

**UNIVERSITY OF ILLINOIS  
URBANA-CHAMPAIGN SENATE**

Committee on University Statutes and Senate Procedures  
(Final; Action)

SP.11.12, Revisions to the *Bylaws* and *Standing Rules* Regarding Illinois Open Meetings Act Compliance

**BACKGROUND**

The Illinois Open Meetings Act (5 ILCS 120/) (OMA) requires that "public bodies" in the state hold open deliberations and take actions in full view of the public. To that end, the OMA requires that public bodies provide notice of their agenda and allow members of the public to observe proceedings and to have access to minutes and other documents. The Freedom of Information Act (5 ILCS 140/)(FOIA) also mandates the availability to the public of most documents generated by public bodies and their constituent assemblies, such as committees and subcommittees. The OMA recognizes that public bodies must from time to time deliberate about sensitive issues that require confidentiality, including employment, financial affairs, and criminal matters. Thus, public bodies are entitled to close meetings, but only under a narrow set of statutory circumstances that must be articulated in advance.

Historically, the Senate has always followed rules that adhere to the spirit of the OMA and FOIA. Senate rules require that meetings always be open to the public, with provisions to close them when the Senate deems it necessary. Senate documents have always been available to the public under Senate rules. However, Senate rules about these matters are not 100% in compliance with OMA and FOIA.

Based on the Attorney General's *Guide to the Illinois Open Meetings Act* and an Illinois appellate court opinion in *Board of Regents v. Reynard* (292 Ill.App.3d 968, 4<sup>th</sup> District, 1997), it appears that the University of Illinois Academic Senate, including its committees and subcommittees, may be "public bodies" within the meaning of the OMA. Thus, the Senate's *Bylaws* and *Standing Rules* must be amended to bring the Senate into compliance. This proposal sets out those amendments.

**RECOMMENDATION**

The Senate Committee on University Statutes and Senate Procedures recommends approval of the following revisions to the *Bylaws* and *Standing Rules*. Text to be added is underscored, and text to be deleted is indicated in [square brackets].

**PROPOSED REVISIONS TO THE BYLAWS**

- 1 Part A – Meetings
- 2

- 3 9.  
4 a. Meetings of the Senate shall ordinarily be open to the public. Accredited  
5 representatives of the news media may observe Senate meetings, and facilities  
6 shall be provided for the public at large to listen to and, if physically feasible, to  
7 observe Senate proceedings.  
8  
9 b. The Senate reserves the right to close its sessions in those cases in which public  
10 disclosure would substantially and adversely affect the matters being considered.  
11 A specific exemption of the Open Meetings Act [5 ILCS 120/2(c)] permitting the  
12 closure of the meeting must be cited before closing a session.  
13  
14 c. This policy that Senate meetings are open to the public, and any implementing  
15 procedures, shall apply to the Senate when meeting as a body, and also to Senate  
16 committees and other constituent bodies.  
17  
18 d. The text of the Open Meetings Act (5 ILCS 120/), including Section 2(c) setting  
19 out the permissible reasons for closing a meeting, may be found at the following  
20 URL: <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=84&ChapterID=2>.  
21

## 22 **PROPOSED REVISIONS TO THE *STANDING RULES***

### 23 Standing Rule 5. Open Meetings Regulations

- 24  
25 D.
- 26 1. Matters of business which are judged by the Senate Executive Committee to  
27 warrant a closed session of the Senate will ordinarily be placed last on the agenda.  
28 Such matters need not be specifically described in advance, [, but the general  
29 category of the matter warranting a closed session will be indicated.] The Senate  
30 Executive Committee must cite the specific exemption in the Open Meetings Act  
31 (5 ILCS 120/2(c)) that permits the closure of the meeting.  
32
  - 33 2. If in the course of a debate in an open meeting, matters evolve which a Senate  
34 member deems to warrant a closed session, the senator may move for a closed  
35 session. The senator must cite the specific exemption of the Open Meetings Act  
36 (5 ILCS 120/2(c)) that permits the closure of the meeting. Unless the Senate rules  
37 otherwise, the approval of such a motion will postpone further debate on the  
38 matter to the conclusion of the regular agenda, at which time the meeting will be  
39 closed. No such motion shall be deemed approved without a two-thirds vote of the  
40 senators present and voting.  
41
  - 42 3. When the agenda is presented at the beginning of a Senate meeting, any senator  
43 may move to schedule an item proposed for open session to a closed session. The  
44 senator must cite the specific exemption of the Open Meetings Act (5 ILCS  
45 120/2(c)) that permits the closure of the meeting. Such a motion shall require for  
46 approval a two-thirds vote of those senators present and voting.  
47

- 48 4. When a closed session is about to begin, the presiding officer shall clear the  
49 chambers and public areas of all persons not entitled to be present.  
50  
51 5. The Senate may not take any final vote during a closed session. Procedural votes,  
52 such as a vote to refer to a committee, may be taken in closed session. In order to  
53 take a final vote on any matter, the session must first be reopened to the public.  
54  
55 6. The text of the Open Meetings Act (5 ILCS 120/), including Section 2(c) setting  
56 out the permissible reasons for closing a meeting, may be found at the following  
57 URL: <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=84&ChapterID=2>.  
58  
59 E. Semi-annually, the Senate Executive Committee shall review the minutes of all  
60 closed Senate sessions to determine whether those minutes may be released to the  
61 public.  
62

63 Standing Rule 8. To Take Jurisdiction of Items Reported for Information  
64

65 The Senate may take responsibility from any Senate committee on a reported action taken  
66 by the committee on behalf of the Senate. This may be accomplished by passage of a  
67 motion to take jurisdiction. The motion to take jurisdiction allows debate on the merits of  
68 the original committee action. Passage of this motion requires a simple majority. The  
69 item becomes Old Business on the agenda of the next Senate meeting. [unless the Senate  
70 votes by a two-thirds majority to take immediate action.]  
71

72 Standing Rule 10. Copying and Searching Senate Records  
73

74 B. Senate committee [agenda, minutes, and] working documents [which]  
75 that are not distributed to the Senate are not considered public documents. They  
76 are not available for distribution except to the members of the originating  
77 committee and to the Senate Executive Committee, without the express consent of  
78 the originating committee. Senate and Senate committee meeting agenda and  
79 approved minutes are considered public documents.  
80

UNIVERSITY STATUTES AND SENATE PROCEDURES

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