Information for Brown Act Discussion at the 9/15/21 meeting of the De Anza Academic Senate

Note: This information was emailed to the Senate Executive Committee on 8/27/21

Here are some links to help explain the situation:

[Text of the Brown Act](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=9.&part=1.&lawCode=GOV&title=5.)

[Primer on the Brown Act](https://firstamendmentcoalition.org/facs-brown-act-primer/) that I found helpful

Text of [Executive Order N-25-20](https://www.gov.ca.gov/wp-content/uploads/2020/03/3.12.20-EO-N-25-20-COVID-19.pdf), issued by Newson 3/12/20, and a [helpful blog post](https://www.keenan.com/Resources/Briefings/Briefings-Detail/covid-19-brown-act-unemployment-and-retiree-work-rules-impacted-by-new-executive-order) explaining the aspects of the Brown Act that are suspended by this order, which includes granting the ability to hold meetings online during the pandemic

Text of [Executive Order N-08-21](https://www.gov.ca.gov/wp-content/uploads/2021/06/6.11.21-EO-N-08-21-signed.pdf), issued by Newson 6/11/21, and a [helpful blog post](https://www.keenan.com/Resources/Briefings/Briefings-Detail/virtual-brown-act-meetings-will-expire-september-30th) explaining that this order requires us to meet the original demands of the Brown Act no later than 10/1/21

**There are two major issues we must contend with here:**

1. Any voting member joining via Zoom must disclose the location they are joining from on the agenda
2. We must have more than 50% of the voting members joining from within [FHDA boundaries](https://www.fhda.edu/_about-us/_Figure-DistrictBoundaries.pdf), whether in person or via Zoom, to make quorum

**What this means for Voting Members of the Academic Senate:**

* Starting in October, DA Academic Senate meetings will be held in MLC 109, which has better ventilation and more physical space than Admin 109.  Anyone who wants to can attend meetings here in person as long as they are vaccinated (or have an exemption from FHDA) and wearing a mask
* Members can still attend via Zoom, but must publicly disclose the address they are Zooming in from.  While it is highly unlikely it would ever happen, if a member of the public requests to teleconference with you from your location, you must allow it. ***This does not have to be your home address.***You can join via Zoom from a public library, a coffee shop, a parking lot, or ***your office on campus***.
* I personally highly recommend that any voting members who are not comfortable joining meetings in-person from MLC 109 join via Zoom from their office on the DA campus.  This keeps you socially isolated, but also prevents you from having to give out your home address and ensures that you count toward quorum for our meetings.  I recognize this may not be possible for all voting members, but I hope that it is a solution for many.

**Things to consider in September while we can still meet virtually:**

* Do we want to have Zoom Senate meetings during Opening Days and/or in Week 1 of Fall?  We could potentially have 3 Zoom meetings in September (Opening Days, Week 1 and Week 2) to problem solve and set priorities for the quarter/year before the emergency orders expire.
* Do we want to meet every 2 weeks instead of every week to reduce the amount to travel necessary for faculty who are teaching online and have no reason besides Academic Senate to travel to campus or otherwise be within FHDA boundaries?
* How can we locally encourage participation in shared governance while still adhering to the law, keeping in mind that associate members, other faculty, and members of the public can join meetings via Zoom from undisclosed locations?

I know that many of you are frustrated.  I assure you that I am, too.  I have spent a lot of time this summer looking for solutions and loopholes, and this is the best I've come up with so far.   I am definitely open to more and better ideas.

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