

**BOARD OF TRUSTEES
UNIVERSITY OF THE DISTRICT OF COLUMBIA
UDC RESOLUTION NO. 2015-_____**

**SUBJECT: NOTICE OF PROPOSED RULEMAKING, AMENDMENTS TO
CHAPTER 2, UPDATING EXECUTIVE APPOINTMENTS**

WHEREAS, Pursuant to 8B DCMR §210.1 the President is authorized to make executive appointments of highly qualified and experienced executive talent to designated senior administrative positions in the Educational Service; and

WHEREAS, Pursuant to 8B DCMR §210.4, The President may appoint a current employee to serve in an "acting" status in a position designated to be filled by executive appointment provided that such service in an "acting" status shall be limited to one (1) year and further provided that the President shall seek Board approval for an extension forty five (45) days prior to the year ending and provide the Board immediately with a plan and time line for making the permanent appointment; and

WHEREAS, Pursuant to 8B DCMR §210.4, the Board may approve an extension or renewal of an acting appointment for no more than one (1) additional year due to extenuating circumstances as determined by the Board; and

WHEREAS, the University shall strive to fill positions without considerable delay, but wants to allow for unforeseen circumstances which may require a person to be appointed to an Executive Position in an “acting” position for a time period which may exceed one year;

THEREFORE, BE IT RESOLVED that the Board of Trustees of the University of the District of Columbia hereby takes proposed rulemaking action to amend Chapter 2 of the University Rules (Title 8B DCMR) to remove the one year limit on the extension or renewal of an “acting” Executive Appointment as indicated in the attached Notice of Proposed Rulemaking; and

BE IT FURTHER RESOLVED that the General Counsel is hereby directed to publish this Notice of Emergency and Proposed Rulemaking in the D.C. Register as soon as is practicable

for a comment period of not less than thirty (30) days, in accordance with the provisions of D.C. Official Code §2-505 (a).

Submitted by the Executive Committee

July 8, 2015

Approved by the Board of Trustees:

Date

Dr. Elaine Crider
Chairperson of the Board

UNIVERSITY OF THE DISTRICT OF COLUMBIA
NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Board of Trustees of the University of the District of Columbia pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06)(3),(13) (2001 & 2011 Supp.) hereby gives notice of its intent to amend chapter 2 (Administration and Management) of subtitle B (University of the District of Columbia) of title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register* and on an emergency basis, to supersede existing policies and immediately adopt the Executive Appointment regulations as approved on this day. The purpose of the proposed rule is to eliminate the one year limit on acting appointments and to provide continuation of Academic services until such time that a permanent replacement is hired. The Board of Trustees will take final action to adopt these amendments to the University Rules in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The Board of Trustees hereby declares the existence of an emergency so that the University may continue Academic operations at the University. These emergency rules expire one hundred twenty (120) days after adoption by the Board of Trustees, or upon adoption of a final regulation, whichever shall first occur.

Chapter 2, ADMINISTRATION AND MANAGEMENT, of subtitle B, UNIVERSITY OF THE DISTRICT OF COLUMBIA, of title 8, HIGHER EDUCATION, is amended as follows:

Section 210, EXECUTIVE APPOINTMENTS: GENERAL PROVISIONS, Subsection 210.4 is amended as follows:

210.4 The President may appoint a current employee to serve in an "acting" status in a position designated to be filled by executive appointment without requiring that employee to resign from his or her current position. Compensation of appointees with "acting" status shall be determined in accordance with the provisions of § 210.6 and other applicable subsections of this chapter. Service in an "acting" status in a position designated to be filled by executive appointment shall be limited to one (1) year. The President shall seek Board approval for an extension forty five (45) days prior to the year ending if he/she determines and can

demonstrate that additional time is needed. Should an extension be approved by the Board, the President shall provide the Board immediately with a plan and time line for making the permanent appointment within ninety days (90) of the end of the one (1) year period should the appointment be necessary. The Board may approve an extension or renewal of an acting appointment due to extenuating circumstances as determined by the Board.

All persons desiring to comment on the subject matter of the proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with the Office of General Counsel, Building 39- Room 301-Q, University of the District of Columbia, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Comments may also be submitted by email to smills@udc.edu. Individuals wishing to comment by email must include the phrase "Comment to Proposed Rulemaking: Executive Appointments" in the subject line.