

## **Queensborough Community College Academic Senate Resolution For Senate Meeting Videoconferencing**

**WHEREAS**, on April 9, 2022 New York State Governor Kathy Hochul signed Chapter 56 of the Laws of 2022 relating to the 2022-2023 New York State budget, which included amendments to the Public Officers Law (“POL”) to make permanent, until July 2024, the expanded use of videoconferencing by public bodies to conduct open meetings under extraordinary circumstances regardless of a declaration of emergency; and

**WHEREAS**, the Queensborough Community College Senate Body (“Senate”) is a public body as defined by POL Section 102(2); and

**WHEREAS**, Section 103-a (2) of the POL requires the Senate to adopt a resolution and establish written procedures following a public hearing authorizing the use of videoconferencing under extraordinary circumstances; and

**WHEREAS**, Section 103-a (2) of the POL allows the Senate, at its discretion, to use videoconferencing to conduct its meetings provided “a minimum number of members are present to fulfill the public body’s quorum requirement in the same physical location(s) where the public can attend;” and

**WHEREAS**, Section 103-a (2)(c), members of the Senate shall be physically present at any such meeting “unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances...set forth in this resolution and written procedures, including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting;” and

**WHEREAS**, Section 103-a (2)(d) provides that any members attending by videoconference from a private location must, except during executive session, be “heard, seen, and identified, while the meeting is being conducted, including but not limited to any motion, proposals, resolutions and any other matter formally discussed or voted upon;” and

**WHEREAS**, Members of the Senate who would have difficulty participating in person and who would otherwise be eligible for a reasonable accommodation pursuant to the 1990 Americans with Disabilities Act (“ADA”), as amended, shall be allowed to participate in accordance with state and federal law; and

**WHEREAS**, if videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used where the public can view/ and participate in such meeting, where required records will be available, and the physical location for the meeting where the public can attend; and

**WHEREAS**, Section 103-a(2)(h) provides that when a member attends by videoconference from a private location, members of the public shall be permitted to attend and participate, if authorized, in the meeting by videoconference; and

**WHEREAS**, Section 103-a (2)(g) requires that if a member attends by videoconference from a private location, the open portion of such meeting must be recorded, posted to the Senate’s webpage within five (5) business days and may be transcribed upon request; and

**WHEREAS**, the option to remotely participate in meeting is an avenue to increase attendance and engagement with the work of the Senate, allowing for diverse and broad participation; and

**WHEREAS**, the procedures for member participation in videoconferencing are detailed in Appendix A; and

**WHEREAS**, the adoption of this resolution promotes diversity among Senate members and allows for maximum flexibility among senators to attend public meetings remotely, considering disabilities, mobility challenges, caregiving responsibilities, illness, among other considerations set forth in the written procedures;

**NOW, THEREFORE, BE IT RESOLVED**, that the Senate authorizes its members who experience extraordinary circumstances, as described above and further defined by any written procedures later adopted, may attend meetings by videoconference from a private location to the extent authorized by Section 103-a, and subject to the conditions specified therein, provided that: (i) the number of members physically present at one or more locations open to the public constitutes a quorum; (ii) while the open portion of the meeting is being conducted, it must be possible to see, hear and identify any member who is attending by videoconference from a location not open to the public; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution and the established written procedures governing member and public attendance be posted conspicuously on the Senate website.

## **Appendix A**

### **PROCEDURE FOR MEMBER VIDEOCONFERENCING PURSUANT TO PUBLIC OFFICERS LAW SECTION 103-A**

In compliance with the Public Officers Law (“POL”) Section 103-a(2)(a), the Queensborough Community College Academic Senate Body (“Senate”) following a public hearing by resolution adopted a policy on December 13th, 2022, allowing the use of videoconferencing as described in the POL Section 103-a.

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

1. Senators shall be physically present at all Senate meetings, unless such member is unable to be physically present at the designated public meeting locations 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 factors or events, which may preclude the member’s physical attendance at such meeting.

3. If 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 Chair of the Senate no later than four (4) business days prior to the scheduled meeting in order for proper notice to the public to be given. If a determination has been made by the Chair of the Senate that such extraordinary circumstances exist, then the Chair of the Senate shall take the necessary steps to allow a videoconferencing option for that senator at that meeting. If extraordinary circumstances present themselves on an emergent basis within four (4) days of the scheduled Senate meeting, the Senate shall update its public notice of the upcoming meeting as soon as it is practicable to include that information. If it is not practicable, as determined by the Chair of the Senate, for the Senate to update its notice, the Senate may reschedule its meeting.

4. If there is a quorum of members participating at a physical location(s) open to the public, the Senate may properly convene a meeting. 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. Section 105 of the POL requires that members participating through videoconferencing can be heard, seen and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matters formally discussed or voted upon. This includes the use of first and last names being listed on the member’s videoconference screen.

6. The minutes of the Senate meetings involving videoconferencing based on extraordinary circumstances pursuant to Section 103-a of the POL shall include

which, if any, members participated by videoconferencing from a private location due to extraordinary circumstances.

7. The public notice for the meeting shall inform the public: (i) that extraordinary circumstance 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 within five (5) business days following the meeting, and shall remain so available for a minimum of five (5) 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 videoconference is used, it authorizes the same public participation or testimony as in person participation or testimony.

10. Open meetings of the Senate using extraordinary circumstances videoconferencing pursuant to Section 103-a of the POL shall broadcast the meetings pursuant to the requirements of Section 103 (f) of the POL and shall use technology to permit access by member 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 same meaning as defined in Section 292 of the Executive Law.

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

12. These procedures shall be conspicuously posted on the Senate’s website.