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Reasons for Convening Executive Session (M.G.L. Chapter 39, S.23B)

- 1. To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual. (See Rights of Individuals on reverse side.)**
- 2. To consider the discipline or dismissal of, or to hear complaints or charges brought against a public officer, employee, staff member or individual. (See Rights of Individuals on reverse side).**
- 3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel.**
- 4. To discuss the deployment of security personnel or devices, e.g., a sting operation.**
- 5. To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.**
- 6. To consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body.**
- 7. To comply with the provisions of any general or special law or federal grant-in-aid requirements (generally privacy).**
- 8. To hold an initial screening, (including interviews if they are part of the initial screening process) of candidates for employment if an open meeting would have a detrimental effect in obtaining qualified candidates.**
- 9. To meet with a mediator regarding any litigation or decision.**

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Procedures for Convening Executive Session

1. **The session must be convened in open meeting and notice given.**
2. **Chairperson announces the purpose of the executive session.**
3. **Majority must vote in recorded roll call for executive session.**
4. **Chairperson announces whether the meeting will reconvene in open session.**
5. **Votes taken in executive session must be recorded roll call votes.**

Rights of Individuals

1. **When a governmental body wishes to discuss the reputation, discipline or dismissal of an individual it must notify that person in writing at least 48 hours in advance of the meeting.**
2. **The individual may request that the meeting be held in the open.**
3. **If an executive session is held, the individual has the right to be present during discussion that pertains to him or her, to have counsel or a representative of choice present, and to speak on his or her own behalf.**
4. **Any individual may tape-record, or videotape from one or more designated locations determined by the governmental body, as long as there is no active interference with the meeting. This right does not apply to executive sessions.**

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