

Open Meetings Act Guidelines for Committees and Boards of Directors

Kansas State University – including its committees, subcommittees and controlled corporations – must comply with the Kansas Open Meetings Act (“KOMA”). KOMA requires that meetings of these bodies be open to the general public and that notice of the time, place, and date of meetings be provided to anyone requesting notice. These are different from general departmental or staff meetings, which are not subject to KOMA.

A “meeting” occurs when the majority of a body communicates – through any medium – for the purpose of discussing the body’s business or affairs. A meeting can occur in person, by telephone, through email, or on a web site. Emails and password-protected web sites are necessary and common for much of the University’s business, but they cannot be used for groups subject to KOMA because their meetings must be open and accessible to the public.

A “serial meeting” can also occur through a series of different communications if they relate to a matter that would require binding action by the body. For example, if two board members have discussions with less than a majority of the board, but subsequently get together and compare the viewpoints or votes of a majority of the board, then a serial meeting has occurred.

Similarly, a committee of a University senate or the board of directors of a University-controlled corporation is having meetings if it conducts business via group email or a series of individual emails (including a listserv) or web site posts.

Some topics, such as legal advice, personnel matters, or matters affecting individual students can be discussed outside of the public eye, but only after properly entering an “executive session.” Votes cannot be taken in executive session, but must take place in an open meeting. It is permissible to develop a consensus in executive session, but that consensus should not derive from any kind of vote.

For additional background on KOMA, please see the Kansas Attorney General’s FAQ on KOMA at <http://ag.ks.gov/legal-services/open-govt/koma-faq>. For K-State’s committee guidelines on KOMA, see <http://www.k-state.edu/provost/committeehb/komag.html>. For guidance for hearing panels, see our [Open Meetings Act Guidelines for Hearing Panels](#).

Because many KOMA issues are fact-dependent, such as whether KOMA applies to a particular group, whether a “meeting” might occur, or whether a topic can be handled in executive session, we encourage you to contact the Office of General Counsel with any questions about specific situations.