

FLORIDA ATLANTIC UNIVERSITY



**Ethics Training:
SAB By-laws, Florida's Open
Meetings, Public Records,
and Robert's Rules of Order**

**FAU School Advisory Body
September 18, 2024**



School Advisory Body

- Establishment of a School Advisory Body (SAB) is required for Developmental Research (Laboratory) Schools pursuant to s.1002.32, F.S.
- Membership composition is established by statute
- Advisory by-laws establish procedures & organization
- FAU University Policy 2.5 on Advisory Bodies
- Florida Atlantic University Schools (FAUS) has one advisory body that serves primarily to:
 - Provide general oversight and guidance
 - Establish necessary policies in accordance with Florida Statutes



School Advisory Body By-laws

- SAB General Responsibilities:
 - Develop, implement and monitor the School Improvement Plan (SIP)
 - Provide stakeholder feedback
 - Establish necessary policies, programs and administrative modifications
 - Adhere to Sunshine Laws, Chapter 286
 - Act in good faith and ethical principles with due regard to the interests of FAUS
- Committees
 - Committees will be developed as needed
- Meetings
 - Quorum, agenda, notice & public comment
 - Robert's Rules of Order
 - Attendance Requirements (No more than two unexcused absences or missing 5+ meetings)



Robert's Rules of Order

- Robert's Rules of Order is the standard for facilitating discussions and group decision-making.
- Basic elements of Robert's Rules:
 - **Motion:** To introduce new business or propose an action or decision on an item... "I move that (state the action)."
 - **Second:** To support the motion for discussion or vote... "I second the motion."
 - **Amend:** To propose a modification to the motion... "I move to amend the motion by (state the change)" Amendment needs to be seconded or fails and reverts to original motion.
 - **Question:** To end debate of an item and request to bring it to a vote... "I move the previous question."
 - **Adjourn:** To make a motion to end the meeting.



Robert's Rules of Order – Voting on a Motion

- Primary methods of voting:
 - **By Voice-** Chair asks those in favor say, "aye", those opposed say "no".
 - **By Roll Call-** Chair calls for a roll call vote and each member answers "yes" or "no" as his/her name is called.
 - **By General Consent-** When a motion is not likely to be opposed, the Chair says, "if there is no objection ..." The members show agreement by their silence; however, if one member states an objection, the item must be put to a vote.



The Sunshine Laws

- Florida Statutes, **Chapter 286, the “Open Meetings Law,”** provides a right of access to governmental meetings.
- Florida Statutes, **Chapter 119, the “Public Records Law,”** creates a right of access to records made or received in connection with official business of a public body.



Open Meetings Law

- Florida Statutes Chapter 286 applies to:
 - All meetings of “any board or commission of any state agency or authority, or of any agency or authority of any county, municipal corporation or political subdivision”
 - Includes State University Boards of Trustees, public school boards and school advisory bodies.
- It requires:
 1. All meetings of the board to be open meetings;
 2. Reasonable notice of meetings must be given; and
 3. Minutes of meetings must be kept.



Open Meetings

- All meetings of the FAUS School Advisory Body are open to the public.
- The public has a statutory right to comment at a meeting by the established process to speak; however, there is no right to participate during meeting discussions.
- Other meetings (sub-committees, working groups, workshops, etc.) are also open if the meeting plays a role in the SAB's decision or policy-making process.
- Where a committee or group of SAB members engage in advising or examining options they have moved beyond fact-finding and are open to the public.
- A “meeting” also occurs when there is a discussion, formal or casual, between two or more SAB members about a matter on which the SAB might foreseeably take action.
- Meetings include workshops, telephone conversations, e-mail communications, seeing each other in public, so long as the discussion is about a matter on which the SAB might foreseeably take action.



Notice and Minutes of Meetings

Reasonable Notice of Meetings

- Reasonable notice is ample notice given to the public that reasonably and timely conveys all information necessary to enable them to choose to attend.
- “Reasonable” depends upon the situation’s circumstances.
- Meeting may not be held at a facility/location inaccessible to the public or which discriminates.

Meeting Minutes

- Minutes must be recorded and open to public inspection. Minutes are not verbatim-but a brief summary of the meeting’s events.
- Votes must be publicly taken. No secret ballots.



Conflict of Interest

- All members must vote on all votes unless they have a declared conflict of interest
 - SAB member verbally indicates abstaining from the vote and the reason for the abstention
 - Minutes must so reflect by the recording of the vote *or* counting a vote for each member
- Examples of conflicts of interest:
 - Voting on an item results in a SAB member gaining or losing from the decision
 - Voting on an item results in a SAB member's relative gaining or losing from the decision
 - Voting on an item where a company or relative/associate's company stands to gain from a purchase or contract.



Public Records Law

- Florida Statutes, Chapter 119 defines Public Records as:
 - All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material regardless of physical form or means of transmission, made or received pursuant to law in connection with the transaction of official business by the agency.
- Made or received pursuant to law in connection with the transaction of official business by the agency
 - Includes drafts and emails
 - Not applicable to personal records



Public Records Law Exemptions

- Some public records are exempt from public disclosure due to a statutory exemption.
- Examples of exemptions:
 - Student education records
 - Certain materials relating to faculty tenure applications
 - Certain investigative records during an investigation
 - Certain confidential trade secrets or proprietary information
 - Records of the FAU Foundation, Inc.
- Where an exempt record is discussed at an open meeting, the record can be protected—but not the discussion that occurs at the meeting.



Penalties for Noncompliance

- Criminal violation to knowingly violate Sunshine Laws
- Removal from position
- Fine of up to \$500
- Mandatory reasonable attorney's fees
- Declaratory and injunctive relief
- Any SAB action taken in violation of the Open Meetings Act is invalid.



Summary

- Refrain from discussions, e-mails or other communication with any SAB member about a matter on which the SAB may foreseeably take action.
- Be cautious about what you post on social media which may lead to sharing how you will vote on an action item.
- If you find yourself in a situation where you are not sure the requirements of the Sunshine Law are being met, pause and extricate yourself from the situation.
- Direct any questions of ethics or questions regarding compliance with the Open Meetings Law or Public Records Law to the FAU Office of the General Counsel.



Thank you for your
commitment to
Florida Atlantic Laboratory Schools.