

File: BHE - ELECTRONIC COMMUNICATION POLICY

The Opening Meeting Law requires that all deliberations of a public body occur at properly posted meetings. A deliberation includes electronic mail between or among a quorum of a public body on any public business within its jurisdiction. A quorum is defined as a simple majority of the public body. However, electronic communications between members of a public body that do not constitute a quorum may still constitute a deliberation when taken together with other communications. Therefore, the School Committee (the Committee) adopts the following Policy with respect to electronic communications.

For the purpose of this Policy, the term electronic communications shall include, but shall not be limited to, emails, instant messages, text messages, messages exchanged via social media websites and blogs. The term committee members shall refer to members of the Committee. Committee members are reminded that participation of a quorum of individual committee members in any forum, including but not limited to social media websites, may constitute deliberation of a public body.

For the record, no individual committee member is a spokesperson for the committee. Unless an issue has already been discussed during a properly posted meeting, and the committee has established a position on that issue, an individual committee member cannot state or speculate the committee's view or possible response to the issue.

1. Electronic Communications Between Committee Members

Except as provided in this Policy, committee members shall not engage in electronic communications with one another regarding any public business within the Committee's jurisdiction. It is recommended that electronic communication between committee members, subject to the limitations contained in this Policy, use the committee members' district issued email accounts. Email communications between committee members (in their capacities as committee members) using email addresses other than the committee members' district issued email accounts is not recommended.

Communication between committee members is limited strictly to the following:

- a. Distribution of Meeting Agendas
- b. Distribution of Scheduling Information
- c. Distribution of Documents to be Discussed at a Meeting

Additionally, no committee member shall reply substantively to the email nor shall any committee member reply to all in response to the email. No committee member shall express an opinion regarding any matter within the Committee's jurisdiction via email.

All other electronic communications between committee members on matters within the Committee's jurisdiction are strictly prohibited. Committee members' district issued email accounts shall be used solely for Committee business. Use of district issued email accounts for any purpose other than for Committee business is strictly prohibited.

2. Electronic Communications Between Committee Members and the Public

From time to time committee members may receive electronic communications from members of the public. In order to comply with the requirements of the Open Meeting Law and to ensure that the public receives consistent information from the Committee, committee members shall abide by the following procedures when they receive an electronic communication from a member of the public.

- a. Email Communications Sent to a Committee Member by a Member of the Public

When a committee member receives an electronic communication from a member of the public in the committee member's capacity as a committee member, that committee member shall:

- i. Forward the electronic communication to the Committee Chairperson or Superintendent of Schools, as appropriate, with a non-substantive message indicating that the attached email was received from a member of the public; and
- ii. Respond to the member of the public with one of the following or similar: Thank you for bringing this concern to my attention. I will forward this to the Superintendent for follow up. Thank you for bringing this topic to my attention. I'd like to bring this to the chairperson to see if we could put this on the agenda. The details of this response may be adjusted by the committee member to fit each individual situation and is intended as a guide. ***However, no committee member shall provide a substantive response to a member of the public without first discussing the issue raised with the Committee during a properly posted meeting or Unless the issue raised has already been discussed during a properly posted meeting, the committee member shall not state or speculate the committee's view or possible response to the issue;*** and
- iii. The Chairperson, in his/her discretion, shall take one or more of the following actions upon receipt of an electronic communication described in this section:
 - (1) place the issue on the agenda for a future meeting;
 - (2) refer the issue to the Superintendent for response;
 - (3) respond to the email indicating that the issue raised is beyond the scope of the Committee's power and why;
 - (4) if the issue raised was addressed by the Committee in open session, respond to the email indicating that the matter has already been addressed by the Committee and in what manner it was addressed; or
 - (5) if previously authorized by the Committee to respond substantively, the Chairperson may provide a substantive response.

Under no circumstance, except in those limited instances described above, will the Chairperson respond substantively, on behalf of the committee, to a question raised that is within the purview of the Committee without first discussing the issue raised with the Committee during a properly posted meeting.

b. Electronic Communications Sent to and Including All Committee Members by a Member of the Public

When all committee members are included in an electronic communication from a member of the public, the chair shall respond for all committee members with one of the following, or similar, response:

- i. ***On behalf of the School Committee, I thank you for bringing this concern to our attention. I will forward this on to the Superintendent for a response.***
- ii. ***On behalf of the School Committee, I thank you for bringing this topic to our attention. I will discuss it with the Superintendent to see if we could put this on the agenda for a future meeting.***
- iii. ***The Chairperson in her/his discretion may take one or more actions as described in Section 2.a.iii. above.***

- c. Electronic communications must be sent to the Berlin-Boylston keeper of the records.

Approved: Berlin-Boylston Regional/Union #60 School Committee March 4, 2014

Berlin School Committee March 4, 2014

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