential.

That the destruction of any verbatim recording for the closed sessions held August 2, 2018, September 18, 2018, and December 4, 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) that the minutes of the closed sessions of the September 23, 2019, November 22, 2019, December 12, 2019, and December 13, 2019, Executive Committee and the closed sessions of Board Meetings held December 10, 2019, and January 8, 2020, should remain confidential. Upon review, it has been suggested that need for confidentiality still exists for each of these meetings.

Also, pursuant to Section 2.06 of the Open Meetings Act, the IBHE has the right to destroy the verbatim records of closed 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 closed sessions held August 2, 2018, September 18, 2018, and December 4, 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 closed sessions of: (a) the September 23, 2019, November 22, 2019, December 12, 2019, and the December 13, 2019, meetings of the Executive Committee and (b) the December 10, 2019 and January 8, 2020 Board Meetings and that such minutes shall continue to remain confidential; and further

Resolved that the destruction of the verbatim recordings for the closed sessions held August 2, 2018, September 18, 2018, and December 4, 2018, be approved in accordance with Section 2.06(c) of the Open Meetings Act pursuant to the recommendation of Outside Counsel.