



Electronic Meeting Policy

I. Purpose

Indiana Code § 5-14-1.5-3.6 allows a member of a governing body who cannot be physically present at a meeting to participate by electronic communication. The purpose of this policy is to establish a consistent set of guidelines for applying Ind. Code § 5-14-1.5-3.6 to meetings of governing bodies associated with the Indiana Criminal Justice Institute (“ICJI”).

II. Applicability

This policy applies to all boards, commissions, councils, or other bodies that take official action on public business on behalf of the Indiana Criminal Justice Institute.

III. Policy Considerations

This policy is adopted for the following purposes:

1. To promote voting members’ access to and participation in public proceedings, especially where there are circumstances that pose impediments to physical attendance;
2. To ensure compliance with Ind. Code § 5-14-1.5-3.6, and any amendments thereto, in a manner consistent with the requirements of Indiana’s Open Door Law; and
3. To encourage voting members to physically attend meetings whenever possible.

IV. Legal References and Definitions

Indiana’s Open Door Law (“ODL”), Ind. Code § 5-14-1.5-1 *et seq.*, requires that, with the exception of Executive Sessions, “all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them.”¹

The following definitions shall apply for purposes of this policy and Indiana’s ODL:

¹ Ind. Code § 5-14-1.5-3(a).

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1. “Meeting” means a gathering of a majority of the governing body of a public agency for the purpose of taking official action upon business.²
 2. “Official action” refers to and includes receiving information, deliberating, making recommendations, establishing policy, making decisions, and taking final action (i.e. voting).³
 3. “Governing body” refers to a board, commission, council, and other body or entity of a public agency that takes official action upon public business.⁴
 4. “Public agency” refers to “any board, commission, department, agency, authority, or other entity, by whatever name designated, exercising a portion of the executive or legislative power of the state.”⁵
 5. “Public business” includes “any function upon which the public agency is empowered or authorized to take official action.”⁶

V. Policy Provisions

1. **Minimum Physical Participation:** At any meeting, at least two (2) or one-third (1/3) of the voting members, whichever is greater, must be physically present at the place where the meeting is conducted. In case of difficulty of scheduling or the possibility that the governing body may not have the required number of members physically present at the meeting site, the chairperson of the governing body shall determine who may attend via electronic means pursuant to this policy.
2. **Prior Authorization to Participate Electronically:** The chairperson, or the chairperson’s designee, is responsible for supervising and coordinating all electronic participation by voting members. A voting member is required to obtain prior authorization to participate via electronic means pursuant to this Policy. Absent exceptional circumstances⁷, a member must submit an email request to participate via electronic means to the chairperson, or the chairperson’s designee, with a copy to the appropriate ICJI staff member, no later than two (2) business days in advance of the meeting. If circumstances arise that do not allow for a request for permission to be made two (2) business days in advance, the voting member must provide at least two (2) hours’ notice so proper arrangements can be made to fulfill all other requirements of this policy.

² Ind. Code § 5-14-1.5-2(c).

³ Ind. Code § 5-14-1.5-2(d).

⁴ Ind. Code § 5-14-1.5-2(b).

⁵ Ind. Code § 5-14-1.5-2(a).

⁶ Ind. Code § 5-14-1.5-2(e).

⁷ Exceptional circumstances may include, but are not limited to, severe weather, illness, emergency, or the death of a family member.

3. **Permitted Means of Communication:** A voting member not physically present at the meeting may participate in the meeting by any electronic means of communication, so long as that electronic communication permits:

- i. The member;
- ii. All other members participating in the meeting; and
- iii. All members of the public physically present at the place where the meeting is conducted

to simultaneously communicate and participate in the meeting.⁸ However, a voting member participating via electronic means pursuant to this policy is not required to do so in a setting that is open to the public.

4. **Annual Minimum Participation:** All voting members of a board, commission, council, or other governing body are encouraged to physically attend as many regularly scheduled public meetings as possible. Each voting member must physically attend at least one meeting per year.⁹

5. **Treatment of Members Participating by Electronic Means:** A voting member who participates in a meeting by permitted electronic means of communication:

- i. Shall be counted as present at the meeting; and
- ii. May vote at the meeting¹⁰.

6. **Quorum:** The governing body must have a quorum in order to transact business. A member who participates in a meeting by a permitted means of electronic communication shall be counted for purposes of establishing a quorum.

7. **Roll Call Voting:** During a public meeting where at least one (1) member is participating via electronic means pursuant to this Policy, all votes shall be taken by roll call.¹¹ During such a vote, the name of each voting member will be called individually so they may cast their vote aloud.

8. **Meeting Minutes:** The minutes of each meeting where members were present electronically shall reflect which members were present in person and which members were present electronically.

VI. Electronic Meetings During Disaster Emergencies

⁸ A member participating via electronic means may do so by telephone, computer, video conferencing, or any other method of communication that allows for simultaneous communication and is capable of being recorded by members of the public present at the designated meeting site.

⁹ Absent extenuating circumstances such as a declared disaster emergency.

¹⁰ A member participating via electronic means may not cast the deciding vote on any matter properly before the governing body.

¹¹ A roll call vote is not required for matters that are taken by consent or those where the vote is unanimous.

Electronic meetings held during a disaster emergency under Ind. Code § 10-14-3-12 or Ind. Code § 10-14-3-29 must comport with the requirements set forth in Ind. Code § 5-14-1.5-3.7.

VII. Review and Amendment

This policy shall remain in full force and effect unless amended by the ICJI Board of Trustees in a meeting open to the public under Indiana Code Ch. 5-14-1.5, *et seq.*

VIII. Issuance

This policy is effective immediately and shall remain in effect unless and/or until canceled or rescinded by the Executive Director or his/her designee.

Approval:



Devon McDonald, Executive Director
Indiana Criminal Justice Institute

Date: 6/13/2022