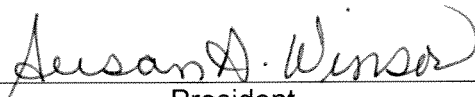


**AIKEN TECHNICAL COLLEGE  
PROCEDURE**

Procedure Title:	FREEDOM OF INFORMATION ACT - PUBLIC MEETINGS	Procedure Number: 1-1-102.1
Institutional Authority:	President	
Associated SBTCE Policy/Procedure:		
Governing ATC Policy:	1-1-102	

Approved:   
President

Date Adopted: 07/01/2004  
Date Revised: 02/11/2008

**DISCLAIMER**

**PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY.**

A. Meetings

1. Aiken Technical College qualifies as a public agency under the Freedom of Information Act 30-4-15. The Aiken County Commission for Technical and Comprehensive Education meetings are performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in formulation of public policy.
2. Commission meetings may be closed for the purpose of discussing:
  - a. Personnel – Compensation, promotion, demotion, discipline, or release of an employee, or the appointment of a person to a public body; provided, however, that if an adversary hearing involving the employee, other than under a grievance procedure provided in Chapter 17 of Title 8 of the 1976 Code, is held, such employee shall have the right to demand that the hearing be conducted publicly.
  - b. Negotiations – Discussion of negotiations incidental to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal

advice, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertions against said agency of a claim.

- c. Security – Discussion regarding security personnel or devices.
  - d. Investigative – Investigative proceedings regarding allegations of criminal misconduct.
3. Prior to going into executive session the public agency shall vote in public on the question and when such vote is favorable the presiding officer shall announce the purpose of the executive session. Any formal action taken in executive session shall thereafter be ratified in public session prior to such action becoming effective. As used in this item “formal action” means a recorded vote committing the body concerned to a specific course of action.
  4. Any public body may hold a closed meeting for the purpose of receiving an administrative briefing by an affirmative vote of three-fourths of its members present and voting when required by some exceptional reason so compelling as to override the general public policy in favor of public meetings; provided, that no budgetary matters shall be discussed in such closed session except as otherwise provided by law. Such reasons and the votes of the members shall be recorded and be matters of public record. No regular or general practice or pattern of holding closed meetings shall be permitted.
  5. No chance meeting, social meeting, or electronic communication shall be used in circumvention of the spirit of requirements of this act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power.
  6. This act shall not prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct of the meeting is seriously comprised.

#### B. Notice of Meeting

1. All public bodies shall give written public notice of their regular meetings at the beginning of each calendar year. The notice shall include the dates, times, and places of such meetings. Agendas, if any, for regularly scheduled meetings shall be posted on a bulletin board at the office or meeting place of the public body at least twenty-four hours prior to such meetings. All public bodies shall post on such bulletin board public notice for any called, special or re-scheduled meetings. Such notice shall be posted as early as is practicable but not later than twenty-four hours before the meeting. This requirement shall not apply to emergency meetings of public bodies.

2. All public bodies shall make an effort to notify local news media, or such other news media as may request notification of the times, dates, places, and agenda of all public meetings, whether scheduled, rescheduled or called, and the efforts made to comply with this requirement shall be noted in the minutes of the meetings.

#### C. Records

1. All public bodies shall keep written minutes of all of their public meetings. Such minutes shall include, but not be limited to:
  - a. The date, time, and place of the meeting;
  - b. The members of the public body recorded as either present or absent;
  - c. The substance of all matters proposed, discussed, or decided and, at the request of any member, a record, by an individual member, or any votes taken; and
  - d. Any other information that any member of the public body requests be included or reflected in the minutes.
2. Records of the meetings are classified as public records and must be opened to the press upon request. Unless exempted by law, or unless favorable public vote of three-fourths of the membership taken within fifteen working days after receipt of written request concludes that the public interest is best served by not disclosing them. This directive includes all records that are required by law or maintained as a record by the agency. The press is entitled to reasonable access to public records during business hours and to make copies of records subject to a reasonable charge.

#### D. Responsibilities

1. Penalties - Any person or group of persons who willfully violates the provisions of the Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or imprisoned for not more than thirty days for the first offense, shall be fined not more than two hundred dollars or imprisoned for not more than sixty days for the second offense, and shall be fined three hundred dollars or imprisoned for not more than ninety days for the third or subsequent offense.
2. It is the responsibility of the Public Information Office under the authority of the President of the College to notify the press of the dates and time of Area Commission meetings, including postponements, cancellations, and other changes.

## E. Injunctive Relief

1. Any citizen of the State may apply to the circuit court for injunctive relief to enforce the provisions of this act in appropriate cases provided such application is made no later than sixty days following the date which the alleged violation occurs or sixty days after ratification of such act in public session whichever comes later. The court may order equitable relief as it deems appropriate.
2. If a person seeking such relief prevails, he may be awarded reasonable attorney fees and other costs of litigation. If such person prevails in part, the court may in its discretion award him reasonable attorney fees or an appropriate portion thereof.

Procedure Review		
Review Date	Reviewed By	Date Completed
07/01/2007		
02/11/2013		