



BOV POLICY # 18 (2024)

PUBLIC ACCESS TO BOARD OF VISITORS' MEETINGS; REMOTE PARTICIPATION IN MEETINGS OF THE BOARD OF VISITORS AND ITS COMMITTEES; and ALL-VIRTUAL MEETINGS

RESOLUTION

WHEREAS, the Norfolk State University Board of Visitors wishes to encourage public awareness and make meetings of the Board and its committees accessible to the public by electronic means; and

WHEREAS, the Board wishes to comply with the directive of the General Assembly regarding conduct of such virtual meetings; and

WHEREAS, the Board wishes to facilitate individual members' virtual attendance at in-person meetings when they are unable to physically attend, and

WHEREAS, the Board and its committees wish to preserve for themselves the opportunity to conduct all-virtual meetings; and

WHEREAS, it is in the interest of the University community and the public to make such virtual access available as soon as possible, and

WHEREAS, the General Assembly requires that in order to provide for remote participation and all-virtual meetings, the Board must annually adopt a policy allowing for such, then

THEREFORE, be it resolved as follows:

1. The President is directed to present an updated version of BOV Policy 18 no less than annually for the Board's consideration;
2. Any notice and comment periods that might otherwise be required before adoption of BOV policy are waived in order to make provisions of this amended BOV Policy 18 immediately applicable;
3. BOV Policy 18 is hereby amended and reapproved to read as follows:



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Policy Title: PUBLIC ACCESS TO BOARD OF VISITORS’ MEETINGS; REMOTE PARTICIPATION IN MEETINGS OF THE BOARD OF VISITORS AND ITS COMMITTEES; and ALL-VIRTUAL MEETINGS

Policy Type: Board of Visitors

Policy No.: BOV Policy # 18 (2024)

Approved Date: March 6, 2026

Responsible Office: Board of Visitors

Responsible Executive: Rector

Applies to: Voting Members of the Board of Visitors

PURPOSE:

The purpose of this policy is to establish a written policy, in accordance with *Code of Virginia* § 2.2-3708.3 to allow for public access to Board meetings; to govern participation of Board of Visitors members in meetings of the Board and its committees by the means of electronic communication; to allow for all-virtual Board and committee meetings; and to specify the requirements therefor.

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CONTACT:

The Board of Visitors officially interprets this policy.

POLICY CONTENTS

1. PUBLIC ACCESS THROUGH ELECTRONIC COMMUNICATION

- a. The Code of Virginia encourages that all public bodies provide public electronic access to all public meetings through both in-person and electronic means. It is the policy of Norfolk State University to provide and encourage public access to meetings of the Board of Visitors.
- b. The administration of the University shall ensure that open portions of all meetings of the full Board of Visitors at which a quorum is present, whether in-person or virtually, be made accessible to the public for listening and viewing through a readily-available audio-visual streaming platform.
- c. The administration shall also ensure that whenever public comment is accepted by the Board of Visitors or any of its committees that such public comment may also be made accessible to the public a readily-available audio-visual streaming platform.
- d. The Board of Visitors may, but is not required to, provide like electronic access to meetings of committees of the Board.

2. REMOTE PARTICIPATION IN NON-VIRTUAL MEETINGS BY MEMBERS

Individual members of the Board of Visitors and its committees may participate remotely by electronic means (such as telephone or streaming platforms) in meetings other than all-virtual meeting, where a quorum is gathered in one physical location, under the following conditions:

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- a. Prior to the meeting the member notifies the Rector, the committee chair, or the Office of the President that they wish to participate remotely because one of the following reasons:
 1. The member has a temporary or permanent disability or other medical condition that prohibits their physical attendance; or
 2. A medical condition of a family member requires the member to provide care and prohibits their physical attendance; or the member is a caregiver who must provide care for a person with a disability at the time of the public meeting and is thus prevented from physically appearing; or
 3. The member's principal residence is more than 60 miles from the meeting location; or
 4. The member is unable to attend because of a personal matter, and the member specifically identifies the nature of the personal matter; provided, however, that a member may use this 'personal matter exemption' no more than two times in any calendar year.
- b. If the request by the member is given to the Office of the President, the President shall immediately notify the Rector or the committee chair of the request.
- c. As the first order of business at the meeting, the Rector or the committee chair shall recommend approval or disapproval of the participation to the Board or committee, and the Board or committee shall vote to approve or disapprove. If the Board or committee approves the participation by majority vote, it must record in its meeting minutes (1) the fact of the remote participation; (2) the location of the remote participation; (3) whether the remote participation is because of (a) a temporary or permanent disability or other medical condition of either the member or a family member, (b) distance from meeting location, or (c) a personal matter; and (4) in the case of a personal matter, the specific nature of personal matter. In the case of disapproval by the Board or committee of the member's participation, the specific reason for disapproval.
- d. A member participating remotely shall be counted toward a quorum as if the member were physically present if and only if the member's remote participation is because:
 1. the member has a disability (*as defined in Code of Virginia 51.5-40.1, which provides that "person with a disability" means any person who has a physical or mental impairment that substantially limits one or more of his major life activities or who has a record of such impairment*), or
 2. the member is a caregiver of a person with a disability.
- e. This policy must be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.
- f. The Board or committee may deny participation only if participation would violate this policy.
- g. If a member's participation is disapproved, the disapproval and the reason for the disapproval shall be recorded in the minutes with specificity.

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- h. The Board of Visitors must arrange for the voice of the remote participant to be heard, and seen if using audio-visual means, by all persons at the primary or central meeting location.
- i. A quorum of the Board of Visitors or committee must be physically assembled at the primary or central meeting location. (Note in subparagraph (d) above that, under limited circumstances, a remote member may count toward the quorum.)
- j. All otherwise-applicable requirements of the Virginia Freedom of Information Act (FOIA) must be met.

3. ALL-VIRTUAL MEETINGS OF THE BOARD AND ITS COMMITTEES

The Board and its committees may each hold up to two (and only two) all-virtual meetings per calendar year whereby all members of the body participate remotely rather than being gathered in one physical location. The following requirements must be met in order to conduct such meetings, and the Office of the President is directed to make meeting arrangement accordingly:

- a. The various meeting notices required by FOIA shall include notice:
 - 1. that the meeting or meetings are all-virtual,
 - 2. of the means by which the public can access the meeting,
 - 3. that the provided means of accessing the meeting will not be changed unless the Board or committee provides new notice of such a change pursuant to [Va Code § 2.2-3707](#);
- b. Public access to the meeting as described in the notice must actually be provided;
- c. Whenever possible, audio-visual means, rather than simply audio, must be used;
- d. The electronic communication means selected, if audio-visual, must allow members of the public as well as Board or committee members to hear and see members of the public body; or if audio only, to hear members;
- e. In the case of use of video technology, all members must be able to be seen at all times. If video of a member is voluntarily disconnected or the video otherwise fails, the member shall be considered absent and thus cannot count toward a quorum. Likewise in the case of use of audio technology, a member is considered absent if the audio connection fails.
- f. A live contact phone number which is continually monitored during the meeting must be provided to the public and Board and committee members so any failure in transmission can be reported; and in event of a failure, the meeting shall pause until full access is restored;
- g. If it is a meeting at which public comment is customarily taken, the public must be allowed to comment virtually, including by commenting electronically in writing;
- h. No more than two members may be in the same physical location;

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- i. All of the open portions of the meeting must be available for virtual public access, including certification following any closed session;
- j. There must never be two consecutive all-virtual meetings of the Board or of any committee;
- k. The minutes of the meeting must be taken as otherwise provided by FOIA, and must reflect that the meeting was held by electronic communication means, and the type of electronic communication means.
- l. The Board and committee must comply with all otherwise-applicable notice and meeting requirements of FOIA.

4. NON-APPLICABILITY DURING DECLARED EMERGENCY

This policy shall be effective during ordinary times during which the Governor has not declared an emergency pursuant to [§ 44-146.17](#). When an emergency has been declared, other provisions of law or declarations of Governor may prevail.

EDUCATION AND COMPLIANCE:

Members of the Board of Visitors shall be made aware of this and other Board of Visitors policies as part of the new Board member orientation process. Any changes to this policy shall be communicated to the Board by the Administration no later than the Board's next scheduled meeting. The Rector shall be responsible for ensuring annual compliance with the provisions of this policy.

PUBLICATION:

This policy shall be widely published or distributed to the University community. To ensure timely publication and distribution thereof, the Responsible Office shall make every effort to:

- Communicate the policy in writing, electronically or otherwise, to the University community within 14 days of Board approval;
- Submit the policy for inclusion in the online Policy Library within 14 days of Board approval;
- Direct appropriate offices to educate and train all stakeholders and appropriate audiences on the policy's content, as necessary.

Failure to satisfy procedural requirements does not invalidate this policy.

REVIEW SCHEDULE

- Next Scheduled Review date: December 1, 2028
- Approved date: March 6, 2026
- Revision History: March 16, 2017; Sept. 15, 2017; Sept. 28, 2018; December 11, 2020; March 6, 2026
- Supersedes: Prior versions of BOV Policy 18

RELATED DOCUMENTS

- Norfolk State University [Board of Visitors Bylaws](#)

FORMS

There are no forms associated with this policy