

OPEN AND PUBLIC MEETINGS ACT (“OPMA”)

Utah Code, Title 52, Chapter 4: Open and Public Meetings Act (“OPMA”), is Utah’s public meetings law. Under OPMA, public bodies, including the Utah Board of Higher Education (“Board”), are required to deliberate and take action openly. The Board’s Secretary works to ensure notices and minutes are posted as required by the OPMA.

RELEVANT LAW AND POLICY

- [Utah Code Title 52 Chapter 4, Open and Public Meetings Act](#)
 - [Board Policy R120, Board of Higher Education Bylaws](#)
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DEFINITIONS

“Meeting” means the convening of a public body or a specified body, with a quorum present, including a workshop or executive session, whether in person or by electronic communication, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body or specified body has jurisdiction or advisory power. Meeting includes training sessions for which a quorum is present but does not mean a chance or social gathering.

PUBLIC NOTICE

The Board must provide public notice of a meeting at least 24 hours in advance. The public notice must:

- Specify the date, time, and place of the meeting;
- Include an agenda with the topics the Board will consider;
- Be posted on the Utah Public Notice Website and at the location of the meeting; and
- Be posted on the Board’s website.

The Board may discuss an item that was not on the agenda in a meeting but may not take final action on that topic until a later meeting when it has been properly noticed.

MINUTES AND RECORDINGS

The Board must:

- Keep written minutes and a recording of all meetings unless the meeting is a site visit where no vote or action is taken;
 - Post a recording of the open portions of a meeting on the Utah Public Notice (“UPN”) website within three business days after a public meeting;
 - Post draft minutes available to the public within 30 days after holding the open meeting that is the subject of the minutes; and
 - Post meeting materials and approved minutes within three business days after approval on the UPN website.
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CLOSED MEETINGS

The Board may hold a closed meeting under limited circumstances to discuss including, but not limited to:

- A person’s character, competence, or health;
- Pending or imminent litigation;
- Certain matters related to the acquisition or sale of real property;
- The deployment of security personnel, devices, or systems; and
- Certain deliberations and decisions related to procurement.

A closed meeting must be properly noticed, and the Board may close a meeting only by a two-thirds vote with a quorum present. The Board must announce and record in the minutes the reason for the closed meeting.

A resolution, policy, contract, or appointment may not be approved during a closed meeting.

EMERGENCY MEETINGS

The Board may hold an emergency meeting and is not required to give 24-hour notice if an urgent matter arises. However, a majority of the Board must approve the meeting.

ELECTRONIC MEETINGS

Under Board Policy R120, the Board may convene and conduct an electronic meeting. Members of the Board who participate by electronic communication may be counted in the quorum.

QUESTIONS

Board members may refer questions about the OPMA to General Counsel Alison Adams or Board Secretary Geoff Landward.