

Departmental Policy State of Tennessee Department of Commerce & Insurance	POLICY NUMBER: 2021-0061-POL-824052550
	EFFECTIVE DATE: Immediately
Approved by Commissioner:  Carter Lawrence (Jun 7, 2021 08:28 CDT)	SUPERSEDES: Not Applicable
SUBJECT: Public Comment Policy	

I. RESPONSIBLE OFFICE:

Tennessee Department of Commerce and Insurance

II. DEFINITIONS:

- A. Governing body- defined by Tenn. Code Ann. § 8-44-102 (b)(1)
- B. Open Meetings Act- Tenn. Code Ann. § 8-44-102 et al.
- C. Open meeting- defined by Tenn. Code Ann. § 8-44-102(b)(2)

III. PURPOSE:

The purpose of this policy is to encourage public participation in open meetings held by governing bodies housed within the Department of Commerce and Insurance. This policy should encourage Department employees to engage the public in open meetings and increase the public's access to government officials and regulatory body members.

IV. POLICY:

The Department encourages public participation in open meetings through various avenues. The Department welcomes public comments, healthy debate, and the expression of diverse opinions in a respectful manner. Where a governing body has the authority to limit comments, they should seek inclusive options and avoid unnecessary barriers that create exclusivity. For example, a governing body may limit comments from the public if the length of the meeting would otherwise be unduly increased by reason of repetition, when comments are not reasonably related to the agenda item being discussed, or when a member of the public is using threatening or abusive language, profanity or language that is intended to be, or is reasonably perceived by others to be demeaning, berating, threatening, intimidating, hostile, or offensive.

V. POLICY DIRECTIVES:

- A. In accordance with the Open Meetings Act, governing bodies should post adequate notice of any open meeting on the Department's website. Instructions for attending or accessing the meeting will be included in the notice.
- B. When a governing body is aware that topics of particular interest to the public will be discussed at an open meeting, the governing body should make efforts to provide notice that such topics will be discussed and seek to notify a wide range of public audiences.
- C. If a governing body has specific instructions that a member of the public must comply with to participate in an open meeting, the governing body should include those instructions along with the notice of the open meeting. When a member of the public is present, virtually or in person, at a meeting but has not followed instructions that were required in order to participate in the open meeting, if feasible, the governing body should allow the member of the public to participate and make attempts to collect required information after the meeting.
- D. Governing bodies should attempt to have multiple avenues that members of the public may use to participate in open meetings. If feasible, the public should be able to comment in person, virtually, or by submitting comments beforehand by email to be included in the record by the Department staff during the meeting. This shall in no way interfere with the Commissioner's ability to limit or direct the format of a meeting for health or safety concerns.
- E. The Department is committed to principles of equal access. When a member of the public needs assistance with attending or accessing any open meeting due to a disability, such member of the public should contact the Department's ADA Coordinator at (615) 741-6500 or at don.coleman@tn.gov.
- F. The Department is committed to providing access to open meetings to members of the public who live in rural areas, live in areas of the state that are not near Nashville, and are from diverse economic backgrounds. The Department encourages all governing bodies to use technology or tools at their disposal to remove barriers to public participation in open meetings wherever reasonable.