



## Virginia Commission on Higher Education Board Appointments

**Official Government Business**

**April 22, 2025**

**(Patrick Henry Building)**

### Call to Order and Opening Remarks

Acting Chair Debbie Petrine called the meeting to order to begin Commission business at approximately 11:05 AM.

Board Members	
Name	Present (P) or Absent (A) or (V) Virtual
Debbie Petrine	P
Lisa Hicks-Thomas	P
Elizabeth Cline	P
Douglas Smith	P
Berkley Ramsey	V
Edwin Feulner	V

Staff	
Name	Present (P) or Absent (A)
Brook Tribble	P
Laura Bilbrey	P
Mike Melis, Office of the Attorney General	P

Quorum Met

## Other Business

Acting Chair Petrine moves to approve the two Virtual Meeting Policies as required by Virginia Code § 2.2-3708.3. The first order of business to review and vote on two policies pertaining to the Virginia Commission on Higher Education for Board Appointments. These policies are *Policy on All-Virtual Commission Meetings* and *Policy on Individual Member Electronic Participation in Commission Meetings*. Acting Chair Petrine made a motion to approve the policies. Voting was done through a roll call vote. Both moved by Acting Chair Petrine and seconded by Lisa Hicks-Thomas.

Roll Call Vote:

Board Members	
Name	Yes (Y) or no (N)
Debbie Petrine	Y
Lisa Hicks-Thomas	Y
Elizabeth Cline	Y

The motion to approve both policies carried unanimously.

Acting Chair Petrine shared that some board members needed to attend remotely/virtually.

Mr. Feulner and Mr. Ramsey join virtually. Both are attending virtually because of health reasons.

Mr. Feulner assumes position as Chair.

Chairman Feulner moved that the Commission approve the minutes from the last meeting.

Moved and second by Elizabeth Cline.

Roll Call Vote:

Board Members	
Name	Yes (Y) or no (N)
Debbie Petrine	Y
Lisa Hicks-Thomas	Y
Elizabeth Cline	Y
Berkley Ramsey	Y
Edwin Feulner	Y

Minutes approved unanimously.

## Closed Session

Chairman Feulner moved that the Commission convene in closed session under Virginia Code § 2.2-3711 (A)(1) to discuss the appointment of specific appointees to public bodies, namely higher education board appointments, and under Virginia Code § 2.2-3711 (A)(8), for consultation with legal counsel regarding specific legal matters, namely advice relating to the consideration of higher education board appointments. The motion was seconded by Debbie Petrine.

Roll Call Vote:

Board Members	
Name	Yes (Y) or no (N)
Debbie Petrine	Y
Lisa Hicks-Thomas	Y
Elizabeth Cline	Y
Berkley Ramsey	Y
Edwin Feulner	Y

The Commission proceeded with closed session discussion.

Secretary Gee and Secretary Guidera, along with Deputy Secretary of Education Zach Jacobs join the meeting at 1:00PM.

## Return to Open Session

Following the closed session, the Commission reconvened in an open session meeting. On a motion duly made by Chairman Feulner and seconded by Elizabeth Cline the Commission approved the following resolution of certification unanimously in a roll call vote:

Board Members	
Name	Yes (Y) or no (N)
Debbie Petrine	Y
Lisa Hicks-Thomas	Y
Elizabeth Cline	Y
Berkley Ramsey	Y
Edwin Feulner	Y

**“BE IT RESOLVED** that the Commission on Higher Education Board Appointments certifies that, to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed and (ii) only such public business matters identified in the motion by which the closed session was convened were heard, discussed, or considered by the Commission.”

## Public Comment

There was no public comment, as there were no members of the public in attendance.

## **Adjournment**

With no further business to come before the Commission, Chairman Feulner adjourns the meeting at approximately 2:23PM

Respectfully Submitted on April 22, 2025:

Laura Bilbrey

Deputy Director of Board Appointments, Office of the Secretary of the Commonwealth

## **Policy on Individual Member Electronic Participation in Commission Meetings**

It is the policy of the Virginia Commission on Higher Education Board Appointments that individual members of the Commission may participate in Commission meetings by electronic means as permitted by Virginia Code § 2.2-3708.3. This policy shall apply strictly and uniformly, without exception, to the entire Commission 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. This policy applies to individual member electronic participation in Commission meetings under the circumstances set forth below and does not address other circumstances pursuant to which the Commission may meet via electronic means as permitted by law. The Commission shall at least once annually review and adopt this policy, by recorded vote at a public meeting.

### **A. Circumstances for Electronic Participation**

An individual Commission member may participate in Commission meetings by electronic means from a remote location based on any of the three following circumstances:

1. Such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance; or,
2. Such member is unable to attend the meeting due to a family member's medical condition that requires the Commission member to provide care for such family member, thereby preventing the Commission member's physical attendance or such member is a caregiver<sup>1</sup> who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance; or,
3. Such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or,
4. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Electronic participation by a member based on this circumstance is limited each calendar year to two meetings or twenty-five percent (25%) of the meetings held per calendar year rounded up to the next whole number, whichever is greater. If the Commission creates any committees, this provision will be revised accordingly.

### **B. Requesting, Approving, and Implementing Electronic Participation**

The process for requesting, approving, and implementing individual member participation by electronic means in Commission meetings is as follows:

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<sup>1</sup> "Caregiver" means an adult who provides care for a person with a disability as defined in Virginia Code § 51.5-40.1. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the person with a disability for whom the caregiver is caring.

1. On or before the day of a meeting, a member notifies the Commission Chair that the member is unable to attend the meeting due to one of the four circumstances identified above and asks to participate by electronic means. If the member seeks to participate by electronic means due to a personal matter, the member shall identify with specificity the nature of the personal matter. The Chair shall determine whether the request complies with this policy and, if so, approve the request.
2. If electronic participation is approved based on any of the above circumstances, the Commission shall record in its minutes the reason for the member's participation from a remote location, identifying which of the circumstances for electronic participation outlined above applies and the remote location from which the member participated; however, the remote location need not be open to the public. If electronic participation is approved due to a personal matter, the Commission shall also include in its minutes the specific nature of the personal matter cited by the member.
3. If electronic participation is disapproved because such participation would violate this policy, the Commission shall record in its minutes such disapproval with specificity.
4. Any electronic participation by an individual member under this policy requires a quorum of the Commission to be physically assembled at one primary or central meeting location. For purposes of determining whether a quorum is physically assembled, an individual Commission member who is a person with a disability as defined in Virginia Code § 51.5-40.1 and uses remote participation counts toward the quorum as if the individual was physically present. Also, for purposes of determining whether a quorum is physically assembled, an individual Commission member who is a caregiver for a person with a disability and uses remote participation counts toward the quorum as if the individual was physically present. To the extent feasible, the Commission will arrange for the voice of the remote participant(s) to be heard by all persons at the primary or central meeting location.

Adopted: February 23, 2023

Reviewed and Adopted: January 23, 2024. No changes were made.

Reviewed and Adopted: April 22, 2025. No changes were made.

## **Policy on All-Virtual Commission Meetings**

It is the policy of the Virginia Commission on Higher Education Board Appointments that, consistent with Virginia Code § 2.2-3708.3 and upon approval of the Commission Chair, the Commission, and any committee it may establish, may hold all-virtual public meetings,<sup>1</sup> provided that the Commission follows this adopted policy and the other requirements in the Virginia Freedom of Information Act for meetings. This policy applies to all-virtual meetings and does not address individual member electronic participation in Commission meetings, which is addressed by separate Commission policy. The Commission shall at least once annually review and adopt this policy, by recorded vote at a public meeting. This policy requires the following for an all-virtual Commission meeting, which includes a meeting of a committee:

1. The required public notice of the Commission meeting will indicate whether the meeting will be an in-person or all-virtual public meeting along with a statement notifying the public that the method by which the Commission chooses to meet shall not be changed unless the Commission provides a new meeting notice in accordance with the provisions of Va. Code § 2.2-3707.

2. Public access to the all-virtual public meeting is provided via electronic communication means.

3. The electronic communication means used allows the public to hear all members of the Commission participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well. When audio-visual technology is available, a Commission member shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails.

4. A phone number or other live contact information is provided to alert the Commission if the audio or video transmission of the meeting provided by the Commission fails, the Commission monitors such designated means of communication during the meeting, and the Commission takes a recess until public access is restored if the transmission fails for the public.

5. 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 is made available to the public in electronic format at the same time that such materials are provided to members of the Commission.

6. If public comment is customarily received at the meeting if it were conducted in-person, the public is afforded the opportunity to comment through electronic means.

7. No more than two members of the Commission are together in any one remote location unless that remote location is open to the public to physically access it.

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<sup>1</sup> "All-virtual public meeting" means a public meeting (i) conducted by the Commission using electronic communication means, (ii) during which all Commission members who participate do so remotely rather than being assembled in one physical location, and (iii) to which public access is provided through electronic communication means.

8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the Commission votes to certify the closed meeting.

9. The Commission does not convene an all-virtual public meeting (i) more than two times per calendar year or 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting.

10. Minutes of all-virtual public meetings held by electronic communication means are taken as required during a regular, in-person meeting and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location is disapproved because such participation would violate Commission policy, such disapproval shall be recorded in the minutes with specificity.

11. This policy will apply strictly and uniformly, without exception, to all Commission members without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. A record will be kept of requests to use remote participation through all-virtual meetings and the approving or denying of the requests by the Commission Chair.

Adopted: February 23, 2023

Reviewed and Adopted: January 23, 2024. No changes were made.

Reviewed and Adopted: April 22, 2025. No changes were made.