

**COLOGNE ACADEMY
MANUAL OF SCHOOL POLICIES APPROVED BY THE BOARD**

206 PUBLIC COMMENT

PUBLIC PARTICIPATION IN COLOGNE ACADEMY BOARD OF DIRECTORS MEETINGS/COMPLAINTS ABOUT PERSONS AT COLOGNE ACADEMY BOARD OF DIRECTORS MEETINGS AND DATA PRIVACY CONSIDERATIONS

I. PURPOSE

A. The Cologne Academy Board of Directors recognizes the value of participation and contribution by the public in deliberations and decisions on Cologne Academy matters. At the same time, the Cologne Academy Board of Directors recognizes the importance of conducting orderly and efficient proceedings, with the opportunity for expression of participants' respective views.

B. The purpose of this policy is to provide procedures to assure open and orderly public comment as well as to protect the due process and privacy rights of individuals under the law.

II. GENERAL STATEMENT OF POLICY

A. The policy of the Cologne Academy Board of Directors is to encourage contributions by attendees of topics related agenda items at Cologne Academy Board of Directors regularly scheduled meetings. The Cologne Academy Board of Directors may adopt reasonable time, place, and manner restrictions on public expression in order to facilitate free discussion by all interested parties.

B. The Cologne Academy Board of Directors shall, as a matter of policy, protect the legal rights to privacy and due process of employees and students.

III. DEFINITIONS

A. "Personnel data" means government data on individuals maintained because the individual is or was an employee or applicant for employment. For purposes of this policy, "employee" includes a volunteer or an independent contractor.

B. Personnel data on current and former employees that is “public” includes:

Name; employee identification number, which must not be the employee’s social security number; actual gross salary; salary range; terms and conditions of employment relationship; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; bargaining unit; job title; job description; education and training background; previous work experience; date of first and last employment; the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action; the final disposition of any disciplinary action as defined in Minn. Stat. § 13.43, Subd. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body; the terms of any agreement settling any dispute arising out of the employment relationship, including an Executive Director buyout agreement, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money; work location; a work telephone number; badge number; work-related continuing education; honors and awards received; and payroll time sheets or other comparable data that are only used to account for employee’s work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee’s reasons for the use of sick or other medical leave or other not public data.

C. Personnel data on current and former applicants for employment that is “public” includes:

Veteran status; relevant test scores; rank on eligible list; job history; education and training; and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the appointing authority to be finalists for a position in public employment. For purposes of this subdivision, “finalist” means an individual who is selected to be interviewed by the appointing authority prior to selection.

D. “Educational data” means data maintained by the Cologne Academy which relates to a student.

E. “Student” means an individual currently or formerly enrolled or registered in the Cologne Academy, or applicants for enrollment, or individuals who receive shared time services.

F. Data about applicants for appointments to a public body, including a Cologne Academy Board of Directors, collected by the Cologne Academy as a result of the applicant’s application for appointment to the public body are private data on individuals, except that the following are public: name; city of residence, except where the appointment has a residency requirement that requires the entire address to be public; education and training; employment history; volunteer work; awards and honors; prior government service; and any data required to be provided or that is voluntarily provided in an application to a multimember agency pursuant to Minn. Stat. § 15.0597. Once an individual has been appointed to a public body, the following additional items of data are public: residential address and either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee; provided, however, any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.

IV. RIGHTS TO PRIVACY

A. Cologne Academy employees have a legal right to privacy related to matters which may come before the Cologne Academy Board of Directors, including, but not limited to, the following:

1. right to a closed meeting regarding employee discipline;
2. right to privacy of personnel data as provided by Minn. Stat. § 13.43 (Personnel Data);
3. right to consideration by the Cologne Academy Board of Directors of certain data treated as not public as provided in Minn. Stat. § 13D.05 (Not Public Data);

B. Cologne Academy students have a legal right to privacy related to matters which may come before the Cologne Academy Board of Directors, including, but not limited to, the following:

1. right to a private hearing, Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing);
2. right to privacy of educational data, Minn. Stat. § 13.32 (Educational Data); 20 U.S.C. § 1232g (FERPA);
3. right to privacy of complaints as provided by child abuse reporting and discrimination laws, Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors) and Minn. Stat. Ch. 363A (Minnesota Human Rights Act).

V. THE PUBLIC'S OPPORTUNITY TO BE HEARD

The CologneAcademy Board of Directors will strive to give attendees an opportunity to be heard and to have complaints considered and evaluated, within the limits of the law and this policy and subject to reasonable time, place, and manner restrictions. Among the rights available to the public is the right to access public data as provided by Minn. Stat. § 13.43, Subd. 2 (Public Data).

VI. PROCEDURES

A. Agenda Items

1. Attendees who wish to have a subject discussed at a regularly scheduled meeting of the Board of Directors will notify the Executive Director's office seven days in advance of the Cologne Academy Board of Directors regularly scheduled meeting. The citizen should provide his or her name, address, the name of group represented (if any), and the subject to be covered or the issue to be addressed, phone number, and email contact.
2. Attendees who wish to address the Cologne Academy Board of Directors during public comment at a regularly scheduled meeting will identify the agenda item(s) to which their comments pertain, along with their name, phone number, and email contact sign-up sheet will be provided at the meeting.
3. The Cologne Academy Board of Director's chair will recognize one speaker at a time, and will rule out of order other speakers who are not recognized. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the Cologne Academy Board of Directors or the proceedings may be directed to leave. Individuals may speak once during the public comment for a maximum of three minutes. If a group or organization wishes to address the Cologne Academy Board of Directors on a topic, the Cologne Academy Board of Directors reserves the right

to require designation of one or more representatives or spokespersons to speak on behalf of the group or organization.

4. Matters proposed for placement on the agenda which may involve data privacy concerns, which may involve preliminary allegations, or which may be potentially libelous or slanderous in nature shall not be considered in public, but shall be processed as determined by the Cologne Academy Board of Directors in accordance with governing law.

5. The Cologne Academy Board of Director's chair shall promptly rule out of order any discussion by any person, including Cologne Academy Board of Directors members, that would violate the provisions of state or federal law, this policy or the statutory rights of privacy of an individual.

6. Personal attacks by anyone addressing the Cologne Academy Board of Directors are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the Cologne Academy Board of Directors.

7. Cologne Academy Board of Directors limits the period of public comment to 21 minutes. The public comment portion of the regularly scheduled board meeting takes place at the beginning of the agenda.

B. Complaints

1. Complaints about a teacher or other employee should first be directed to that teacher or employee or to the employee's immediate supervisor.

2. If the complaint is against an employee relating to child abuse, discrimination, racial, religious, or sexual harassment, or other activities involving an intimidating atmosphere, the complaint should be directed to the employee's supervisor or other official as designated in the Cologne Academy policy governing that kind of complaint. In the absence of a designated person, the matter should be referred to the Executive Director.

3. Unresolved complaints from Paragraph 1. of this section or problems concerning the Cologne Academy should be directed to the Executive Director's office.

4. Complaints which are unresolved at the Executive Director's level may be brought before the Cologne Academy Board of Directors by notifying the Cologne Academy Board chair in writing.

VII. PENALTIES FOR VIOLATION OF DATA PRIVACY

A. The Cologne Academy is liable for damages, costs and attorneys' fees, and, in the event of a willful violation, punitive damages for violation of state data privacy laws. (Minn. Stat. § 13.08, Subd. 1)

B. A person who willfully violates data privacy or whose conduct constitutes the knowing unauthorized acquisition of not public data is guilty of a misdemeanor. (Minn. Stat. § 13.09)

C. In the case of an employee, willful violation of the Minnesota data practices law, Chapter 13, and any rules adopted thereunder, including any action subject to a criminal penalty, constitutes just cause for suspension without pay or dismissal. (Minn. Stat. § 13.09)

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Minn. Stat. § 13.601, Subd. 3 (Applicants for Appointment)

Minn. Stat. § 13D.05 (Open Meeting Law)

Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing)

Minn. Stat. § 122A.33, Subd. 3 (Coaches; Opportunity to Respond)

Minn. Stat. § 122A.40, Subd. 14 (Teacher Discharge Hearing)

Minn. Stat. § 122A.44 (Contracting with Teachers)

Minn. Stat. § 123B.02, Subd. 14 (Employees; Contracts for Services)

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)

20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

Minn. Op. Atty. Gen. 852 (July 14, 2006)

