

Guidelines for Conducting Senate Business Electronically

2023

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 and departments on campus (per [Senate Bylaw 20](#)). 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* (per [Berkeley Division Bylaw 163](#)).

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.

Remote meetings

Videoconferences and teleconferences permit the simultaneous presence and interaction of meeting participants and therefore may be used to conduct official Senate business. [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:

- Robert's Rules of Order, including determination of a quorum, apply to meetings held by videoconference and teleconference.
- Participants in meetings held remotely should be located in a private office or other setting that ensures confidentiality of proceedings.
- A secure communications 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 "show of hands" with the platform's reactions, poll, or vote feature, rather than by voice.

Determining meeting modality

Regular meetings of standing committees of the Berkeley Division of the Academic Senate

Committee chairs, in consultation with the staff, and with committee members if desired, should decide the modality of committee meetings, either in person or remote. The modality may vary from meeting to meeting. The Senate leadership encourages committee chairs to hold meetings in person.

Hybrid meetings, in which members are given the option to attend either in person or remotely, are not allowed for standing committees of the Berkeley Division of the Academic Senate. Based on experience, this type of meeting, where some members are in the same meeting room and some are on Zoom, results in reduced engagement from those members joining remotely, disrupts the flow of business, erodes the quality of deliberations and cohesion among the group, and creates an inordinate amount of work for Senate staff.

However, if a Senate committee meeting is held in person, it is reasonable to grant exceptions to in-person attendance in certain circumstances, such as if a member or guest who is a critical contributor has planned travel or is otherwise unable to be on campus. Such exceptions are not intended for members who are unable to join in person on a regular basis, except when requested as an accommodation for a disability. Remote attendance at an in-person meeting should be requested by the meeting participant in advance and confirmed by the Senate analyst prior to the meeting, in order to ensure remote access. We suggest limiting the proportion of remote attendees at in-person meetings. If the number of remote attendees approaches the number of participants in the meeting room, it may be more effective to switch to a fully remote meeting.

Any remote participants will be expected to be full participants. They should keep their cameras on if at all possible, and use the “raise hand button” to request to speak. The committee chair will attempt to monitor the remote platform and call on those members equally with those in the room. The chat function should not be used as it will not be available to in-person attendees and will not be monitored by the chair or staff.

Meetings of other agencies of the Senate (departments, faculties, etc.)

Meetings of other agencies may be held in any modality: in person, remote, or hybrid. In considering whether to hold hybrid meetings, in which participants are given the option

to attend in person or remotely, these agencies are encouraged to weigh potential advantages (such as improved attendance or flexibility) and disadvantages (reduced engagement, disruption due to technical issues).

Remote participants will be expected to be full participants. They should keep their cameras on if at all possible, and use the “raise hand button” to request to speak. The committee chair will attempt to monitor the remote platform and call on those members equally with those in the room. If the chat function is used, the below guidelines should be followed.

Use of chat in remote and hybrid meetings

As mentioned above, Robert’s Rules of Order apply to meetings held remotely. Parliamentary procedures include speaking rules that ensure fair and equal treatment of each committee member in a meeting. They require that individuals who wish to speak wait to be recognized by the chair, and permit only one person to speak at a time, forbidding parallel discussion. The chat feature can disrupt meetings and distract participants, intentionally or unintentionally. On chat, a participant can communicate as often or for as long as they would like, which can weaken the controls and protocols essential for maintaining order.

Committee chairs, in consultation with the staff, and with committee members if desired, should decide whether to allow the use of chat during a remote or hybrid meeting, or to restrict its use either to specific individuals (e.g., meeting hosts) or purposes. We recommend the following considerations and best practices for using chat, as adapted from guidelines provided by the University Committee on Rules and Jurisdictions (UCR&J):

- In general, the use of chat should be guided by the norms and parliamentary procedures set by Robert’s Rules for in-person meetings. Side conversations are inappropriate during an in-person meeting and are also inappropriate during a virtual meeting.
- Use of chat beyond the distribution of information, clarification of specific wording, and to address technical issues, should be discouraged in general and prohibited during debates on motions. Using chat to comment on issues unrelated to the agenda item being discussed is prohibited.
- The meeting chair should avoid recognizing questions or business occurring in the chat. Participants who wish to speak should use the “raise hand” feature.
- Participants should be aware that chat conversations are part of the public record and subject to Public Records Request Act requests. Chat should be disabled during executive sessions or other sensitive discussions.

- The meeting chair or a person assisting with the meeting will monitor the chat to the extent possible. During meetings in which participants are attending both in person and remotely, chat should not be used as it will not be available to in-person attendees and will be difficult for the chair or staff to monitor.
- Committees should be mindful of accessibility issues. The chat function can exclude people with visual disabilities, but can benefit people with auditory disabilities. Similarly, the ability to provide real-time subtitles can benefit people with auditory disabilities.
- All chat records should be treated the same as meeting recordings and preserved for the same duration as the recordings.

Email and web-based communication

Online communications, such as email, instant messaging, and Google doc collaboration, might seem secure, but are subject to technical difficulties, inadvertent or deliberate distribution to non-committee members, theft, and lawsuits. In addition, these communications may be retained on 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.
- If there is a need to distribute highly confidential documents for review, do not send them through email. Instead, post them in a secure repository such as Box, a cloud-based content management platform, 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 regularly scheduled 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 communications related to business of the full committee 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 digital record of arguments made and of who made them 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 [Berkeley 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](#)