

BOARD OF TRUSTEES

UNIVERSITY OF THE DISTRICT OF COLUMBIA

UDC RESOLUTION 2016-_____

SUBJECT: Appointment of Karen M. Hardwick as General Counsel of the University of the District of Columbia

WHEREAS, pursuant to the District of Columbia Comprehensive Merit Personnel Act, D.C. Code §1-601.01 *et seq.*, the Board of Trustees has the authority to fill positions within the University; and

WHEREAS, Pursuant to D.C. Code §211.1, the General Counsel position shall be filled by executive appointment and shall be ratified by the majority vote of the Board; and

WHEREAS, Karen M. Hardwick was selected for appointment as the General Counsel of the University of the District of Columbia, based on her past accomplishments and experience serving as General Counsel with city agency and private firms; and

WHEREAS, after review of her credentials it has been determined that she is well-qualified for such position and that the recommended salary adequately reflects the job duties and experience;

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the University of the District of Columbia approves the appointment of Karen M. Hardwick as the General Counsel of the University of the District of Columbia effective March 1, 2016.

Submitted by the Executive:

February 1, 2016

Approved by the Board of Trustees:
February 9, 2016

Elaine A. Crider
Chairperson of the Board



Office of the Chief Financial Officer

Donald L. Rickford
Chief Financial Officer

FISCAL IMPACT STATEMENT

TO: The Board of Trustees
FROM: Office of the Chief Financial Officer (UDC) *JAR*
DATE: January 21, 2016
SUBJECT: Executive Appointment of Karen M. Hardwick as General Counsel

Conclusion

It is projected that there are sufficient unrestricted funds in the budget allocation of the University of the District of Columbia's FY2016 budget to cover the cost of the salary and benefits associated with the appointment of Karen M. Hardwick to the position of General Counsel.

Financial Impact

The proposed resolution is to appoint Karen M. Hardwick as General Counsel. This is an executive appointment in accordance with the District of Columbia Municipal Regulations, 8 DCMR 210.3. The position will be effective March 1, 2016. The salary under this appointment will be Level 1A Step 10 of the non-union administrative salary schedule, paying \$169,627.00 per year. This position will be fully eligible for cost of living increases in accordance with applicable University policy.

Ms. Hardwick will also be eligible for and may participate in University of the District of Columbia health insurance, life insurance, retirement, and disability programs in the same manner and under the same conditions as regular administrative employees hired on or about the date of her initial appointment. The University will contribute the equivalent of seven percent (7%) of Ms. Hardwick's salary to her Teacher Insurance Annuity Association/College Retirement Equities Fund (TIAA/CREF) retirement. Ms. Hardwick's leave accrual rates are as follows: annual leave accrual of seven (7) hours per pay period and sick leave of four (4) hours per pay period.

The total cost of salary and benefits for this position is estimated at \$218,310 annually. Pursuant to District of Columbia Municipal Regulations 8B DCMR §210.3, this is an "at will" appointment and the incumbent will serve at the pleasure of the Board of Trustees/President. Persons serving under an executive appointment have no job tenure or protection in such positions and may be terminated at any time without appeal or right to compensation.



University of the District of Columbia Job Classification Description

Job Title: General Counsel

FLSA: Exempt

Occupational Series/Pay Plan/Grade: AD301/0058/Grade 01A

Union Status: Non-Union

Job Code: 700343

GENERAL DESCRIPTION OF THE JOB

As the Chief Legal Officer, the General Counsel provides advice and counsel to the University stakeholders on all legal matters, and directs the activities of outside counsel working on behalf of the University. The General Counsel reports to the President with a dotted line to the Board.

ESSENTIAL DUTIES & RESPONSIBILITIES

1. Provides legal consultation to the Board of Trustees (BOT), the President and other officers and officials of the University. Analyzes legal problems, conducts legal research and interprets current and proposed District and Federal laws which impact on the University of the District of Columbia (UDC) Policies, plans and actions. Provides answers on questions of legal interpretation.
2. Represents the Board of Trustees, the University, the President, Officers and employees of the university (subject to conflict of interest restrictions) as attorney of record in litigation in Federal trial and appellate courts, the D.C. Superior Court, the D.C. Court of Appeals, and as necessary, in other jurisdictions. When the District of Columbia is a party litigant, coordinates litigation actions with the Office of the Attorney General or other counsel.
3. Performs sophisticated legal research, investigations and analysis with regard to a wide range of legal, legislative, policy, administrative and institutional matters. Prepares related court pleadings, legal memoranda and other papers for filing in litigation and administrative matters. Provides oral and written reports and recommendations on findings and outcomes to the BOT and President or directly to other officials of the University or the District government. When appropriate, makes recommendations for action and implementation.

4. **Conducts review and analysis of recommendations and actions that result from policy and legal reviews and other internal and external issues, investigations and inquiries. Provides oral and written reports to the President concerning findings and outcomes.**
5. **Accompanies and advises the BOT and President at selected meetings with top representatives of the District and Federal governments and legislative bodies to clarify positions and opinions on legal matters. Conducts extensive research, prepares position memoranda, and, as requested by the BOT and/or President, articulates the University's position.**
6. **Reviews and analyzes existing and proposed administrative and institutional policies and procedures for legal sufficiency to ensure consistency with laws and rules of the District of Columbia with the existing policies, rules, and procedures of the University, and with priorities established by the BOT and the President. Provides oral and written reports to the BOT and President including appropriate recommendations for amendments.**
7. **Establishes and maintains a case file of legal opinions and laws affecting higher education.**
8. **Reviews all major negotiated contracts for legal sufficiency and technical form. Reviews all leasing and property acquisitions contracts proposed and entered into by the University.**
9. **Responsible for the representation of the university (including the Board of Trustees, the President, Officers and employees of the university subject to conflict of interest restrictions) in administrative proceedings and District agencies (including the Office of Employee Appeals, the Public Employee Relations Board (PERB) and the Office of Human Rights) and Federal agencies (including the Department of Labor, the Occupational Safety and Health Administration, the Environmental Protection Agency and the Equal Employment Opportunity Commission).**
10. **Advises with the Vice President, Human Resources, the President and other officers of the Administration in the development of labor management policies and procedures that take into account legal implications and provides for legal representation of the University in labor negotiations.**
11. **Recommends the retention of outside Counsel on selected matters; monitors and evaluates their performance and approves or seeks adjustment of their billings.**
12. **Supervises the legal and support staff assigned to the Office of the General Counsel.**

13. Oversees the supervision of personnel to achieve peak productivity and performance. Sets priorities for timely completion of assignments and special projects.
14. Reviews and advising the BOT on contract and other matters related to the employment of the President and the Administration.
15. Responsible for working with all units of the University including the BOT and President to ensure awareness and compliance with University regulations and guidelines, District and Federal law and terms of any legal written agreement.
16. Responsible for receiving, evaluating and responding to FOIA request as is appropriate and required by law.

OTHER DUTIES:

1. Establishes and implements short and long range organizational goals, objectives, strategic plans, policies and operating procedures; monitors and evaluates programmatic and operational effectiveness and affects changes required for improvement.
2. Oversees compliance with lease agreements.
3. Performs other related duties as assigned.

MINIMUM JOB REQUIREMENTS:

1. J.D. from an accredited U.S. law school.
2. At least ten (10) years of broad legal experience.
3. Must be a current member, in good standing, of the DC Bar, or must become a member within three (3) months of assuming the position.
4. Experience managing the legal and governance issues of an institution of higher education or a large corporate or government enterprise a large company or public employer.

Special Qualifications

The incumbent must be an active member, in good standing, with the Bar of the District of Columbia qualified to appear as counsel of record before local and federal trial and appellate Courts of the District of Columbia with recent experience in the conduct of litigation and administrative proceedings.

REQUIRED COMPETENCIES

- Expert knowledge and skill analyzing and resolving conflicts in policy, program objectives or problems that may occur in very complex or controversial transactions or negotiations. Ability to perform and direct effective negotiations and competitive bidding procedures.
- Knowledge of District (PERB) rules and regulations.
- Successful negotiating skills with a wide variety of stakeholders.
- Operational knowledge of the mission, goals and objectives of the University of the District of Columbia and its components, the Council of the District of Columbia and other District and Federal agencies.
- Knowledge of Federal and District laws, regulations, policies and procedures applicable to educational institutions, in general, and the University of the District of Columbia in particular.
- Knowledge of the policies, procedures and practices of the Board of Trustees and the University of the District of Columbia.
- Ability to analyze and apply the laws, regulations, rules, policies and procedures that govern University operations.
- Working knowledge of the rules and procedures of the Federal and District of Columbia courts and of the Federal and District of Columbia administrative hearing bodies, including working knowledge of the conduct of legal proceedings before these bodies.
- Working knowledge of legal research procedures and resources, as well as the ability to generate substantial, substantive legal memoranda, pleadings and other legal papers based on that research.
- Ability to communicate with clarity and precision, orally and in writing. Experience preparing legal briefs, executive reports and making oral presentations. Ability to interact with various levels of staff and the principals and staff of other governmental bodies, particularly, senior level administrators and executives.

STANDARDS & EXPECTATIONS:

Expectations of the job:

Work consists of legal representation, provision of legal advice and recommendations, research, investigation, review and analysis of a wide range of administrative and institutional matters that potentially impact on administrative decisions made and those that will be made. The incumbent is required to use sound judgment, initiative and tact in handling sensitive and confidential matters of a non-routine nature. The duties of this position have a great impact on the operations of the university.

The University is continually in the public eye, and is subject to an unusual degree of attention. Recommendations are designed to facilitate program achievement. The incumbent has frequent contact with senior level administrators and managers of the University including the President, Vice Presidents and other senior level staff. In addition, the incumbent has routine contact with various levels of staff within all levels of the University.

The incumbent has recurring contacts with board members, council members and their respective staffs, officials of the District Government, senior officials from government, officials and staff of local community-based organizations and officials, staff and attorneys representing associations, universities, private establishments and others.

Contacts are established to gather, exchange, and disseminate information; explain decisions and issues; establish channels of communications; provide briefings on legal matters; conduct litigation and other adversarial matters and to generally conduct the legal business of the university. Contacts are also for the purpose of interpreting regulations and guidelines and gaining approval.

Development and Counseling:

The incumbent is expected to participate in activities that will help in the development of his/her career, and help in the performance of the job. Employee may seek counseling from the immediate supervisor.

Training:

Training is available to help improve skill and knowledge level, and for updates on the latest techniques, methods and theories that are being used in the industry. The University provides all training required by OSHA to ensure employee safety.

Physical Demands:

Normal physical dexterity is required. The work is sedentary. Typically, the incumbent may sit comfortably to do the work. However, the work requires carrying of light items such as books

and papers, local traveling to various work sites. Work is divided between an office setting and visits to other internal and external units.

Knowledge of UDC Rules and Regulations:

Guidelines include the policies of the Board of Trustees, University rules, the internal guide of the University General Counsel, the directives of the President, as well as pertinent local and federal laws, regulations, policies and procedures. Litigation guidelines include pertinent Federal and Local court rules of procedure. Guidelines consist of general administrative and operational policies, manual directives and regulations, program goals and objectives, management, organization and policy theories.

Note: The University reserves the right to change or reassign job duties as provided in policy and negotiated agreements.

Employee Signature

Date

Print Name

Supervisor Signature

Date

The University of the District of Columbia is an Equal Opportunity Employer (EOE).

Created: 9/2009

Revision Date: 5/27/2013