

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

1000 SERIES GOVERNING BOARD POLICIES

A. Organization and Procedures of the Governing Board

1040 Closed Sessions of the Governing Board

All regular and special meetings of the Governing Board shall be open to the public, except as otherwise required or permitted by law.

Except as otherwise required by law, consideration of actual or pending litigation, matters relating to the appointment, employment or dismissal of personnel, complaints against employees, evaluations of performance, student discipline, meetings on collective bargaining matters, and other subjects authorized by law, shall ordinarily be undertaken in closed session.

Such considerations and any minutes of closed sessions on student or personnel matters, collective bargaining, and other topics authorized for consideration in closed session, and all information and documents pertaining to them including, but not limited to, discussions, information and documents which refer by name to particular persons and which are submitted to the Board in confidence and are privileged as contemplated by Section 54957.5, Government Code, and all other matters, information and documents which are required or permitted by law to be confidential, shall not be disclosed or made public. Mere discussion of a record in closed session does not by itself make that record confidential. A record is confidential when, by its nature and content, the public interest in withholding it clearly outweighs the public interest in disclosing it.

It is the intent of the Governing Board to invoke such privileges as are required or permitted by law to be confidential or privileged. Such discussions, minutes, information and documents shall not be disclosed or made public by individual members of the Governing Board unless the Board officially authorizes such disclosure or publication by majority vote.

The Board may, by majority vote, authorize disclosure or publication of all or any portion of such confidential discussions, minutes, information of documents if the Board determines that the public interest would be served from such disclosure or publication, and such disclosure is not otherwise prohibited.

These provisions are adopted by the Board as Board policy and guidelines and may only be waived when, in the opinion of the Board, the public interest would be served from such waiver, by majority vote of all the membership constituting the Board.

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1040 Closed Sessions of the Governing Board (continued)

Reference: Government Code 3549.1 and 54950 et seq.
Education Code 72121, 72122, 72129, and 72132.
Evidence Code 1040.
Civil Code 47.
44 Ops. Cal. Atty. Gen. 147.

Formerly Governing Board Policy 1.9.5.

Revised, Renumbered and Adopted: April 13, 1988.