

ACADEMIC SENATE STANDING POLICY

Brown Act – Virtual/Online Roll Call Votes

As a result of the 2020 COVID-19 pandemic, and the move to remote/virtual meetings, Governor Newsom signed Executive Orders N-25-20 and N-29-20 conditionally suspending particular aspects of the Brown Act. Certain aspects of Brown were not suspended, nor elaborated upon. Local deliberative bodies have been left to address such aspects of Brown on their own. In their summary conclusions the executive orders state:

“...all state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.”

As such, this standing policy seeks to provide guidelines specifically for roll call voting for meetings held virtually/online during the period covered by the COVID-19 public health crisis, as recognized by the Governor’s state of emergency declaration. The following guidelines apply to the Academic Senate and any of its sub-committees:

1. All public meetings must begin with a verbal attendance roll call to ensure the electronic communications, web based or telephonic, of all voting members have been established as properly working and to ensure a quorum of the body has been met.
2. The Academic Senate President and sub-committee chairs may choose to utilize the means of taking and recording roll call votes for agenda items.
3. Verbal/Oral roll call votes are authorized as an option.
4. The use of an itemized participants board (i.e., a participant’s board that clearly and objectively identifies individual votes for each voting member) within a virtual meeting platform, *e.g.*, Zoom, is authorized as an option for roll call votes. At the minimum, these platforms must have a “Yes” function, and a “No” function. Any votes of abstention will be identified by a committee member having chosen neither Yes or No, unless such an abstention option exists within the platform. The Academic Senate and its sub-committees may request or require voting members to clearly identify themselves as a voting member by title within the participants window.

5. All initial and seconded motions that call for a vote must be verbal/oral.
6. Any voting member that has called in to the meeting telephonically, and that does not have access to a virtual participants screen with visual voting, must be asked to provide a verbal/oral response for their tallied vote.
7. If a participants board is chosen as the method for a particular itemized vote, any member of the committee may, in advance of a vote, motion that particular item to be voted by a verbal/oral roll call vote. Such motion, once seconded, will alone satisfy the request thereby requiring a verbal/oral roll call vote for that motioned item.
8. Any individual serving as a proxy vote for an absent voter must make such circumstances known upon attendance roll call. Any standing voting member possessing one or more proxy votes must have such proxy vote(s) tallied verbally/orally.
9. A participants window or voting board must be cleared, and noted as having been cleared, by the Senate President or Chair prior to each and every itemized vote.
10. All final vote tallies will be verbally announced at the conclusion of each itemized vote to convey passage or non-passage of the agenda action item.
11. All votes will be recorded and noted in the Senate or committee minutes/summaries to be approved at subsequent meetings.

The use of a virtual and visual, non-verbal participants voting board via any platform, has been authorized per an inquiry with legal counsel for the Office of the Chancellor for California Community Colleges and in consultation with the President of the Academic Senate for California Community Colleges.

This standing policy may be extended for a post COVID-19 pandemic environment after the Governor's executive orders have been rescinded. Such extension might warrant amendments and can be subsequently addressed with greater knowledge of such a pending and evolving work environment.