

# When can open meetings be closed to discuss personnel?

*Editor's Note: This is a monthly column prepared by the Iowa Public Information Board to update Iowans on the IPIB's activities and provide information on some of the issues routinely addressed by the board.*



Iowa Code Section 21.5 governs when public meetings may be closed. One of the circumstances covered is evaluation of the professional competency of an employee or potential employee by a governmental body. Subsection 21.5(1)(i) sets forth the specific procedures applicable to evaluation of professional competency by a governmental body in closed session. This subsection reads:

*“i. To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual’s reputation and that individual requests a closed session.”*

For a session to be closed for this purpose, ALL of the following must occur:

1. The discussion must involve an evaluation of the professional competency of an individual.
2. The discussion must involve consideration of the appointment, hiring, performance, or discharge of the individual.
3. The discussion must be such that if conducted during an open meeting it would cause needless and irreparable injury to that person’s reputation AND
4. The individual must request the closed session.

There is no statutory requirement that the subject individual

must be allowed into the closed session. There is also no statutory provision that would bar attendance at the invitation of the governmental body.

Subsection 21.5(1)(i) provides the exclusive process for the evaluation of the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered. The application of subsection 21.5(1)(i) cannot be avoided under the guise of a confidential record review or discussion during a closed session conducted pursuant to subsection 21.5(1)(a).

## IPIB Facts and Figures

During the month of May, 72 contacts were made with the Iowa Public Information Board. Website statistics show 872 visits in May 2014, of which 518 are new visitors (59.4%). To contact the IPIB, call 515-725-1781 or send an e-mail to [Margaret.Johnson@iowa.gov](mailto:Margaret.Johnson@iowa.gov).

<b>TYPE</b>	<b>MAY</b>	<b>JAN-MAY</b>	<b>FISCAL YTD</b>
Formal complaints	9	40	83
Formal opinions	0	3	6
Declaratory orders	0	2	4
Informal complaints	9	43	94
Informal requests	54	217	356
Misc.	0	5	18
<b>TOTAL:</b>	<b>72</b>	<b>310</b>	<b>561</b>