

# Oregon Public Meetings Law: Quick Reference Guide / What You Need to Know

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- Oregon public meetings law is designed for openness – “public business done in public”.
  - The law requires that decisions of public governing bodies are arrived at openly, with notice, and at meetings accessible to the public. [[ORS 192.610 – 192.710](#)]
  - The Transfer Council is subject to public meeting law.
  - Committees, subcommittees, and groups that report or are designed to report to the Transfer Council are also subject to public meetings law if they advise or make consensus recommendations to the Council. For example:
    - If TC requests math faculty recommend Math 111 learning outcomes to the TC, all math faculty meetings discussing learning outcome recommendations would be subject to public meeting rules.
      - HOWEVER, general meetings of math faculty, where a quorum of the Council is not present, where information about the Council is received and discussed, or where other topics outside of the recommendation are discussed, is not subject to public meeting law.
- **What is a Meeting?** A meeting is defined as the convening of a governing body of a public body for which a quorum is required in order to make a decision or deliberate toward a decision on any matter.
- **Notice:** Public notice of regular meetings must be given in sufficient time to “give actual notice to interested persons including news media.” The notice must include a list of the “principal subjects anticipated to be considered at the meeting.” This does not prevent the board from adding other topics for discussion during the meeting.
  - Special meetings require 24-hour notice to the public and interested parties.
  - Emergency meetings are permitted with less than 24-hour notice but minutes must include reason for emergency to justify the meeting.
- **Minutes:** The law requires minutes to be kept in audio, video/digital recording, or

written form, and they must be made available to the public within a “reasonable time after the meeting.”

- Minutes must include the following: 1) members present, 2) all motions, proposals, resolutions and what happened, 3) the results of all votes and the vote of each member by name, and 4) the substance of any discussion.

### **VOTING**

- All actions of public bodies must be taken by public vote.
- Proxy, absentee, vote by mail, and secret ballot voting are not permitted.
- Some decisions of the Transfer Council require a majority of voting Council members (not members present). Other decisions require votes of 3/5<sup>ths</sup> of Council members.
  - Staff or the chair will advise whether a vote requires a supermajority.

### **ENFORCEMENT**

- Complaints about violations of executive session may be filed with the Oregon Government Ethics Commission (OGEC). OGEC has the authority to investigate and assess up to \$1,000 in fines if a violation is found.
- For violations of public meetings law, lawsuits can be filed in circuit court, and if the court finds that actions were taken to intentionally violate public meetings law, the action taken can be voided by the court.

### **EMAIL**

- Emails you write or respond to about Transfer Council issues are considered public record and conversations between Transfer Council members are subject to public meetings law.
  - It is allowable to disseminate information on email (one way only with no discussion).
  - It is NOT permissible for Council members to use email to discuss matters with other Council members over which the board has authority, for Council members to poll other board members, or forward one member’s comments to another board member.

## **RELATED INSTITUTIONALLY-BASED WORK**

A number of stakeholder groups meet regularly to discuss issues of the type that come before the Transfer Council. Provided that these groups are not providing recommendations to the Council AND do not contain a quorum or members of the council or its subcommittees, such meetings are not subject to public meeting law even when discussing Transfer Council business. Examples:

- A group of registrars meet to create/gather information the Transfer Council has requested: The Transfer Council requests registrars research other states' best practices on prioritizing CCN work and submit such information without recommendations.
- The Director of CCWD meets with chief academic officers and provides an update on Transfer Council activity at their monthly meeting. The group discusses how they think the work is going, provide the CCWD Director with suggestions on TC process or their opinions on TC policy issues
- Meeting with IR staff and the HECC R and D staff to explain a data request
  - Example: BA 212 was two classes at some CCs and one class at others. The MTM group wanted to know if there was data that indicated students who took BA 212 as two courses had better bachelor degree graduation outcomes than students who took BA 212 in one course.

Using subcommittees that place Transfer Council business under the umbrella of the Council, and populating subcommittees such that a quorum of members are not also members of a specific affinity group, is the best way to avoid complications with existing affinity group business.

## **EXCEPTIONS**

In very limited instances it can be acceptable for a public body to meet outside public meeting requirements. Generally, these meetings are related to the receipt of information by a group constituting less than a quorum of the Council. Other exceptions exist for certain confidential matters such as personnel discussions, but these exceptions do not apply to the Transfer Council.

In order to ensure compliance, HECC intends to post all meeting of the Transfer Council and its subcommittees because any exceptions which may apply would restrict the ability of Council members to have substantive discussions during the meeting

To learn more, go to <https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/ii-public-meetings/>.