POLICY OF STATE OF DELAWARE DEPARTMENT OF CORRECTION	POLICY NUMBER 10.6	PAGE NUMBER 1 of 3
	RELATED ACA STANDARDS:	
CHAPTER: 10 Communication and Community Relations	SUBJECT: Public Meetings	
APPROVED BY THE COMMISSIONER:		
EFFECTIVE DATE: Sept 29, 2008		
APPROVED FOR PUBLIC RELEASE		

I. AUTHORITY: 11 *Del. C.* § 6504, 6507; 29 *Del. C.* Chapter 100, *et seq.* (the "Freedom of Information Act" or "FOIA").

II. PURPOSE: To establish procedures and consistency for the conduct of open meetings as defined and required by Delaware law.

III. APPLICABILITY: All DOC employees and attendees at public meetings.

IV. DEFINITIONS: DOC adopts all of the definitions set forth at 29 *Del. C.* § 10002 and such definitions are included by reference herein.

V. CONDUCT OF DEPARTMENTAL OPEN MEETINGS

(a) The Department of Correction shall give public notice of the regular meetings of all public bodies, as defined by 29 *Del. C.* § 10002(c), under the agency's jurisdiction. Meetings of public bodies shall be open to the public as required by Delaware law. The notice will include the date, time and location of the regular meeting and the executive session closed to the public, at least 7 days in advance thereof. The notice shall include the agenda, if such has been determined at the time, and the dates, times and places of such meetings; however, the agenda shall be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body's meeting.

(b) This policy on the notice for open meetings shall not apply to any emergency meeting which is necessary for the immediate preservation of the public peace, health or safety.

(c) Public notice required by this policy shall include, conspicuous posting of said notice at the Department of Correction Administrative Building located at 245 McKee Road, Dover, DE 19904, placement on the state website listing all public meetings as well as on the Department of Correction website. All postings shall include the announcement of the meeting, date, time and location as well as the agenda for the regular meeting. An attempt must be made to include actual agenda items on the agenda when posted to allow

public attendees time to decide if they are interested in attending to hear more on the said topic.

(d) Departmental employees are permitted to call for executive session only as permitted by Delaware law. A public body may call for an executive session closed to the public pursuant to subsections (c) and (e) of 29 *Del. C.* 10004, but only for purposes and bases set forth therein. The public body shall conspicuously record the basis and vote tally for any decision to call for executive session in the minutes of the open session.

(e) A public body may hold an executive session closed to the public upon affirmative vote of a majority of members present at a meeting of the public body. The vote on the question of holding an executive session shall take place at a meeting of the public body which shall be open to the public, and the results of the vote shall be made public and shall be recorded in the minutes. The purpose of such executive sessions shall be set forth in the agenda and shall be limited to the purposes listed in subsection (b) of this section. Executive sessions may be held only for the discussion of public business, and all voting on public business must take place at a public meeting and the results of the vote made public.

(f) Minutes of all executive sessions shall be maintained as set forth at 29 *Del. C.* §10004(f).

(g) In accordance with 29 *Del. C.* 10004 (e) 1-5, the Department of Correction will allow public attendance and comments during open meetings. Public attendees at Departmental open meetings are permitted to participate in meetings to the extent permitted by Delaware law and are at all times required to behave appropriately. Members of the public attending Departmental public meetings shall be required to follow the following guidelines:

1. Anyone may attend the open sessions of public meetings.
2. Members of the public are asked to be quiet and respectful during these meetings and reserve all comments for the public comment section of the agenda.
3. All public attendees are required to register at the public registration table prior to the meeting starting.

4. Those public attendees wishing to speak should limit their comments so that all members wishing to speak may get a chance to be heard. Any submissions, papers, letters or supporting documents that the speaker wishes to leave for review by the board, commissioner or other individual board member will be copied and returned to the speaker before they leave the building.
5. Medical information specific to an individual's specific care is always confidential unless publication is appropriately authorized according to the law. Public attendees who are speaking should refrain from revealing an individual's medical information during the public meeting unless they have appropriate proof of any necessary authorization.
6. Personnel issues and employee disciplinary action is also confidential. In the event of any alleged or actual staff misconduct or discipline, the Department of Correction cannot release information regarding an employee unless they are involved in misconduct that is criminal in nature.
7. The Department of Correction will not discuss matters which are currently the subject of potential, threatened, or pending litigation.
8. While some questions can be answered immediately at the meeting, many will require research and investigation. Please allow a reasonable time to receive a response or notice of a resolution.
9. The public shall be excluded from the executive sessions of the public meetings pursuant to Delaware law. Once a motion to go into executive session and the vote upon the motion has been recorded, all members of the public will be escorted from the meeting room. The executive session will not commence until all public members have left the room.
10. Minutes of public meetings will be posted on the State Public Meetings website.

(h) Delaware law authorizes "the removal of any person from a public meeting who is willfully and seriously disruptive of the conduct of such meeting." 29 *Del. C.* §10004.

(i) Any changes relating to Departmental public meetings, including times, locations, or the agendas of such meetings shall be publicly noticed as required by 29 *Del. C.* §10004.

(j) The Department shall maintain minutes of all open meetings, including executive sessions, conducted pursuant to this section, and shall make such minutes of open sessions available for public inspection and copying as a public record. Such minutes shall be maintained in accordance with Delaware law.