

OPINION NO. 70-165**Syllabus:**

1. The only meetings of a governmental body which are required to be open to the public are those in which a resolution, rule, regulation or formal action of any kind is adopted or passed.
2. A governmental body may hold executive sessions from which the public is excluded provided no final binding action shall be taken.

To: A. L. Pugsley, Pres., Youngstown State University, Youngstown, Ohio
By: Paul W. Brown, Attorney General, December 22, 1970

I have your request for my opinion as to whether the meetings of the University Senate and the meetings of other boards or commissions of Youngstown State University are required to be public meetings requiring the admission of the public news media.

Section 12 of the Regulations of the Board of Trustees of Youngstown State University provided that the University Senate is the legislative body of the University Faculty. It has authority to formulate suitable rules, requirements and procedures for the admission, government management, control of students, courses of study, granting of degrees and certificates and other internal affairs of the institution subject to final approval of the Board of Trustees.

The right of the public to attend the meetings of a governmental body arises out of Section 121.22 Revised Code. The

public has no common-law right to attend any meeting of a governmental body. Beacon Journal Publishing Co. v. City of Akron, 3 Ohio St. 2d 191 (1965). Section 121.22, supra, provides as follows:

"All meetings of any board or commission of any state agency or authority and all meetings of any board, commission, agency or authority of any county, township, municipal corporation, school district or other political subdivision are declared to be public meetings open to the public at all times. No resolution, rule, regulation or formal action of any kind shall be adopted at any executive session of any such board, commission, agency or authority."

This section distinguishes between executive sessions and public meetings. The only meetings which are required to be open to the public are those in which a resolution, rule, regulation or formal action of any kind is adopted or passed. Beacon Journal Publishing Co. v. City of Akron, supra, at 199; State ex rel Humphrey v. Adkins, 18 Ohio App. 2d 101, 105 (Montgomery Co., 1969). This leaves public officials broad discretion to decide when their deliberations shall be kept secret. The statute permits executive sessions in which only such persons as the public body may invite are permitted to be present so long as no final binding action shall be taken. Open Meeting Legislation, 75 Harv. L. Rev. 1199, 1209 - 1210 (1962).

Unless the Board of Trustees provides otherwise the University Senate and other bodies of the University may hold executive sessions from which the public is excluded provided no final binding action shall be taken.

It is, therefore, my opinion and you are advised that:

1. The only meetings of a governmental body which are required to be open to the public are those in which a resolution, rule, regulation or formal action of any kind is adopted or passed.

2. A governmental body may hold executive sessions from which the public is excluded provided no final binding action shall be taken.