

## **Regulation 32161. Participation in PERB Proceedings; Recording, Photographing, and Broadcasting of PERB Proceedings**

(a) The following definitions shall apply only in this section.

(1) "PERB proceedings" includes any meeting held pursuant to any chapter of these regulations, whether held in-person, via a virtual platform, or in a hybrid format, other than a public meeting of the Board itself held pursuant to section 31001.

(2) A "participant" in a PERB proceeding is a party, party representative, witness, potential witness, or person who intends to speak, or does speak, regarding a substantive topic at issue in the proceeding.

(3) An "observer" in a PERB proceeding is any person who attends in-person or via a virtual platform but is not a participant.

(4) Board agents are neither participants nor observers.

(b) Participants in PERB proceedings shall identify their full names upon inquiry from a Board agent. A Board agent shall not require observers of PERB proceedings to identify their names if they do not intend to become participants, except that a Board agent may require observers of PERB proceedings to identify their full names if necessary to:

(1) issue or enforce an order pertaining to sequestration;

(2) address safety or disruption issues;

(3) issue or enforce an order to limit public access to sensitive information pursuant to section 32125(c)(2); or

(4) protect the confidentiality of an informal conference under section 32650(a) or any proceeding that constitutes a "mediation" or "mediation consultation" within the definitions set forth in Evidence Code section 1115.

(c) Participants and observers shall not make any photograph, screenshot, video recording, or audio recording, nor use any other similar means of capture, of any formal or informal PERB proceeding, whether conducted in-person or over an audio or video platform, absent written permission of a Board agent. Such permission shall be granted only if:

(1) The requestor intends to use such a record for a proper purpose;

(2) There is no reasonable alternative;

(3) The Board agent issues a protective order limiting the use of the record to the

intended purpose;

- (4) The importance of the intended purpose outweighs any likelihood of negatively impacting witnesses or the hearing process; and
  - (5) The proceeding in question is not an informal conference under section 32650(a) or any proceeding that constitutes a “mediation” or “mediation consultation” within the definitions set forth in Evidence Code section 1115.
- (d) A photograph, screenshot, video recording, audio recording, or other similar capture of a PERB proceeding made by a participant or observer shall not be part of the official record of the proceeding, and no party shall cite it as evidence.
- (e) Participants and observers in PERB proceedings shall not live broadcast to others any video or audio of such proceedings.