

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

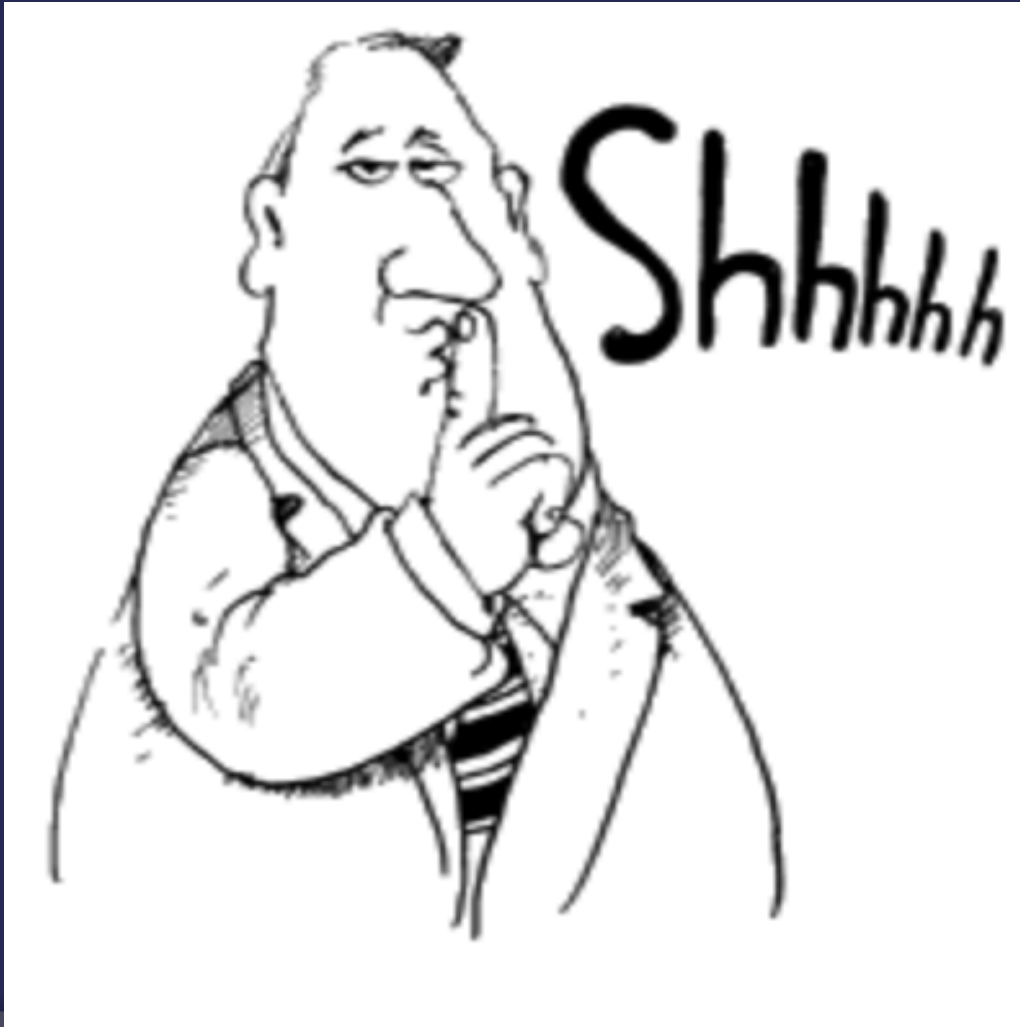
- Review position description, job qualifications and credentialing requirements
- Develop a grid/chart to document applicants' qualifications
- Act as a fact-finder
- Review all applicant materials
- Develop set of interview questions
- Interview candidates
- Indicate each applicant's competencies

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