OSU RHA violation of Open Meeting Act

By: Stephanie Rowe

An Oklahoma State University organization serving students living on campus violated a state law in connection with a meeting it held on Nov. 5, an examination found.

The examination, with included an inspection of the area around the meeting site and consultation with legal experts, found that the Residence Hall Association failed to post its agenda 24 continuous hours in advance, improperly posted items under “new business” and voted on three agenda items without specifying it would vote on those items.

Although RHA is a student-run organization not staffed by government employees or receiving tax money, RHA is subject to the Act because it is a sub entity of the board of regents and has decision-making authority, the attorney general says in a 1979 opinion.

Although RHA officials didn't admit to violating the law, the RHA adviser in an interview Wednesday acknowledged that changes might need to be made.

The Oklahoma Open Meeting act requires that agendas be posted in public 24 continuous hours before the meeting, according to the Oklahoma Open Meeting Act. RHA posted the agenda before the meeting outside its office, but, an inspection of the premises found, it was not a continuous 24 hours. The public could not access the agenda after 10 p.m.

“Displaying a notice in a location where it may only be viewed during business hours frustrates the main objective of the Act- facilitating an informed citizenry,” Oklahoma Attorney General Drew Edmondson said in a 1997 opinion.

Oklahoma law requires that agendas be posted on the public body’s Web site 24 hours before meetings and also requires that information about the meeting be posted on the public bodies Web site. RHA failed to post the agenda on its Web site before the meeting, a review of the Web site found.

Ten agenda items were identified “new business.” The Oklahoma law defines “new business” as “any matter not known about or which could not have been reasonably foreseen prior to the time of posting,” according to the act.

“All agendas shall identify all items of business to be transacted by a public body at a meeting rendering a final or intermediate decision in an individual proceeding prescribed by the Administrative Procedures Act,” according to the act.

At the meeting, RHA voted to give three groups money. The groups were listed on the agenda, but there was nothing on the agenda that said RHA would vote on the items.

In an e-mail, Kent Sloan, an RHA board member said, that RHA is funded by student fees not by taxes so it doesn’t have to follow the act.

The act uses the words public funds, not taxes, and the attorney general said in the opinion that the money that funds RHA is considered public funds, said Dr. Joey Senat, an associate professor and a past president of Freedom of Information Oklahoma

Tate Steidley, RHA Senate Chair, said RHA officers receive no training on the act.

“We had gone on the impression that it [the act] was a guideline,” Steidley said.

The RHA adviser said that an OSU attorney, Doug Price, had told RHA last year that it did not have to follow the act. Price doesn’t remember speaking to RHA about it violating the act, Price said in a phone interview.

Violating the act can result in a misdemeanor and a fine up to $500 and up to one year in jail.

“They should be worried about a criminal complaint,” Senat said. “Anyone can file a complaint with the police who would do an investigation and turn it over to the district attorney.”

Dr. Mark Hanebutt, President of FOI said RHA officials should be better informed.

“Students are the future leaders of our country,” Hanebutt said. “If they don’t understand how the government works, they won’t become good leaders of the democracy.”