BOV-009

POLICY FOR PARTICIPATION OF BOARD OF VISITORS MEMBERS IN MEETINGS BY ELECTRONIC MEANS OF COMMUNICATION

Effective Date Sunday, September 1, 2024

Status Final

Last Revised Friday, September 18, 2026

Policy Type Board of Visitors

Contact Office Board of Visitors (Office of the)

Oversight Executive
Board of Visitors

Applies To Academic Division, the Medical Center, and the College at Wise.

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Policy Statement

Reason for Policy

Virginia Code § 2.2-3708.1 was amended effective July 1, 2014 to require the adoption of written policies by public bodies allowing for and governing participation of their members in meetings by electronic means of communication.

Definition of Terms

Terms

Description There are no terms that require definition.

Policy Statement

POLICY FOR PARTICIPATION OF BOARD OF VISITORS MEMBERS IN MEETINGS BY ELECTRONIC MEANS OF COMMUNICATION

WHEREAS, Chapter 597 of the Virginia Acts of Assembly – 2022 Session expanded and clarified the circumstances under which boards of visitors may conduct meetings by electronic communication means; and

WHEREAS, this legislation permits certain public bodies, including governing boards of public education institutions, to hold all-virtual meetings in which all members participate remotely when there is not a declared state of emergency, provided electronic access is made available to the public and certain conditions are met; and

WHEREAS, in 2024, legislation was enacted that modified the provisions for meetings held by electronic communication means, including all-virtual meetings, and required public bodies to annually adopt a policy on participation of the members of the public body in meetings by electronic communication means;

RESOLVED, the Board of Visitors approves University Policy BOV-009, "Policy for Participation in Board of Visitors Meetings by Electronic Means of Communication", as amended; and

RESOLVED FURTHER, the effective date of the amended policy is September 1, 2024; and

RESOLVED FURTHER, this policy shall 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.

POLICY FOR PARTICIPATION OF BOARD OF VISITORS MEMBERS IN MEETINGS BY ELECTRONIC MEANS OF COMMUNICATION

Participation by members of the Board of Visitors in meetings through electronic means of communication may occur in the following ways:

A. The Board and any of its committees separately may conduct all-virtual public meetings in which all who participate do so remotely, provided that the following requirements are met:

    1. Designation of an all-virtual meeting and the electronic communication means by which members of the public may access the meeting are disclosed in the public notice of the meeting, as well as a statement that the method by which the Board or committee of the Board chooses to meet shall not be changed unless the Board or committee of the Board provides a new meeting notice that complies with the provisions of Va. Code § 2.2-3707.
    2. The electronic communication means used for an all-virtual meeting must allow the public to hear all members of the Board or committee participating in the meeting and, when audio-visual technology is available, to see the members of the Board or committee as well.
    3. Any interruption of audio or video in the means of electronic communication shall result in a suspension of action at the meeting until repairs are made and public access is restored. The public notice of the meeting shall include a telephone number or other live contact information to alert the Board or committee if the audio or video transmission fails.
    4. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available to the public in electronic format at the same time that such materials are provided to members of the public body.
    5. If the all-virtual meeting is a meeting in which public comments are customarily received, the public must be afforded the opportunity to comment through electronic means, including by way of written comments.
    6. The minutes of an all-virtual meeting specify that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held.
    7. No more than two members of the Board or committee may be together in one remote location unless that remote location is open to the public to physically access it.

    The Board or any individual committee may not convene an all-virtual meeting i) more than two times per calendar year or 50% of the meetings held per calendar year rounded up to the next whole number, whichever is greater; or ii) consecutively with an all-virtual meeting.

B. Additionally, and subject to the requirements below and in Section C, an individual member may participate in a Board or committee meeting by electronic communication means if in advance of the meeting the member notifies the Rector or respective committee chair and the Secretary to the Board that he or she is unable to attend the meeting due to i) the member's own disability or medical condition, or the member's need to care for a family member due to the family member's medical condition; or ii) the member's principal residence is located more than 60 miles from the meeting location; or iii) a personal matter.

1. The Board or committee member's location need not be open to the public; however, when requesting remote participation, the member must identify with specificity the reason for not attending in person and the remote location for participation.
2. The Rector or committee chair must approve the request to participate by electronic communication means.
3. The Board or committee shall record in its minutes the reason for not attending the meeting in person and the remote location from which the member participated. The location may be described in the minutes in general terms. If participation is approved pursuant to a medical condition or to take care of a person with a disability, the Board or committee shall also include in the meeting minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance, or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved because of distance from the meeting location, the Board or committee shall include in the meeting minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location. If participation is approved because of a personal matter, the minutes shall specify the nature of the personal matter cited by the member. If the request to participate by electronic communication means is disapproved by the Rector or relevant committee chair, such disapproval shall be recorded in the minutes with specificity. Remote participation by a member for a personal matter shall be limited each calendar year to two meetings or 25% of the meetings held per calendar year, rounded up to the next whole number, whichever is greater.

These provisions regarding remote participation of individual Board members apply to meetings of the full Board and to each of its committees separately.

C. Participation by a member of the Board of Visitors under Section B shall be authorized only under the following conditions:
1. A quorum of the Board is physically assembled at the primary or central meeting location. For purposes of determining whether a quorum is physically assembled, an individual member who is a person with a disability as defined in Va. Code § 51.5-40.1 or is a "caregiver" as defined in Va. Code §2.2-3701 who must provide care for a person with a disability at the time the public meeting is being held and uses remote participation, counts toward the quorum as if the individual was physically present; and
2. The Board has made arrangements for the voices of the remote participants to be heard by all persons at the primary or central meeting location.

Procedures

Procedures are outlined within the policy.

Policy Background

Reference: BOV Minutes dated September 11-12, 2025, page 13028
BOV Minutes dated September 13, 2024.

Major Category Board of Visitors

Next Scheduled Review Saturday, September 12, 2026

Revision History

Reaffirmed 9/18/26, 9/12/25; Replaced 9/16/24, effective 9/1/24; Replaced 9/16/22; Original numbering 8/26/15.

Category Cross Reference
Human Resource Management

Approved By Board of Visitors

Approved Date Friday, September 13, 2024