



## PASADENA AREA COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES BYLAWS

**Title: Closed Sessions**

**Bylaw No. 1225**

**Legal Authority:** California Education Code Sections 72122, 76243;  
Government Code Sections 54954, 54956-54957;  
California Public Records Act Section 6254

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1. **Authorization**

Closed sessions may only be held where explicitly allowed by the Brown Act, by some other laws (such as those concerning student discipline and receipt of gifts), or inferred from some other confidentiality provision of law (such as by Act of Congress). Closed sessions may only be held during a regular or special meeting. A special meeting can be called for the sole purpose of conducting a closed session.

2. **Brown Act**

The Brown Act, in the order set forth in that Act, permits closed sessions as hereinafter set forth.

NOTE: Only brief descriptions are given below. Applicable Brown Act sections are incorporated by reference as a part of these Bylaws.

a. **Real Property**

The Board may meet with its negotiator in regard to the purchase, sale, exchange, or lease of real property. The Agenda is to specify what is to be negotiated, that is, price and terms.

b. **Litigation: Existing or Anticipated**

The Board may, upon advice of its legal counsel, meet with or receive advice from such counsel, when discussion in open session would prejudice the position of the District. The Agenda is to specify either existing litigation or number of anticipated cases.

c. **Liability Claims**

The Board may meet to consider claims of tort liability, public liability, or workers' compensation liability. The Agenda shall specify the name of the claimant and agency claimed against.

d. **Threat to Public Services**

The Board may meet with law enforcement representatives concerning threats to the security of buildings or the public access to services and buildings. The Agenda shall specify the name and title of the law enforcement representatives.

e. **Personnel Matters**

The Board may meet to consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session. As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

- f. Salaries, Salary Schedules, Fringe Benefits  
The Board may meet with the District's representative as to salaries, salary schedules, and fringe benefits. The Board may also meet with a state conciliator. No discussion shall be included concerning availability of funds, funding priorities or budget. The Agenda shall specify the name of the District negotiator, the employee organization or the name of the position title of an unrepresented employee.
- 3. **Education Code**
  - a. Student Suspension and Discipline  
Unless the student requests a public hearing, the Board shall consider suspension or disciplinary action or any other action as to students (except expulsion) in closed session if a public hearing would lead to the giving out of information concerning students which would be in violation of law. The final action shall be taken at a public meeting.
  - b. Gifts  
The Board may hold closed sessions to consider gifts from a donor who wishes to remain anonymous.
- 4. **Confidentiality of Materials**
  - a. Materials used by the Board during the discussion of closed session agenda items, as described in Section 2 above, shall be considered confidential, provided they meet the requirements of Section 6254 of the California Public Records Act.
  - b. The Board President may direct that such confidential materials remain in the custody of the Board Secretary between closed sessions and until such time as the matter under discussion has been resolved.
  - c. The Board President may also direct that the Board Secretary make such confidential materials available to a Board member for viewing between scheduled meetings. In such cases, the Board member shall not make copies of the confidential materials.
- 5. **Agenda Descriptions**  
The Brown Act spells out the various ways in which agenda items are properly described as to closed sessions permitted by that Act.
- 6. **Reports of Action Taken**  
Reporting of actions taken and the votes (or abstentions) shall be reported in accordance with the Brown Act.
- 7. **Minute Book Record of Closed Sessions; Inspection**  
The record to be made of closed sessions and who may inspect the record shall be in accordance with the Brown Act.
- 8. **Notices**  
Prior to holding a closed session, an announcement must be made at an open meeting as to what is to be discussed. After a closed session, the Board shall reconvene into open session and report on action taken in the closed session
- 9. **Penalties for Violation of Closed Session Confidentiality**  
Applicable penalties may be imposed by the Board for violation of the confidentiality of closed session meetings.