



# Maine Human Rights Commission

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EXECUTIVE DIRECTOR

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COMMISSION COUNSEL

## MEMORANDUM

**To:** Persons attending public meetings of the Maine Human Rights Commission

**From:** Amy Sneirson, Executive Director

**Date:** July 19, 2021

**Subject:** Policy Regarding Remote Participation in Public Proceedings of the Maine Human Rights Commission

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Having given notice to the public of the intent of the Maine Human Rights Commission ("Commission") to adopt a policy governing remote participation in public Commission meetings, and having held a hearing regarding the same, as of this date the Commission adopted this Policy to govern remote methods of participation in public Commission proceedings. This Policy is effective immediately.

- A. As set forth in the Maine Freedom of Access Act, 1 Maine Revised Statutes §403-B, the Commission may allow or require members of the Commission ("Commissioners") or the public ("Public") to attend or participate public Commission proceedings via remote methods as set forth below.
- B. "Remote methods", defined in 1 M.R.S. §403-B (1), means telephonic or video technology allowing simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability. Public proceedings may not be conducted by text-only means such as e-mail, text messages or chat functions.
- C. Commissioners are expected to be physically present for public proceedings except when being physically present is not practicable. Circumstances in which physical presence for one or more Commissioners is not practicable may include:
  - (1) The existence of an emergency or urgent issue that requires the Commission to meet by remote methods;
  - (2) Illness, other physical condition or temporary absence from the jurisdiction of the Commission that causes a Commissioner to face significant difficulties traveling to and attending in person at the location in the notice under section 406;
  - (3) Significant distance a Commissioner must travel to be physically present at the location in the notice under FOAA Section 406; and
  - (4) The area of the Commission's jurisdiction includes geographic characteristics that impede or slow travel, including but not limited to islands not connected by bridges.

- D. When Commissioners participate in public Commission proceedings by remote methods, the Commission will provide the Public with a meaningful opportunity to attend those proceedings by remote methods, and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities.
- E. The Commission does not allow an opportunity for public input during Commission meetings and is not required to do so. If the Commission does allow such public input at a meeting, it will provide an effective means of communication between Commissioners and the Public.
- F. The Commission will not determine that public attendance at a public Commission proceeding will be limited solely to remote methods except if there exists an emergency or urgent issue that requires the Commission to meet by remote methods.
- G. When the Commission allows members of the public to attend Commission meetings via remote methods, as described above:
  - (1) The Commission will provide public notice in accordance with 1 M.R.S. §406, and the notice will include the means by which the Public may access the proceeding using remote methods and will identify a location for the Public to attend in person;
  - (2) A Commissioner who participates in a public proceeding by remote methods is present for purposes of a quorum and voting;
  - (3) All votes taken during a public Commission proceeding using remote methods will be taken by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by Commissioners and the Public;
  - (4) The Commission will make all documents and other materials it considered available, electronically or otherwise, to the Public who attend by remote methods to the same extent customarily available to the Public who attend Commission proceedings in person, as long as additional costs are not incurred by the Commission.