MEETING GUIDELINES
FOR THE MIRACOSTA ACADEMIC SENATE

Preamble

In 1953, the California legislature passed the Brown Act, a law designed to protect the public’s right of access to the decision-making processes of local agencies (referred to in the Act as “legislative bodies”). In 1983, the state Attorney General’s Office issued an opinion that community college academic senates are legislative bodies. Based on the Attorney General’s opinion, both County counsel and District counsel issued opinions in 2003 that the MiraCosta College Academic Senate, the Academic Senate Council and their standing committees are legislative bodies. Although these opinions have never been tested in court, the following guidelines have been established by the Academic Senate Council in accordance with the Brown Act and its emphasis on open meetings.

These guidelines apply to the Academic Senate, Academic Senate Council, and standing committees of the Academic Senate. In these guidelines, the term “body” refers interchangeably to the Academic Senate, Academic Senate Council, and any of their standing committees.

Ad hoc committees of the Senate and ad hoc subcommittees of standing committees are not subject to these guidelines as long as (1) they are composed solely of members of their parent body; (2) they do not constitute a quorum of the parent body, and (3) they are purely advisory (not decision-making).

Responsibility for ensuring that these guidelines are followed by the Senate and Senate Council is the responsibility of the Academic Senate President. Responsibility for ensuring that these guidelines are followed by a standing committee is the responsibility of the committee chair. Any person who feels that action was taken at a meeting in violation of these guidelines may ask the committee chair or the Academic Senate President to correct the action.

Public posting of meeting agendas

Agendas for regular meetings must be publicly posted 72 hours in advance of the meeting’s start time.

Guidelines

• The meeting agenda should include the time and location of the meeting, and a brief description of each agenda item to be dealt with. If the meeting is held via teleconference, all sites must be listed.

• To simplify the process and avoid a multiplicity of postings, all upcoming regular meetings of the Academic Senate, Academic Senate Council and their standing committees will be posted weekly by the Academic Senate Administrative Secretary. Committee chairs should send agendas to the Administrative Secretary by 4 pm Thursday of the week before the meeting.
• If a meeting agenda is not submitted to the Administrative Secretary by the Thursday deadline, or if an item needs to be added to a posted agenda, the chair is responsible for posting the new/modified agenda by: (1) sending a message with the agenda to the “AS Announcements” electronic mailing list and (2) ensuring that the new/modified agenda is physically posted (consult the Academic Senate Administrative Secretary for posting locations). However, agendas may not be posted or altered less than 72 hours before the start of the meeting.

• Under certain circumstances, a body may call a special meeting. Special meetings must be posted as described above, but require 24 hours notice. The authorization of the Academic Senate President (or Academic Senate Vice-President if the President is not available) is required before the agenda for a special meeting may be posted.

• A body may not discuss or act on an item which is not on the posted agenda.

Right of the public to address a meeting

Members of the public (MiraCostans who are not members of the body and members of the general public) have the right to address the full Senate, Senate Council, or standing subcommittee at any meeting. However, the body has considerable latitude to specify the manner and time in which members of the public may address the body. The body may apply reasonable time limits to such speech, as long as the time limits are equitably applied.

Guidelines

• Each meeting will include an opportunity for public comment.

• The committee is not required to answer questions or otherwise respond to public comment, although it may choose to do so. However, the committee cannot act on any item not on the meeting agenda.

• Unless the committee has established a policy on public speech, the chair of committee will decide on time limits, subject to correction by a majority of the members of the body. If there are members of the public present, time limits should be made clear, either by announcement or written materials. Time limits may be different at different meetings, as long as they are applied equitably to all persons wishing to speak to that agenda item.

• The committee may decide that members of the public may address the committee: (1) only at the beginning of the meeting; (2) only at the beginning of an agenda item; or (3) whenever they are recognized by the chair.

• Depending on the circumstances of the meeting and the judgment of the committee Time limits of between three and five minutes are generally accepted as “reasonable.”
• If members of the public continue to speak after being warned that they have exceeded their time limit or are otherwise disruptive, the chair may request that campus security remove them from the meeting.

“Serial meetings”

The Brown Act specifies that a body may not discuss matters within its jurisdiction except in publicly posted meetings. Outside of public meetings, any discussion intended to develop a collective concurrence on action to be taken on an item which involves, or grows to involve a majority of members is a “serial meeting,” and is prohibited. The prohibition applies whether the discussion is direct, through personal intermediaries, through memos, or through email.

Guidelines

• The Academic Senate, Academic Senate Council, and their standing committees may use memos or email to schedule meetings and send information (one-way transmittal of information with no response solicited or expected), but not to exchange opinions or discuss items which are either on their agendas or likely to be placed on their agendas during the current academic year.

• Because of the broad jurisdiction of the Academic Senate Council, Senate Council members should avoid any discussion of items under the Council’s jurisdiction with a majority of Council members, except in Council meetings.

• Academic Senate constituent groups do not constitute a quorum of the Senate, so discussion (electronic or otherwise) within constituent groups are allowed. However, members should exercise caution that the discussion does not “spill over” into other constituent groups, since this could become a serial meeting.

• If a committee wishes to develop and circulate a draft of a document outside of a meeting, electronically or otherwise, the recommended procedure is to establish an ad hoc subcommittee for that purpose, subject to the conditions stated in the preamble. When ad hoc subcommittee has finished the document, it may be sent to the full committee for information, either electronically or by hard copy. However, discussion and approval of the document by the full committee must occur in a publicly posted meeting.

Recording of meetings

The Brown Act specifies that if meetings are recorded (audio or video), the recordings must be available for public inspection for at least 30 days following the meeting.

Guidelines
• Meetings of the Academic Senate and Academic Senate Council may be recorded to facilitate the production of meeting minutes. If recordings are made, they will be retained for 30 days or until the meeting minutes are approved, whichever comes later. After this time limit, the recordings may be destroyed.

• The recordings will be available for public inspection at the Academic Senate Office during business hours, except when they are actively being transcribed. The Academic Senate will provide equipment to view or listen to the recordings. The recordings may not be copied or removed from the Academic Senate Office, except by permission of the Academic Senate President.

• Standing committees of the Academic Senate or Academic Senate Council may make their own policies regarding recordings. However, any recordings which are made must be retained for at least 30 days and made available for public inspection.

Closed sessions

The Brown Act permits closed sessions of bodies only in a limited number of circumstances. The ones most likely to apply to the Academic Senate, Academic Senate Council, and their subcommittees are (1) personnel matters and (2) labor negotiations. The Brown Act specifies the way in which closed sessions must be conducted. Because of the sensitivity of matters discussed in closed sessions, it is particularly important that the Academic Senate, Senate Council, and their subcommittees carefully follow these closed session guidelines.

Guidelines

• In consultation with District counsel, the Senate Council has determined that permissible grounds for closed sessions include:
  o discussion of tenure reports and decisions for individual faculty members by the Institutional Review Committee or Academic Senate Council
  o discussion of applications for advancement on the salary schedule (but not sabbatical leave applications or reports) by the Professional Advancement Committee or Academic Senate Council
  o discussion of current or future salary negotiations by the Salary Committee, the Academic Senate Council, or the full Academic Senate

• If a committee believes it has grounds to hold a closed session in any case other than those listed above, the chair should seek authorization from the Academic Senate President well in advance of the deadline for posting the agenda. The Academic Senate President may authorize closed sessions only if they are consistent with the provisions of the Brown Act.
• The committee chair is responsible for understanding and following the provisions of the Brown Act as they apply to closed sessions:
  o The closed session must be indicated on the meeting agenda
  o The committee must first meet in open session and allow for public comment before going into closed session
  o At the end of the closed session, the committee must reconvene in open session and report the results of any vote taken in closed session
  o The votes of individual members in closed session must be recorded and made available to anyone who requests the information.

Approved 2/27/04 by Senate Council