



THE USE OF VIDEOCONFERENCING TO CONDUCT MEETINGS OF THE BOARD OF TRUSTEES

A. PURPOSE

Pursuant to Section 103-a of NY Public Officers Law, Article 7 (the “Open Meetings Law”), entitled “Videoconferencing by public bodies,” meetings of the Board of Trustees (“Board”) may be conducted, in part, via videoconferencing provided that the requirements enumerated in this Policy are met. This Policy sets out the procedures governing Board member and public attendance at Board meetings conducted, in part, via videoconference, in conformance with the Open Meetings Law.

B. POLICY

- 1) Board members shall be physically present at any Board meeting unless such member is unable to be physically present at the designated on-campus public meeting location due to extraordinary circumstances.
- 2) Provided that a quorum of the Board, as defined in the [College Bylaws](#), is physically present at an on-campus location, a Board member who is unable to attend a Board meeting in-person due to extraordinary circumstances, as defined herein, may participate in a Board meeting by videoconference.
- 3) The term “extraordinary circumstances” shall include a significant, unusual, or unexpected factor or event which precludes a Board member’s physical attendance at a Board meeting, including, but not limited to: temporary disability, illness, caregiving responsibilities, unusual or non-repetitive responsibilities related to a Board member’s primary employment or occupation, or temporary out-of-state travel.

C. VIDEOCONFERENCING PROCEDURES

- 1) Any Board members who are unable to attend a meeting in-person due to extraordinary circumstances and wish to participate via videoconference must notify the Board Chair and the Office of Legal Affairs, in writing, no fewer than forty-eight (48) hours prior to the meeting. Upon receiving such notification, the Chair will determine whether the basis for the Board member’s request to attend a meeting remotely constitutes “extraordinary circumstances.” The Chair will, thereafter, advise the Board member whether his/her request to attend the meeting via videoconferencing is approved, and will notify the Office of Legal Affairs.
- 2) If extraordinary circumstances present themselves on an emergent basis within forty-eight (48) hours of the meeting, the Board member shall notify the Board Chair and the Office of Legal

Affairs as soon as practicable upon learning of such circumstances that they wish to attend the meeting remotely. The Board Chair will determine whether the forty-eight (48) hour notice requirement may be waived, and whether the Board member's request shall be approved.

- 3) Board member(s) participating remotely due to extraordinary circumstances must be capable of being heard, seen and identified by members of the public while the meeting is being conducted, including, but not limited to the times when the Board discusses or votes upon any motions, proposals or resolutions, or conducts any other business during the Board meeting.
 - a) The above requirement shall not apply during times when the Board enters an Executive Session, pursuant to NY Public Officers Law §105.
 - b) However, Board members participating remotely must remain heard, seen and identified by other members of the Board during all Executive Sessions.
- 4) If one or more Board members participate in a Board meeting via videoconference due to extraordinary circumstances, members of the public must also be provided an opportunity to view the Board meeting via videoconference.
- 5) The public notice for meetings of the Board must include the following information: that videoconferencing may or will be used; where and how the public can view/participate in the meeting; the physical location for the meeting; and where members of the public may attend the meeting in-person.
- 6) Each meeting conducted via videoconference will be recorded. The recording will be posted on the College website within five (5) business days following the Board meeting, and will remain available via the College website for a period of five (5) years thereafter.
- 7) Minutes of Board meetings conducted via videoconference shall include which, if any, Board members participated remotely.
- 8) Members of the public wishing to address the Board remotely during meetings held via videoconferencing must make a written request to the Board Chair and the Office of Legal Affairs, which request must be delivered at least forty-eight (48) hours prior to the Board meeting. Upon receiving the request, the College will provide the individual(s) with information for how they may address the Board of Trustees remotely.
- 9) Board members who have not complied with this Policy may not participate in discussions on Board issues and will not be permitted to vote on any public matter. However, such a member may be permitted to participate in an Executive Session upon invitation of the Board Chair as the Board has the authority to invite non-Board members to participate in Executive Sessions.
- 10) Board meetings conducted using videoconferencing due to extraordinary circumstances pursuant to the provisions of the Open Meetings Law shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act ("ADA"), as amended, and corresponding guidelines. For the purposes of this Policy, "disability" shall have the meaning defined in NY Executive Law §292.

- 11) This Policy and procedures shall be conspicuously posted on Board of Trustees' homepage of the College website.

D. EMERGENCY DECLARATION

The requirement that a quorum of the Board must be present in a physical location as described in Paragraph 1 of this Policy shall not apply in the event of a New York State-declared disaster emergency, or a local emergency declared by the Suffolk County Executive, if the Board determines that the events leading up to the emergency declaration would impair the Board's ability to hold an in-person meeting.

E. REVOCATION OF POLICY

This policy shall be deemed revoked by operation of law upon the repeal or expiration of Public Officers Law §103-a.

Board of Trustees Approval Date: June 16, 2022