

Board Operations

Methods of Operation

Board Member Use of Electronic Mail

Electronic communications are generally an effective and efficient medium for activities such as addressing scheduling/availability for meetings, bringing potential agenda items to the attention of the Superintendent and Board President, and the one-way distribution of information (i.e. from the Superintendent to all Board members). However, the Board strongly discourages (and, in some circumstances, applicable laws will directly prohibit) individual Board members from using email or other forms of electronic communication for any of the following:

1. Interactive discussion of substantive Board business among multiple Board members, due to Open Meetings Law concerns (i.e. potential walking quorums or illegal meetings) and due to the potential appearance of impropriety surrounding communications that are perceived to be inappropriately “secretive” even if not unlawful.
2. Communications regarding matters that involve individually identifiable students, due to potential violation of the laws surrounding student privacy and the confidentiality of student record information.
3. Communications regarding District matters that are considered confidential or highly sensitive (i.e. closed session content, personnel matters, etc.), due to issues surrounding the security and possible improper disclosure of the information.

Each Board member has an obligation to ensure that he/she does not violate the Wisconsin Open Meetings Law through his/her participation in electronic communications (or other technology-facilitated activities) that involve multiple members of the Board, a Board committee, or any other District-created governmental body on which the Board member serves. As an example of actions regulated under the Open Meetings Law, Board members must avoid creating a “walking quorum” through any series of communications among members of the Board who agree, tacitly or explicitly, to act uniformly in sufficient number to determine the Board’s course of action on any matter.

Unless the Board member is performing a legally-designated duty or responsibility, or unless he/she has been expressly authorized by the Board, an individual Board member shall not, in his/her electronic or other communications, either (1) purport to speak on behalf of the entire Board or for the District, or (2) speak in a manner that purports to obligate the Board or District to a particular course of action.

There should be no expectation of privacy for any messages sent or received via the District e-mail system. Messages may be subject to disclosure under the Wisconsin Public Records Law unless an exemption would apply.

Legal Reference: **Chapters 19, Subchapter II and V, Wisconsin Statutes**
 Section 120.13(28), Wisconsin Statutes
 Section 943.70, Wisconsin Statutes
 Section 947.0125, Wisconsin Statutes

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