

Academic Senate Orientation

AUGUST 30, 2023

CC 231

Guidelines for Dialogue

COMMUNITY EXPECTATIONS ADAPTED FROM THE UNIVERSITY OF MICHIGAN
PROGRAM ON INTERGROUP RELATIONS, IGR

REFERENCED IN ASCCC EVENT PROGRAMS

Guidelines

1. Be true to yourself.
2. Commit to learning from each other.
3. Acknowledge each other's experiences.
4. Trust that others are doing the best they can.
5. Challenge the idea and not the person.
6. Speak your discomfort.
7. Step Up, Step Back.



Brown Act

CALIFORNIA GOVERNMENT CODE
54950 ET SEQ.

Legislative Bodies

“All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.”

-GC Section 54953(a)

"Governing Bodies"

- The governing body of a local agency or any other local body created by state or federal statute is subject to the Brown Act.
- Education Code 70902: “Every community college district shall be under the control of a board of trustees...”
- Education Code 72674: Community College Foundation Boards are subject to the Brown Act
- Bottom Line: If created by statute, the local body is covered by the Brown Act

What About Our Academic Senates?

Board Policy 3412, Section 2.3: The Board of Trustees recognizes the District Academic Senate...for the purpose of making recommendations on developing district-wide educational policies and procedures in accordance with this Policy. The primary responsibility of the District Academic Senate is to make recommendations to the Board of Trustees, or designee, with respect to academic and professional matters.

P-3412, Section 2.2: College Academic Senates

By definition the DAS and College Academic Senates are advisory bodies to the Los Rios board of trustees

More about Academic Senates

- Title 5, section 53202 establishes the procedures for the formation of an academic senate
 - The steps include a vote of the faculty, plus certain actions by the district board after the faculty vote (recognition of the senate, authorization for faculty to establish structures and procedures, etc.)
 - “The legally mandated joint action to be taken by the faculty of a community college and a district board in establishing an academic senate constitutes the requisite “formal action” contemplated by [the Brown Act].”
- Attorney General Opinion No. 83-304 (1983)

Meetings

“All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.”

-GC Section 54953(a)



What is a “Meeting?”

“Any congregation of a majority of the members of a legislative body at the same time and location to hear, discuss, deliberate, or take action upon any item that is within the subject matter jurisdiction of the legislative body.”

- GC Section 54952.2(a)

The Brown Act is not limited to “meetings” where a final decision is made!

- “HEAR”
- “DISCUSS”
- “DELIBERATE”



Serial Meetings

“A majority of the members of a legislative body shall not...use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.”

- GC Section 54952.2(b)(1)

Common Types of Serial Meetings:

- Daisy Chain
- Hub and Spoke
- Email

Meetings – Exceptions to the Rule

Individual Contacts

- But beware of the serial meeting!

Social or Ceremonial Occasions

- So long as business of the state body is not discussed

Conferences

- So long as they are open to the public and involve subject matter of general interest to the public

Meetings of Another Legislative Body

- The meeting must be open to the public and properly noticed

Brown Act Requirements: Effective Notice for Regular Meetings

Government Code §54954.2

Key Points

- Regular Meeting Agendas must be posted 72 hours
- Must state meeting location and time
- Must be “freely accessible to the public”
- Cannot be posted solely on internet website
- Agenda must contain short description of every item for action or discussion

Effective Notice for Special Meetings

Government Code §54956

Key Points

- Special Meeting Agendas must be posted 24 hours prior to meeting
- Must state meeting location and time
- Must be “freely accessible to the public”
- Must be posted “on the local agency’s Internet Web site, if the local agency has one.”

Emergency Meetings

Government Code §54956.5

Key Points

- Limited in nature, and will more than likely not apply to most Curriculum Committees and Local Academic Senates.
- “An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.”

Brown Act: Teleconferencing

Ever wonder why legislative bodies largely meet in person?

Teleconferencing requires ([§54953b](#)):

- All votes by roll call
- Agendas posted at all teleconference locations
- Each teleconference location is identified in the agenda and notice of meeting
- Each teleconference location is accessible to the public
 - Members of public may address the legislative body at each teleconference location

Agendas: Regular Meetings

Only agenda items may be discussed during Regular Meetings, except for the following:

[Government Code §54954.2\(b\)](#)

Key Points

- “...a majority vote of the legislative body [determines] an emergency situation exists, as defined in Section 54956.5.”
- An agenda item requiring immediate action came to the attention of the “local agency” after the agenda was posted, if:
 - $\frac{2}{3}$ of the committee has voted to the addition of the item, or
 - Unanimous approval if quorum is less than $\frac{2}{3}$ of committee membership

Important to note that this is a key place where the Brown Act and parliamentary procedure diverge.

Agendas: Special Meetings

Only agendized items may be discussed during Special Meetings.

[Government Code §54956](#)

Key Point

- “The call and notice shall specify...the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body.”

Public Comments

The public must be provided an opportunity to address the “legislative body” on any item “that is within the subject matter jurisdiction.”

Government Code §54954.3

Key Points

- Comment can be made “before or during the legislative body’s consideration of the item.”
- Public need not be provided an opportunity to address an agenda item if the public was allowed the opportunity at another public meeting composed exclusively of members of the legislative body, and the item was not substantially changed.
- Special meetings must allow the public the opportunity to address the legislative body “concerning any item that has been described in the notice...before or during consideration of that item.”

Closed Sessions

Closed Session may not necessarily apply to Local Academic Senates or Curriculum Committees, unless the following items are under consideration:

Government Code §54954.5

Key Points

- Litigation - Existing, Initiating, or Anticipated
- Real Estate Negotiations
- Personnel - Public employee appointment, employment, evaluation, discipline/dismissal/release
- Labor Negotiations
- License Applicants with Criminal Records
- Liability Claims
- Threat to Public Services or Facilities
- Health Trade Secrets
- Multijurisdictional Drug Law Enforcement Agency Case Review/Planning

Public Deliberations

A majority of members of the legislative body may not “discuss, deliberate, or take action”, outside of an agenda meeting, “any item of business that is within the subject matter jurisdiction of the legislative body.”

Government Code §54954.2

Key Points

- Members may congregate outside of committee, “provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.”
- The Brown Act does not prevent a member to confer with their constituents through individual contact.
- A series of contacts that lead to a discussion with a majority of the membership may constitute a violation of the Brown Act.
- Any communication/contact that reveals or may reveal the positions of other members of the legislative body may constitute a violation of the Brown Act.



Robert's Rules

(12TH) EDITION OF ROBERT'S
RULES OF ORDER NEWLY
REVISED (RONR)

Purpose/Principles of Parliamentary Procedure

Maintenance of order

All voices are heard

Look to see whose voices are missing in the discussion or debate

Ability for each member to provide input on a topic

All members have equal rights, privileges and obligations

Full and free discussion with a diversity of ideas

Quorum must be present for business to be conducted

Role of the Chair

Remain impartial during the debate; if the chair wishes to engage in debate, s/he/they must assign a temporary chair, usually the Vice President or next in line

Votes only to break a tie (subject to local rules; in some small committees the chair has a vote)

Introduces the agenda items and provides factual context to the item

Recognizes speakers

Determines if a motion is in order (relevant to the topic and within the scope of the Senate)

Keeps the discussion centered on the current item or motion

Maintains the order of the process

Puts motions to vote and announces the results

Processes for Handling Motions

Member must obtain recognition of the chair and, once recognized, makes a motion,

Motion must be seconded by a committee member

Chair restates motion and opens debate

Maker of the motion has the right to speak first in the debate

Motion and any secondary motions are debated

Debate closes when debate has ended (no more in line or time has ended) or the “question has been called” (a type of motion to end debate that requires 2/3 vote)

Chair restates motion and synthesizes debate (online may be placed in chat so everyone can read the motion)

Vote and announcement of results: The Brown Act requires all votes be listed (roll call) in the minutes

General Rules of Debate

Avoid the use of names.

No committee member may speak unless recognized by the Chair. Only members are allowed to speak.

All remarks must be addressed to the Chair.

All discussion must be relevant to the immediate motion.

No member can speak more than twice on an item. They may speak the second time only when everyone else wishing to speak has had the opportunity.

No member can speak for more than 10 minutes total (or whatever the local decision is).

Members cannot yield unused time.

Debate can be extended if the body makes a motion and agrees through majority vote.

General Rules of Debate (cont.)

Debate must address issues, not personalities

When possible, chair should let the floor alternate between those speaking in support of and in opposition to the motion.

It is not permissible to speak against one's own motion (but you can vote against it)

Senators may not disrupt the assembly unless to make a complaint about a rules violation or the relevance of the discussion to the motion. (see chart in a few slides)

If a member/attendee is disruptive or is not allowing the business of the group to continue, they may be removed from the meeting by the chair.

Rules of debate may only be changed by a 2/3 vote or consensus without objection.

Common Motions

Action	What to Say	Can Interrupt Speaker?	Need a second?	Can be debated?	Can be amended?	Votes needed
Introduce main motion	"I move to..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move to amend the motion by..."	No	Yes	Yes	Yes	Majority
Move item to committee	"I move that we refer the matter to committee"	No	Yes	Yes	No	Majority
Postpone item	"I move to postpone the matter until..."	No	Yes	Yes	No	Majority
End debate	"I move the previous question"	No	Yes	Yes	No	Majority

Common Motions (cont'd)

Action	What to Say	Can Interrupt Speaker?	Need a second?	Can be debated?	Can be amended?	Votes needed
Object to procedure	"Point of order"	Yes	No	No	No	Chair decision
Recess the meeting	"I move that we recess until..."	No	Yes	No	No	Majority
Adjourn the meeting	"I move that we adjourn the meeting"	No	Yes	No	No	Majority
Request Information	"Point of information..."	Yes	No	No	No	No vote
Override the chair's ruling	"I move to overrule the chair's ruling"	Yes	Yes	Yes	No	Majority
Extend the allotted time	"I move to extend the allotted time by ___ minutes"	No	Yes	No	Yes	2/3
Enforce the rules or point out correct procedure	"Point of order"	Yes	No	No	No	No vote
Table a motion	"I move to table..."	No	Yes	No	No	Majority

Points of Order

If a member thinks there is rule violation they can ask for Point of Order.

If they ask for a Point of Order, the Chair may consult with the Parliamentarian on the point of order questions.

If no point of order is called and a procedural concern is raised later the action stands since it was not done in a timely manner.

Importance of Synthesizing

At the end of debate, the Chair should summarize/synthesize the debate and the motion before the vote is taken.

This grounds the vote and ensures that senators are making an informed vote.

May ask for consensus.

Professional Development/Resources

[Open and Public V: A Guide to the Ralph M. Brown Act](#)

[The Brown Act and Local Academic Senates- ASCCC Faculty Leadership Institute 2020](#)

[Webinar/Resources- Governor's EOs and the Brown Act for Academic Senates During a State of Emergency](#)

[The Brown Act and your Curriculum Committee -Rostrum Article](#)

[CA Attorney General Opinion 33-304 \(1983\)](#)

[Brown Act- Relevant Sections \(CALCITIES\)](#)

[Brown Act](#)