

**Guidelines for Conducting Senate Business Electronically
In the Current Regulatory and Technological Environment
Approved by the Committee on Rules and Elections: May 11, 2011
Approved by the Divisional Council: August 29, 2011**

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 campus¹, at a time when various means of electronic communication are becoming increasingly popular. The Committee on Rules and Election (R&E) acknowledges that expediency and free discussion need to be weighed against the maintenance of the 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*, which govern questions of parliamentary authority that are not covered by legislation for the Division.²

In drafting these guidelines, R&E is also mindful that confidentiality in the context of a committee discussion of an academic program review, which will eventually be made public, differs from confidentiality in the context of a faculty tenure or merit case, which will always be confidential. R&E considers the confidentiality required for elections and voting to be the same as that required for academic personnel matters.

Given the importance of taking appropriate security measures with regard to electronic and/or web-based communications, R&E also wishes to call attention to the various campus and systemwide information technology security policies, such as the Campus Information Technology Security Policy (<https://security.berkeley.edu/IT.sec.policy.html>) or systemwide Electronic Information Security Policy (<http://www.ucop.edu/ucophome/policies/bfb/is3.pdf>).

In closing, R&E believes it is important to affirm the value of face-to-face meetings in this age of electronic communication. Face-to-face meetings 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.

1. 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 before electronic voting can be conducted at the Division level, Divisional committee level, and college, school or department level.
 - A. Security: Each vote must be cast and recorded in a secure environment.
 - B. Authentication: The voting system must authenticate the identity of each voter.
 - C. Anonymity: There must be sufficient safeguards so that voters' identities cannot be linked to their votes without their consent.

¹ Per Academic Senate Bylaw 20 at:

<http://www.universityofcalifornia.edu/senate/manual/blpart1.html#bl20>.

² See Berkeley Division Bylaw 163: <http://academic-senate.berkeley.edu/committees/re/laws-berkeley-division-parts-iii-vi#163>.

- D. Reliability: Electronic election technology must function appropriately when votes are taken.
 - E. Accuracy: Each voter's intention must be accurately recorded.
 - F. Accessibility: It is essential that each qualified individual have access and ability to place a vote.
 - G. Transparency: The procedures should be public and clear. Further, the procedures should guarantee that voters have confidence in election outcomes.
2. Videoconferences and teleconferences permit the simultaneous presence and interaction of meeting participants and therefore may be used to conduct official Senate business. 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.
- A. Roberts' Rules of Order, including determination of a quorum, apply to meetings held by videoconference and teleconferences.
 - B. Cell phones should not be used in teleconferences because confidentiality may be compromised.
 - C. Participants in meetings held by teleconference should be located in a private office or other setting that ensures confidentiality of proceedings.
3. Email and web-based communication 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:
- A. Elections and other voting should not be conducted by email or web-based communication unless all of the conditions outlined in section 1 are met.
 - B. Committees should not distribute confidential materials or discuss personnel issues and other confidential matters through electronic communication unless appropriate encryption measures have been taken.
 - C. Email and/or secure web-based communication may be used to poll Committee members about possible meeting times, to announce meeting times and places, to distribute meeting agendas, and to distribute non-confidential documents for review, including draft minutes from a prior meeting that do not contain confidential or sensitive statements.
 - D. 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 non-confidential 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 and verification of receipt is obtained or alternative means are provided for ensuring the timely participation of members who lack the equipment and/or skills needed for electronic communication.
- 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.

4. Each Senate Committee should develop explicit written rules for the use of electronic communication and ensure that all Committee members honor them.