



Office of General Counsel

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To: Chancellors, Provosts, and Chief Business Officers

From: Tomas L. Stafford
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Date: March 17, 2020

Re: Guidance on the Wisconsin Open Meetings Law and Coronavirus

In light of the ongoing coronavirus pandemic and the need to avoid in-person group meetings, advice has been requested on conducting legally compliant open meetings by teleconference, videoconference, or another virtual format.

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. The key difference with a public meeting format that is not face-to-face is that the meeting body must provide the public with an effective means to observe the meeting that is the equivalent of being present in the room for a face-to-face open meeting.

When conducting a meeting by telephone conference call, the University has typically included in the meeting notice information about a room location open to the public, generally on-campus, where the public can attend and listen to the meeting through a conference speaker phone. For example, teleconference meetings of the UW System Board of Regents use a room in Van Hise Hall where the meeting convener is located with a speaker phone, and where the public can be present. Similarly, for a public meeting conducted through videoconference or other virtual formats, the meeting notice would typically include a room location where the public may observe the meeting through a videoconference monitor.

However, recognizing that we are trying to reduce gatherings on campus at this time, if technically feasible, an alternative approach would be to include in the open meeting notice the 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 university could include a link in the meeting notice so that anyone may join and view the virtual open meeting. This alternative approach would not include a physical, on-campus location for the meeting. A template virtual open meeting notice is enclosed. This seems sufficient to satisfy the requirements of the Open Meetings law.

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. One call-in number would be for the open session. After the committee votes to go into closed session, the committee would end that call, and then use the second call-in number to conduct the closed session. Without the appropriate safeguards in place, conducting an entirely telephonic or other virtual meeting that includes a closed session may not be feasible.

Finally, please note that posting meeting notices online at an appropriate location on the University's website is sufficient. Staff are not required to post notices on bulletin boards or in other physical locations on campus as has been past practice.

If you have questions about conducting an open meeting by teleconference, videoconference, or another virtual format, please contact your campus legal office or the Office of General Counsel.

Encl.

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