

BOARD MEMBER USE OF ELECTRONIC MAIL

Electronic mail (e-mail) and computer transmissions by members of the School District of Amery Board of Education under some circumstances may be considered a meeting under the Wisconsin Open Meeting Law. Therefore, subject to applicable Board policies, e-mail will be used by the Board only for the purpose of communicating the following matters:

1. Messages between Board members or between Board members and employees that do not involve interactive exchange of opinions constituting discussion, deliberation, or decision-making on subjects within the realm of the Board's authority;
2. Possible meeting agenda items between the District Administrator and the Board President;
3. A Board meeting agenda or public record information pertaining to district operations;
4. Requests for public record information pertaining to district operations;
5. Responses to questions posed by members of the public, administrators or school staff.

Under no circumstances shall Board members use e-mail to interactively 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. Deliberating or discussing School Board business electronically may constitute 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.

The Office of the Wisconsin Attorney General has identified the following factors it considers when deciding whether e-mail communications resemble a meeting or mere correspondence:

1. The number of participants involved;
2. The number of communications on the particular subject matter;
3. The time frame within which the communications occurred; and
4. The extent to which the e-mail communications resemble a conversation.

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 member's account on the district file server and will be copied to the Board member's personal e-mail account upon his/her request. Replies to e-mail messages by Board members are expected to be made via district e-mail system or forwarded to the district email system from Board members' personal accounts, which allows the district to archive the return message.