Faculty Search Committees

&

The Sunshine Law

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We need you...

• Support FAU’s goal to select the best applicant
• Demonstrate FAU’s commitment to diversity and inclusiveness
• Evaluate applicants fairly based on the same set of criteria
Duties of the Search Committee

• Revised July 2018: Office of the Provost Faculty Search and Hiring Procedures – “The search committee acts as a fact-finding and advisory group to assist the hiring authority in providing recommendations for applicant selection.”

• Exemptions
• Advertising & Posting
• Interview & Selection Process
Duties of the Search Committee

Assist the hiring authority

• Review position description, job qualifications and credentialing requirements
• Develop a grid/chart to document applicants’ qualifications
• Act as a fact-finder
• Review all applicant materials
• Develop set of interview questions
• Interview candidates
• Indicate each applicant’s competencies
You do not...

- Develop selection criteria
- Make hiring decision

* Know your College Bylaws*
Confidentiality...

- Refrain from discussing candidates (especially with non-committee members)
- Refer requests for information to the committee chair
The Sunshine Laws

- Florida Statutes, Chapter 286, the “Open Meetings Act,” 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

- 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 and university direct-support organizations
- Three Key Requirements:
  1. All meetings must be open to the public
  2. Reasonable notice must be given
  3. Minutes must be kept
Open Meetings

- A “meeting” includes a formal board meeting as well as any discussion, formal or casual (including email, telephone, at a social event etc.), between two or more board members about a matter on which the board might foreseeably take action.

- Meetings are not required to be open if the meeting is informational or fact-finding (training sessions; interviews).

- The public does not have a statutory right to participate.
  - The public does have a right to comment before board action is taken.

- Reasonable notice is notice given to the public that sufficiently conveys all information necessary to enable them to choose to attend. An agenda is not required.

- Minutes must be recorded and open to public inspection. Minutes need not be verbatim.

- Votes must be publicly taken--No secret ballots.
Public Records

- 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 transaction of official business by the agency

- Includes drafts
- Includes records held by third parties if they meet the definition above
- Not applicable to truly personal records
Public Records Exemptions

• Some public records are exempt from public disclosure due to statutory exemptions.

• Examples of exemptions:
  • Student education records
  • Certain materials relating to faculty tenure applications
  • Certain investigative records during the pendency of an investigation
  • Certain confidential trade secret or proprietary information

• Where an exempt record is discussed at an open meeting, the record can be protected—but not the discussion.
Requests & Penalties

- Refer all public records requests to the Media Relations office
  - Requests need not be in writing or directed to any particular individual or office

- Penalties for Noncompliance:
  - Second degree misdemeanor for a knowing violation
  - Removal from position
  - Fine of $500 or less to the individual
  - MANDATORY reasonable attorneys’ fees
  - Declaratory and injunctive relief
  - Voiding of ANY action taken in violation of the Sunshine Law
Documentation

• Take objective notes
• Record answers and behaviors—not judgments/conclusions
• Your notes create a record
After the Interview

- Chair should collect all forms and notes
- Federal and state recordkeeping requirements
- Retain all employment application and selection records for 7 years