

**On Extraordinary Circumstances (EC) videoconferencing (ECV) – see Policy 2.20 below –
for the Senate Committee of the Whole discussion on Nov. 30, 2022**

The BOT resolution passed on October 24 requires us to use the Policy 2.20 below *if* we choose to use videoconferencing to allow members who cannot be physical present (at one of our three campus locations) due to *extraordinary circumstances* to participate remotely.

A. Some issues for us to consider in deciding whether to use ECV

1) Members joining remotely due to EC cannot count toward the quorum. Will this undermine our ability to get a quorum for either Senate assembly or committee meetings?

Note:

a) The Policy 2.20 (below) does not otherwise constrain the number of members who may join remotely due to extraordinary circumstances.

b) According to the Policy 2.20, paragraph 3, when a Senate member notifies the Senate Administrative Secretary that they have extraordinary circumstances that prevent them from attending, “a determination” has to be “made by the [Senate Chair] that such *extraordinary circumstances* exist.” Nothing in the policy says how it is done. We will have to agree on the procedure.

A starting policy is that the Senate chair determines that EC exists for a member simply by the fact that the member indicated that they had a “disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event with precludes them member’s physical attendance at such a meeting.” So, this would be a kind of minimally invasive honor system.

Will this result in too many people not coming in person and so in a lack of quorum?

2) Given Policy 2.20, paragraph 5, more visibility is required of members joining remotely in ECV than was required on Zoom. Members joining remotely due to EC must be visible to all and so have their camera on during the entire meeting and their full name visible on the screen.

3) By the Policy 2.20, paragraph 8, all meetings using EVC must be recorded “and such recordings posted or linked on the [Senate] website with five business days following the meeting and shall remain so available for a minimum of five years thereafter.” So, all participating members at a meeting must be willing to participate on film during a meeting, either Senate assembly or committee meeting. Will this limit open debate? Will it prevent some from participating in committees?

4) Do we want to allow for EVC for both Senate Assembly meetings and Senate Committee meetings?

B. BOT approved POLICY 2.20

As said above, the procedures we use to govern member and public attendance must follow BOT established Policy 2.20. Below is the policy with ‘[Senate]’ replacing ‘Board’, ‘[Administrative Secretary of the Senate]’ replacing ‘Secretary of the Board’, ‘[Senate Chair]’ replacing ‘Chair of the Board.’ Other additions are also in brackets.

Policy 2.20

Procedures for Member Videoconferencing Pursuant to Public Officers Law 103-a

The following procedures are hereby established to satisfy the requirement of Public Officers Law 103-a(2)(b) that any public body which in its discretion wishes to permit its member to participate in meetings by videoconferencing from private locations – under *extraordinary circumstances* – must establish written procedures governing member and public attendance.

1. [Senate] members shall be physically present at any meeting of the [Senate] unless such member is unable to be physically present at one of the designated public meeting locations [714 HW, Room xxx at Brookdale, Room xxx at Silberman] due to *extraordinary circumstances*.

2. For purposes of these procedures, the term “*extraordinary circumstances*” includes disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.

3. [a] If a member is unable to be physically present at one of the designated public meeting locations and wishes to participate by videoconferencing from a private location due to *extraordinary circumstances*, the member must notify [the Administrative Secretary of the Senate] and/or the [Senate Chair] no later than four business days prior to the scheduled meeting in order for proper notice of the public to be given [See number 7 below.]

[b] If a determination has been made by the [Senate Chair] that such *extraordinary circumstances* exist, then the [Administrative Secretary of the Senate] shall take the necessary steps to convene an extraordinary-circumstances videoconferencing meeting.

[c] If *extraordinary circumstances* present themselves on an emergent basis within four days of a meeting, the [Senate] shall update its notice as soon as practicable to include that information. If it is not practicable, as determined by the [Senate Chair] and the [Administrative Secretary of the Senate], for the [Senate] to update its notice, the [Senate] may reschedule its meeting.

4. [a] If there is a quorum of members participating at a physical location(s) open to the public [that is, at 714 HW, Room xxx at Brookdale, Room xxx at Silberman], the [Senate] may properly convene a meeting.

[b] A member who is participating from a remote location that is not open to in-person physical attendance by the public *shall not* count toward a quorum of the [Senate] but may participate and vote if there is a quorum of members at a physical location(s) open to the public.

5. Except in the case of Executive Sessions conducted pursuant to Public Officers Law 105, the [Senate] shall ensure that its members can be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. This shall include the use of first and last name placards physically placed in front of the member or, for members participating by videoconferencing from private locations due to *extraordinary circumstances*, such members must ensure that their full first and last name appears on their videoconferencing screen.

6. The minutes of the meetings involving videoconferencing based on extraordinary circumstances pursuant to Public Officers Law 103-a shall include which, if any, members participated by videoconferencing from a private location due to such *extraordinary circumstances*.

7. The public notice for the meeting shall inform the public: (i) that extraordinary-circumstances videoconferencing will (or may) be used, (ii) where the public can view and/or participate in such meeting, (iii) where required documents and records will be posted or available, and (iv) the physical location(s) for the meeting where the public can attend.

8. The [Senate] shall provide that each open portion of any meeting conducted using extraordinary-circumstances videoconferencing shall be recorded and such recordings posted or linked on the [Senate] website with five business days following the meeting and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.

9. If members of the [Senate] are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the [Senate] shall provide the opportunity for members of the public to view such meeting by video, and to participate in proceedings by videoconference in real time where public comment or participation is authorized. The [Senate] shall ensure that where extraordinary-circumstances videoconferencing is used, it authorizes the same public participation or testimony as in person participation or testimony.

10. Open meetings of the Board of Trustees of the City University of New York and all its constituent entities conducted using extraordinary-circumstances videoconferencing pursuant to the provisions of POL 103-a shall be broadcast pursuant to the requirements of POL 103(f) and 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 guideline, "disability" shall have the meaning defined in Executive Law 292.

11. The in-person participation requirements of POL 103a(2)(c) shall not apply during a state disaster emergency declared by the governor pursuant to Executive Law 28 or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to 24 of the Executive Law if the [Senate] determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the [Senate] to hold an in-person meeting.

12. These procedures shall be conspicuously posted on the [Senate's] website.