

# **Guidelines for Conducting Senate Business Electronically In the Current Regulatory and Technological Environment**

2004, revised 2011, 2019

## **Introduction**

These guidelines are intended to advise committees of the Berkeley Division of the Academic Senate and agencies that report to it, including the multiple faculties on campus<sup>1</sup>. In developing these guidelines, the Committee on Rules and Elections (R&E) weighed expediency and free discussion against integrity of voting and confidentiality. Specifically, the convenience that these electronic means of communication provide needs to be balanced against the parliamentary requirements of *Robert's Rules of Order*.<sup>2</sup>

At the same time, R&E affirms the value of face-to-face meetings, which allow for the open and frank exchange of ideas and ensure that all voices are heard while maintaining confidentiality, particularly for politically sensitive or controversial topics.

R&E recommends that each Senate committee develop explicit written rules regarding the electronic conduct of specific types of committee business, subject to these Berkeley Division guidelines.

## **Videoconferences and teleconferences**

Videoconferences and teleconferences permit the simultaneous presence and interaction of meeting participants and therefore may be used to conduct official Senate business. Academic Senate [By-law 32](#), adopted by the Assembly of the Academic Senate on May 12, 2004, explicitly allows such meetings and removes any possible ambiguity concerning their official status.

Requirements:

- Roberts' Rules of Order, including determination of a quorum, apply to meetings held by videoconferences and teleconferences.
- Participants in meetings held by teleconference should be located in a private office or other setting that ensures confidentiality of proceedings.
- A secure platform supported and vetted by the campus, such as Zoom, should be used whenever possible.
- In meetings where some or all participants are online, any formal votes should be taken by roll call.

## **Email and web-based communication**

Online communications might seem secure, but are subject to technical difficulties, inadvertent or deliberate distribution to non-committee members, theft, and lawsuits. In addition, electronic messages are retained in the hard drive of individual computers and on the campus server, which may be subpoenaed in a lawsuit. Therefore:

- Committees should not distribute confidential materials or discuss personnel issues and other confidential matters through electronic communication unless appropriate encryption measures have been taken (such as by using restricted Box folders).
- Email may be used for scheduling purposes, to distribute meeting agendas and materials, and to distribute non-confidential documents for review.

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<sup>1</sup> Per [Academic Senate Bylaw 20](#).

<sup>2</sup> See [Berkeley Division Bylaw 163](#).

- If there is a need to distribute confidential documents for review, do not send them through email. Instead, post them in a secure repository such as Box, and remove them as soon as possible after the discussion is finished. Settings can be adjusted so that viewers cannot download or print documents. Or, consider distributing materials in hard copy at the meeting, and collecting them at the end to be shredded.

### **Conducting committee business electronically outside of formal meetings**

Careful judgment must be exercised in determining whether to conduct non-confidential business through email and/or web-based communication. This may be appropriate if:

- Urgent business develops between regularly scheduled meeting dates or committee members need time beyond that available in face-to-face meetings to consider and draft their responses to the issues being considered.
- The benefits of immediate face-to-face interaction and collective deliberation are not compromised.
- All electronic messages are sent to all committee members.
- A definite time frame is established for electronic discussion, which gives each member the opportunity to attempt to persuade other members before the committee decision is reached.
- The permanent record of arguments made and of who made them in the hard drive of individual computers and the campus server does not inhibit the free expression of opinions and suggestions by committee members.

Votes on committee business may be conducted electronically, if the above conditions are met.

### **Elections**

Academic Senate elections are conducted electronically (see Division Bylaw 9 for conditions under which elections must be held). All of the following conditions must be met for electronic voting at the Division level.

- Security: Each vote must be cast and recorded in a secure environment.
- Authentication: The voting system must authenticate the identity of each voter.
- Anonymity: There must be sufficient safeguards so that voters' identities cannot be linked to their votes without their consent.
- Reliability: Electronic election technology must function appropriately when votes are taken.
- Accuracy: Each voter's intention must be accurately recorded.
- Accessibility: It is essential that each qualified individual have access and ability to place a vote.
- Transparency: The procedures should be public and clear. Further, the procedures should guarantee that voters have confidence in election outcomes.

### **Policies**

- [Campus Information Technology Security Policy](#)
- [UC Electronic Information Security Policy](#)