

*****This is a summary of the law, intended to provide guidance. If you have any specific questions about application in your situation, please contact the LSU Office of Legal Affairs.**

Brief Summary of Louisiana Open Meetings Law LA Revised Statutes, Title 42

The definitions applicable to the Open Meetings Law are found in §42:13. The Open Meetings Law applies to a “public body” as defined therein and includes any State governing boards, authorities, or commissions, where such body possesses policy making, advisory, or administrative functions, including any committee or subcommittee of such body.

Not all meetings held at LSU will be subject to the provisions of the Open Meetings Law. One must determine if the “body” holding the meeting satisfies the definition of a “public body” to determine if the meeting is subject to Open Meetings Law requirements.

Please note that public information rules and regulations are found in a different statute, and all employees at LSU are subject to public information laws, regardless if those employees are participating in an “open meeting” as a “public body.”

The Faculty Senate at LSU is a “public body” within the meaning of this statute because it possesses advisory functions to the President and the Provost. A departmental meeting of faculty arguably is not a “public body” within the meaning of this statute because faculty as a department do not possess advisory functions to the President or the Provost.

If the group holding the meeting satisfies the definition of “public body,” then the Open Meetings Law would apply to the group when it meets.

If the Open Meetings Law applies to your group, then the following is a brief summary of the laws applicable to the structure and process for an open meeting:

§42:14: Meetings of Public Body Open to the Public

- Every meeting of a public body shall be open, unless closed pursuant to §42:16, 17, or 18.
- No proxy voting or secret balloting; **all votes** by the public body will be orally and in an open meeting.

§42:16: Executive Session

- A public body may hold executive session upon an affirmative vote, taken during an open meeting, of two-thirds of its constituent members present.
- Executive Session is limited to matters allowed to be exempted from discussion in an open meeting by §42:17.
- The vote of each member present on the question of holding such an executive session and the reason for holding executive session shall be recorded and entered into the minutes of the open meeting.

- No final or binding action shall be taken during an executive session.
- Nothing in §42:16 or 42:17 shall be construed to require that any meeting be closed to the public, nor shall any executive session be used as subterfuge to defeat the purposes of The Open Meetings Law.

§42:17: Exceptions to Open Meetings

- A public body may hold an executive session under 42:16 for one or more of the following reasons:
 1. Discussion of character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least 24 hours, exclusive of Saturdays, Sundays, and legal holidays, before the scheduled time contained the notice of the meeting at which such executive session is to take place and that such person may require that such discussion be held at an open meeting.
 2. Discussion of prospective or pending litigation or collective bargaining.
 3. Discussion of investigative proceedings regarding allegations of misconduct.
 4. Discussion of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbance, repelling of invasions, or other matters of similar magnitude.
 5. See the statute for additional exceptions relating to State Mineral and Energy Board, Civil Service Board, and Parish School Boards.
- No prohibition on removing of any person or persons who willfully disrupt a meeting to the extent that orderly conduct of the meeting is seriously compromised.

§42:18: Executive or closed meetings legislative houses or committees:

- Not applicable at LSU

§42:19: Notice of Meetings

- Please see the 42:19 for the requirements of notice for an open meeting. Please be aware of the requirements, if you are a member of a public body holding open meetings.

In summary, **Executive Session is used for discussion only, not for taking action. All motions and voting are held in the open meeting.** To reiterate, the Open Meetings Law applies to a “public body” as defined in the statute. Arguably departmental meetings would not be deemed a public body under this definition. To encourage orderly processes of departmental meetings, meeting rules could be drafted and agreed upon by the department.