



## Open Meetings Procedure

### Intent:

The University of Wisconsin-Whitewater recognizes the importance of having a public informed about governmental affairs and supports the transparency associated with Wisconsin Open Meetings Law.

### Scope:

This policy applies to every “meeting” of a government body whose purpose is to engage in government business, and/or when the number of members constitutes a quorum. These groups are further defined under [Wisconsin State Statute 19.82 \(1\)](#). Examples include Governance Groups (Faculty Senate, Academic Staff Assembly, University Staff Council, and Whitewater Student Government), Academic Departments (and related groups such as College or Divisional Committees), and any Subcommittees of Covered Groups.

**Note:** Many interpretations of the statute limit the law's application to bodies that take *formal action*, or working groups developing *high level policy*. When we create work groups, we are usually collaborating with the sole purpose to address particular issues, and not to create a government body, therefore such groups have not been created by formal action and do not constitute a government body. A group organized by its own members pursuant to its own charter is not created by any governmental directive and thus is not a governmental body, even if it is subject to governmental regulation and receives public funding and support. Examples may include but are not limited to the Chancellor’s Cabinet, Audit, Risk, Compliance, and Ethics (ARCE) Committee, Program Optimization Guidance Group (POGG), and Universal Design Team.

### Definitions:

**Chief Presiding Officer.** The leader of a group or person charged with maintaining order and decorum, recognizing members to speak, interpreting the groups rules, practices and precedents.

**Government body.** A Government body, or covered group, includes all groups created by statute, rule or order.

**Meeting.** The convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. A social or chance gathering, or conference is not a meeting so long as business is not discussed.

**Open Session.** A meeting which is held in a place reasonably accessible to members of the public and open to all citizens at all times. This includes virtual, dial-in, and in-person meetings.

**Closed Session.** A meeting or portion of a meeting of a government body that is closed to all but government body members. Closed sessions are not open to the public; however, the contents of the announcement must be included in the Public Notice, and motions must be recorded in the meeting’s minutes.

**Open Access.** Refers to ADA accessibility measures that are built proactively into an event, and do not need to be requested on a case-by-case basis. Visit the [Captioning and Open Access Practice Directive and Procedure](#) for more information.

**Public notice.** WOML requires each meeting of a government body to be preceded by public notice. Wis. Stat. § 19.83 (1). Campus bodies other than departments and their subunits must observe notice requirements.

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## Procedure:

Ensuring compliance with Wisconsin Open Meetings Law (WOML) is the responsibility of government bodies, with guidance from UW System Office of General Counsel when necessary. Visit the [UW-Whitewater Wisconsin Open Meetings Law webpage](#) to access compliance-related training videos and other helpful resources.

## Public Notice Requirements

Wisconsin's Open Meeting Law (WOML) requires each meeting of a government body to be preceded by public notice in accordance with [Wis. Stat. § 19.83 \(1\)](#). Meeting Notices and their posting are the primary responsibility of the government body, including those circumstances when local news media needs to be alerted (as needed). Government bodies will be required to post meeting notices on the centralized Open Meetings Law website (and at least 3 standard physical posting places on campus) for easy access.

**Note: Academic departments and their subunits** are not required to comply with statutory notice requirements, but must "provide meeting notice which is reasonably likely to apprise interested persons, and news media who have filed requests for such notice."

Government bodies must observe the following public notice requirements:

- **Contents of notice.** The notice of the meeting must include the time, date and subject matter of the meeting, including any matter intended for consideration at any contemplated closed session. WOML requires the notice to inform the public of the meeting's agenda, thus the notice should state more than simply "regular business." Instead, the notice should mention the specific matters about which members of the campus body anticipate discussion, including any closed sessions and the reasons for going into closed session. Visit the [UW-Whitewater Wisconsin Open Meetings Law webpage](#) to access a Meeting Notice (Agenda) Template.
- **Manner of giving notice.** The chief presiding officer or chairperson of the government body or their designee must give notice of the meeting to the public **at least 24 hours before** the meeting in accordance with the following:
  1. Post in at least three (3) different physical locations on campus.
  2. Posted to the appropriate UW-Whitewater webpages.

3. Provide written notice of the meeting to news media who have submitted a written request for notice. According to Wis. Stat. § 19.84 (5), departments and their subunits need only “provide meeting notice which is reasonably likely to apprise interested persons, and news media who have filed requests for such notice.” UW-Whitewater’s official newspaper/publication for posting is the Janesville Gazette. Contact UMC directly with any specific questions about contacting the Janesville Gazette.
- **When notice must be given.** The chief presiding officer or his or her designee *must provide notice of every meeting at least 24 hours before the meeting begins*. A shorter notice period is possible but should not be attempted without advice of counsel.

### Wisconsin Open Meeting Law (WOML) Training Expectations

Government bodies are expected to have knowledge of, and must comply with, requirements under Wisconsin’s Open Meetings Law. Pre-recorded training videos have been developed as an educational resource to assist with WOML compliance awareness. It is required that all members of government bodies review the pre-recorded WOML training videos and pass the corresponding 4 quizzes with an 80% or higher score; on an annual basis, or when changes in membership occur, such that new members must take this as a form of onboarding with their role. It is the responsibility of the Chief Presiding Officer to contact the Training and Development Coordinator when changes in membership occur so the WOML training videos can be assigned through Canvas.

### Closed Sessions

A closed session may be held only for certain, limited purposes, including the following:

- Considering an employee’s dismissal, demotion or discipline, or considering an investigation of charges against the employee.
- Considering an employee’s employment, evaluation, promotion or compensation, including renewals or non-renewals of contracts, if tenure is not at issue.
- Conferring with lawyers for the university concerning pending or possible lawsuits involving the university or its members.
- Deliberations that follow an open judicial or quasi-judicial trial or hearing.
- Considering information which, if discussed in public, would likely have a substantially adverse effect on the reputations of the persons named. Examples include financial, medical, social or personal histories; disciplinary data of specific persons; preliminary review of specific personnel problems; or investigations of charges against specific persons.
- Considering the purchase of public property, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

### Special practices relating to consideration of tenure

Under [Wis. Stat. § 19.85 \(1\) \(b\)](#), a closed session may be held when “considering the grant or denial of tenure for a university faculty member,” but the tenure candidate must be notified that he or she “has the right to demand that the evidentiary hearing or meeting be held in open session.” The University of Wisconsin System Office of General Counsel advises institutions to continue the system’s long-standing practice of holding open sessions for the entire departmental review process, including deliberations and the tenure vote, where the tenure candidate so requests.

### **Convening a Closed Session (Other than Tenure)**

The following steps must precede a closed session pursuant to [Wis. Stat. § 19.85 \(1\)](#):

Step	Action
1.	The body must first convene in open session.
2.	A member of the body must move that the body convene in closed session, stating the nature of the business to be considered in closed session and citing the relevant exemption under <a href="#">Wis. Stat. § 19.85 (1)</a> that provides authority for the closed session.
3.	The contents of the announcement must be recorded in the minutes of the meeting.
4.	The motion must be passed by a majority vote of those present. The vote of each member on the motion to close the session must be ascertained and recorded in the meeting's minutes.

### **Ballots, Votes and Records**

Only the election of officers may be conducted by secret ballot. All other motions and votes must be recorded, preserved, and available for public inspection. A rollcall vote is required where requested by any member. If no roll-call vote is requested, the votes should be preserved by some other method, such as noting the names of those who voted for or against a measure, or by noting a voice vote or show of hands and listing the number of abstaining or dissenting votes. Certain votes should be recorded by individual member's vote, particularly those that affect an individual's employment status such as a renewal, promotion, or tenure vote.

**Note:** Other than recording and preserving motions and votes, the WOML does not require that covered groups keep minutes. However, most governance groups and academic departments have adopted by-laws or rules that do require the keeping of minutes. Because minutes are public records, the Office of General Counsel strongly recommends that closed session minutes be limited to recording motions and votes through rollcall vote.

### **Virtual Meetings and Open Access**

#### **Basic Requirements**

The basic legal requirements for an open meeting held by teleconference, videoconference, or another virtual format under the Wisconsin's Open Meetings law are the same as those for the face-to-face meetings routinely conducted at University of Wisconsin campuses, namely public notice of the time, location, and subject matter of the meeting, and opportunity for the public to attend and observe the meeting.

- **Formats.** Meeting access information may include dial-in information for a teleconference so that the public can attend the meeting by calling in. Similarly, for meetings using videoconferencing or other virtual platforms, a hyperlink must be included in the meeting notice so that anyone may join and view the virtual open meeting.
- **Security.** In any event, appropriate measures need to be taken to ensure the security of the University's computer systems if utilized and to ensure that the meeting body retains control of a virtual meeting. For example, if a meeting body will go into closed session, it needs to be able to

determine who is participating in the meeting at any given point in time in order to maintain confidentiality during the closed portion of the meeting. Some technologies like WebEx allow you to see who is still on the line. If those technologies are not available, another option is to use two call-in numbers for committees that plan to go into closed session.

### **Captioning and Open Access**

There should be closed captioning available, so all people have the ability to participate in the meeting.

- [ASL or CART accommodations](#) are available for virtual meetings.
  - A person may request such accommodations to be available for a meeting by contacting the person in charge of the event and/or the Center for Students with Disabilities.
    - The person in charge of the event may reach out to the Center for Students with Disabilities for help providing ASL or CART accommodations.
  - Complete the [ASL and CART Form](#). A valid C-FOAP number must be provided on the form.

### **Resources:**

[Open Meetings Practice Directive](#)

[Agenda Template](#)

### **Administration:**

#### **Approval Details**

Approval Authority:	UW System Administrative Policy: <a href="#">UPS Operational Policy: HR 15</a> , <a href="#">Open Meetings Law</a> Wisconsin State Statute: <a href="#">Wis. Stat. 19.81-19.98</a>
Approval date:	[dd/mm/yyyy]
Version no:	V1.0
Date for next review:	[The practice directive and procedure review should be scheduled 3 years from the approval date]

#### **Revision History**

Version	Revision date	Description of changes	Author
1.0	<07/01/2021>	Procedure established	Vice Chancellor of Administrative Affairs

#### **Contact Person/Unit**

Contact Person/Unit:	Vice Chancellor of Administrative Affairs
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#### **Keywords**

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