Scenario 1: No Confidence Vote

Your college president has made the unilateral decision to cut three college programs in order to address a significant budget shortfall. Faculty joined with students to protest the cuts and to complain about the lack of input. The college president claims fiscal urgency for her unilateral action. This is the latest in presidential actions that the faculty senate has objected to. At this point, filled with frustration in the college president’s refusal to work with faculty, the faculty senate feels moved to take a vote of no confidence on the president. Several faculty senators have not yet achieved tenure, and they are hesitant to express support for a vote of no confidence in public, and they have requested that a secret ballot be used at the meeting where the vote will be taken.

Discuss:

Under the Brown Act, is it appropriate for the faculty senate to conduct the vote of no confidence under a secret ballot?

Scenario 2: Closed Door Meeting and Emergency Motion

Students belonging to a campus affiliate of a national political party have attached red stars to the office doors of professors, accusing the professors of trying to indoctrinate students with communist ideas, citing sections of Education Code which expressly forbids such action. The professors and the faculty in general are greatly alarmed at the students’ action. This action occurs a day before a regularly scheduled faculty senate meeting. At the meeting, several faculty insist – quite vehemently -- that the senate must respond immediately to “the red star threat.” Some faculty request a closed-door session of the senate to discuss a coordinated response to the situation. Other faculty request that the senate pass an emergency motion to show support for the targeted faculty.

Discuss:

Two responses of the faculty senate have been requested: a closed-door session for discussion and the passing of an emergency motion. Under the Brown Act, is it appropriate for the faculty senate to take either of these two actions?

Scenario 3: Meeting Notice Requirements and Materials

The faculty senate holds its meetings on Monday afternoons at 3p. Following the requirements of the Brown Act, agendas for the meetings are distributed by 3p on the preceding Friday to faculty mailboxes and posted on a bulletin board outside the faculty senate office. Each agenda item includes a summary of the issues and actions to be taken. While agenda items may require background materials, such information is routinely provided at the meeting itself and not with the agenda. The Vice-President of Instruction has told the faculty senate that agendas should be posted three *business* days before the scheduled meeting, and that they are required to provide her with all necessary attachments with a copy of the agenda.

Discuss:

Does the 72-hour agenda-posting requirement include weekends? Is the faculty senate required to provide all attachments with agendas?

Scenario 4: When Did the Meeting End?

The college is undergoing a presidential search. The consultant hired to conduct the search is meeting with each college constituency to find out problems that occurred with the previous president and what is desired in a new president. The meeting for faculty with the consultant is scheduled for part of the regular meeting time of the faculty senate. The faculty senate president puts together an abbreviated agenda to allow time for the meeting with the consultant to take place after the adjournment of the faculty senate meeting. On the day of the meeting with the consultant, representatives from the student paper attend the senate meeting. At the close of the meeting, the faculty senate president asks all non-faculty to leave the room. The students protest that the Brown Act is being violated and demand to be allowed to stay. The faculty senate president states that the meeting with the consultant was not called by the faculty senate, is not part of the regularly scheduled faculty senate meeting, and is therefore not subject to the Brown Act.

Discuss:

Is the faculty senate president correct? Since the meeting with the consultant occurs during the regular meeting time for the faculty senate, should it be subject to the Brown Act?