

BOARD POLICY

Wyandotte Board of Education

Subject: Communication Policy for Board Members

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All communications, whether in person or by electronic means, between Board of Education Members, even when it occurs outside of public meeting setting, continues to be governed by Federal law, specifically the Open Meetings Act. The Open Meetings Act (OMA) includes the following basic requirements:

- “All meetings of a public body shall be open to the public.”
- “All decisions of a public body shall be made at a meeting open to the public.”
- “All deliberations of a public body constituting a quorum of its members shall take place at a meeting open to the public” unless otherwise specified in the act.
 - From a presentation by Brad Banasik, MASB Legal Counsel, 8/08

When Board Members engage in conversations about Board of Education matters, whether proposed or pending, they must remember that they shall not communicate in a way that circumvents the requirements of the OMA:

- “Discussions between less than a quorum that are then communicated to enough other Board Members so that the total number deliberating constitutes a quorum.”
- “An OMA violation can be found when sub-quorum meetings groups are intentionally created to deliberate on public policy and avoid the OMA.”
 - From a presentation by Brad Banasik, MASB Legal Counsel, 8/08

Electronic Communications

Electronic mail and other forms of electronic communications and the Internet, including, but not limited to, E-mails, Text messages, Instant Messaging, voice mail, facsimiles, are forms of communication that shall not be used to circumvent requirements of the Open Meetings Act law or other Federal law, such as Copyright regulations, etc. Electronic mail and other forms of electronic communications will only be used by the Board only for the purposes of communicating as follows:

- A. Messages between Board Members or between a Board Member and Superintendent which do not involve deliberating, rendering a decision, polling for votes, or voting on matters proposed or pending before the Board.
- B. Formulating agenda items between the Superintendent and the Board President.
- C. Deciding times, dates, and places of regular, special Board meetings, work sessions or committee meetings.
- D. A School Board agenda or public record information concerning items on the agenda.
- E. Responses to questions by members of the public, administrators, or school staff.

Under no circumstances shall Board Members use electronic mail or any form of electronic communication, to discuss Board business that is required by the OMA to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy, if the message were to be monitored by another party.

Electronic communications between Board Members and District staff may not transmit or publish information that violates or infringes upon the rights of any other person, or information that is abusive, obscene, sexually offensive, or promotes illegal or unethical activity.

Board Members communicating through electronic mail or with other forms of electronic communications will abide by all Copyright regulations such as transferring/forwarding of copyrighted materials from the Internet, or when using materials from the Internet which are copyrighted.

There should be no expectation of privacy for any messages sent by electronic mail, or any other form of electronic communication. Messages that have been deleted may still be accessible on the hard drive or through other documentation. Messages deleted, or otherwise, may be subject to disclosure under the Freedom of Information Act, unless an exemption would apply as directed by FOIA regulations.

Adopted: November 18, 2008

	Yes	No		Yes	No
1. Michael A. Peters	[X]	[]	5. Robert E. Kirby	[X]	[]
2. Michael Swiecki	[X]	[]	6. Jerry Kupser	[X]	[]
3. Dana Browning	[X]	[]	7. Kevin Van Boxell	[X]	[]
4. Kathry Bedikian	[X]	[]			