

## **BP 2315 Closed Sessions**

Reference:

**Government Code Sections 54956.8, 54956.9, 54957, 54957.6;**  
**Education Code Section 72122**

- 1.0 Closed sessions of the Board shall only be held as permitted by applicable legal provisions including but not limited to the Brown Act, California Government Code and California Education Code. Matters discussed in closed session may include:
  - 1.1 The appointment, employment, evaluation of performance, discipline or dismissal of a public employee;
  - 1.2 Charges or complaints brought against a public employee by another person or employee, unless the accused public employee requests that the complaints or charges be heard in an open session. The employee shall be given at least twenty-four (24) hours written notice of the closed session.
  - 1.3 Advice of counsel on pending litigation, as defined by law;
  - 1.4 Consideration of tort liability claims as part of the district's membership in any joint powers agency formed for purposes of insurance pooling;
  - 1.5 Real property transactions;
  - 1.6 Threats to public security;
  - 1.7 Review of the District's position regarding labor negotiations and giving instructions to the District's designated negotiator;
  - 1.8 Discussion of student disciplinary action, with final action taken in public session;
  - 1.9 Conferring of honorary degrees;
  - 1.10 Consideration of gifts from a donor who wishes to remain anonymous;
  - 1.11 To consider its response to a confidential final draft audit report from the Bureau of State Audits.
- 2.0 The agenda for each regular or special meeting shall contain information regarding whether a closed session will be held and shall identify the topics to be discussed in any closed session in the manner required by law.
- 3.0 After any closed session, the Board shall reconvene in open session before adjourning and shall announce any actions taken in closed session and the vote or abstention of every member present.
- 4.0 All matters discussed or disclosed during a lawfully held closed session and all notes, minutes, records or recordings made of such a closed session are confidential and shall remain confidential unless and until required to be disclosed by action of the Board or by law.
  - 4.1 All members of the Board of Trustees have a duty not to disclose any statements (written and oral), discussions, opinions, deliberations, and documents, that were

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made, reviewed or considered during the course of a closed session. This duty shall extend to those persons invited to attend the closed sessions. The above-described duty of nondisclosure shall be a continuing duty and shall continue after the person is no longer a member of the Board of Trustees, and this duty shall continue to all persons who are invited to attend such closed session.

- 5.0 If any person requests an opportunity to present complaints to the Board about a specific employee, such complaints shall first be presented to the Chancellor. Notice shall be given to the employee against whom the charges or complaints are directed. If the complaint is not resolved at the administrative level, the matter shall be scheduled for a closed session of the Board. The employee shall be given at least twenty-four (24) hours written notice of the closed session, and shall be given the opportunity to request that the complaints be heard in an open meeting of the Board.

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