

166 SCHOOL BOARD USE OF ELECTRONIC MAIL

Electronic mail (e-mail) and computer transmissions by members of the Board under some circumstances may be considered a meeting under the Wisconsin Open Meeting Law. In order to comply with the Wisconsin Open Meetings Law, e-mail is to be used only for the purposes of communicating:

1. Messages between Board members or between a Board Member and an employee that do not involve dialogue that could constitute a discussion, deliberation, or decision on a subject within the Board's realm of authority;
2. Possible agenda items between the Superintendent and Board President;
3. The Board meeting agenda or public record information concerning items on the agenda;
4. Times, dates, and places of regular or special Board meetings;
5. Requests for public record information pertaining to District operations;
6. Responses to questions posed by members of the public, administrators or school staff.

Under no circumstances shall Board members use e-mail to communicate among themselves regarding Board business on subjects within the Board's realm of authority or which could be considered an invasion of privacy if the messages were to be monitored by another party.

Board members shall be provided with an e-mail account on the District file server. These accounts will be managed and archived by the District, which will act as the legal custodian of such records on behalf of Board members as allowed by law. Official e-mail communications to Board members will be sent to the Board Member's district e-mail account.

Board Members are strongly encouraged to use their District e-mail account and not a private e-mail address for all District related business. Board members receiving e-mail messages at a private e-mail address that are related to official business are expected to forward such messages to their District e-mail account. Board members, who choose not to forward such messages and/or reply via their private e-mail address, accept personal responsibility for compliance with the Wisconsin Public Records Law.

Board members are hereby notified that there should be no expectation of

privacy for any messages sent or received via the District's e-mail system. Unless an exemption applies, e-mail messages, deleted or otherwise, may be subject to disclosure under the Public Records Law.

The transmittal of an e-mail message can occur in 'almost' real-time thus approximating the delivery of information in a face-to-face meeting of the Board. It is possible through the transmission of an e-mail to establish a quorum of the Board. According to the State Attorney General, this is a violation of the Open Meetings Law.

E-mail communication is further complicated by the concept of a "walking quorum." A walking quorum is a series of gatherings, usually informal, among separate groups of a governmental body, with each gathering less than quorum size. The members agree through mutual representations, tacitly or explicitly, to act and vote uniformly in sufficient number to reach a quorum. This produces a predetermined outcome thus rendering the publicly held meeting a mere formality. Sending e-mails soliciting opinions is an example of this type of problem.

It is best to avoid any e-mail exchanges among Board Members that include information touching on subject matter falling within the authority vested in the School Board.

Approved: June 15, 2005

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