

Bond Case Briefs

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OPEN MEETINGS - NEW JERSEY

Kean Federation of Teachers v. Morell

Supreme Court of New Jersey - June 21, 2018 - A.3d - 2018 WL 3062207

Teachers' federation, federation's president, and university faculty member brought action in lieu of prerogative writs against university's board of trustees, alleging violations of the Open Public Meetings Act (OPMA) based on board's alleged failure to make meeting minutes "promptly available" and board's failure to provide proper notice regarding its decision to terminate faculty member's position.

The Superior Court granted summary judgment for plaintiffs as to meeting minutes, issued permanent injunction requiring board to make minutes available within 45 days, and granted summary judgment for board as to notice. Board appealed, and plaintiffs cross-appealed. The Superior Court, Appellate Division affirmed as to meeting minutes and reversed in part. Board petitioned for certification.

After grant of petition for certification, the Supreme Court of New Jersey held that:

- OPMA, including personnel matters in topics which a governing body may consider privately but authorizing exception to that allowance when all individual employees whose rights could be adversely affected request in writing that matter be discussed at public meeting, does not require notice to all potentially affected employees, regardless of whether the employee is adversely affected, whenever a personnel matter appears on a governing body's public meeting agenda, and
- Board's delay of approximately five months in releasing meeting minutes violated OPMA requirement that minutes be made promptly available.