

**MONTANA BOARD OF REGENTS OF HIGHER EDUCATION
Policy and Procedures Manual**

SUBJECT: GOVERNANCE AND ORGANIZATION
Policy 203.6 – Prohibition Against Conducting Board Business Via Electronic Mail
Issued: May 2, 2003; Effective April 2, 2003

Constitutional authority:

No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government. (Article II, Section 9, Montana Constitution).

The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law. (Article II, Section 8, Montana Constitution).

WHEREAS, the widespread availability and convenience of electronic mail provides board members with the ability to easily exchange information in electronic form on matters relating to higher education and the Montana university system;

AND WHEREAS, the determination of substantive matters by the board via electronic mail would violate the constitutional rights of the public to participate and to observe deliberations of public bodies;

AND WHEREAS, the determination of substantive matters by the board via electronic mail is incompatible with the fundamental principle of a deliberative body because it eliminates the opportunity for simultaneous aural communication among all participants;

AND WHEREAS, the board desires to encourage and enable the participation and observation by all citizens, students, faculty and staff in board business, except where ~~prohibited by the demands of individual privacy~~ the closure of a meeting is allowed by law.

THEREFORE, the board adopts the following policy;

Board Policy:

The board will not debate substantive matters or make decisions thereon via electronic mail. However, this policy is not intended to prevent or prohibit board members from using e-mail to pose occasional questions or provide information to other board members, either singly or as a group. This policy is not intended to prevent the use of e-mail among board members for procedural matters, including but not limited to meeting dates, meeting location and accommodations, meeting format, and agenda content and order.

History:

[ITEM 117-102-R1102](#), Proposed New Policy Regarding Prohibition Against Conducting Board Business Via Electronic Mail, approved by the Board of Regents April 2, 2003.