
MEMORANDUM

TO: CHAIR, OPERATIONS COMMITTEE
FROM: STACIE MILLS, ASSISTANT GENERAL COUNSEL
SUBJECT: PUBLIC TESTIMONY GUIDELINES
DATE: JUNE 5, 2015

The purpose of the attached resolution and rulemaking is to update Title 8B of the D.C. Municipal Regulations to include provisions for public testimony during Board of Trustee Meetings. Currently, there is no process for the Board to receive testimony from the public resulting in confusion and inconsistency. The guidelines as attached were drafted based on informal input and feedback received from various trustees, the public, and the Board of Ethics and Government Accountability, Office of Open Government (BEGA). The guidelines were drafted to balance the Board's desire to receive input from the public with the need to operate meetings efficiently. As such, the guidelines allow members of the public to submit written testimony for specific agenda items up to five days prior to any meeting of the Board of Trustees. Oral testimony will be allowed at the discretion of the Board Chair or the Committee Chair and is limited to two minutes per witness. This process is based on the process which is in place for the D.C. Council. It is the recommendation of the Office of the General Counsel that the Board of Trustees approve the attached resolution and rulemaking to amend 8B D.C.M.R. Chapter 1, §109 to provide for guidelines for public testimony. I am available should there be any further questions.

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

**SUBJECT: NOTICE OF PROPOSED RULEMAKING, AMENDMENT TO
CHAPTER 1, GUIDELINES FOR PUBLIC COMMENT AND
PUBLIC TESTIMONY AT BOARD MEETINGS**

WHEREAS, District of Columbia law (D.C. Official Code §38-1204.01((a)(1)) provides that the Board of Trustees of the University of the District of Columbia ("University") shall hold meetings periodically, as scheduled by the Trustees; and

WHEREAS, the Board values input from the University community and seeks to provide a clear process for receiving both oral and written testimony in an effective and efficient manner;

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 1 of the University Rules (Title 8B DCMR) 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 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 Operations Committee

June 18, 2015

Approved by the Board of Trustees:

Dr. Elaine Crider
Chairperson of the Board

Date

NOTICE OF 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 1 (Board of Trustees) 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*.

The purpose of the proposed rule is to provide a process whereby public witnesses may provide testimony at Board of Trustee meetings. 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*.

Chapter 1, BOARD OF TRUSTEES, of subtitle B, UNIVERSITY OF THE DISTRICT OF COLUMBIA, of title 8, HIGHER EDUCATION, is amended as follows:

Section 117, GUIDELINES FOR PUBLIC COMMENT is added as follows:

- 117.1 Persons may submit written comments, subject to the rules in this chapter, prior to any Committee meeting.
- 117.2 Requests to testify at a Committee Meeting must be submitted no later than 5 business days prior to a scheduled meeting.
- 117.3 All written comments must be related to a specific agenda item/topic and must be identified in the heading of the testimony;
- 117.4 All written comments must be submitted electronically via email no later than 3 business days prior to the applicable meeting.
- 117.5 All timely submitted written comments, which are presented at a Committee meeting, will be submitted as part of the Committee Report at the next regularly scheduled full Board meeting.
- 117.6 The Committee Chair may, at their discretion, designate time during a meeting to receive comments orally, provided that only those persons who have submitted written comments in a timely manner may be permitted to speak.
- 117.7 Once it has been determined that oral comments will be received, the Committee Chair shall determine the amount of time that each person may be allowed to speak.

- 117.8 Once the Committee Chair has designated time for oral comments, all persons present, who have provided timely written comments, must be permitted to speak.
- 117.9 Twenty (20) hard copies of the written comments must be submitted to the Board Secretary no less than 24 hours prior to the scheduled meeting.
- 117.10 Where items are added to the agenda after the deadline for submission, the Committee Chair or Designee, may allow for public comment at his or her discretion.

Section 118, GUIDELINES FOR PUBLIC TESTIMONY is added as follows:

- 118.1 Persons may submit written testimony, subject to the rules in this chapter, prior to any full Board meeting.
- 118.2 Requests to testify at a Board Meeting must be submitted no later than 5 business days prior to a scheduled meeting.
- 118.3 All written testimony must be related to a specific agenda item/topic and must be identified in the heading of the testimony;
- 118.4 All written testimony must be submitted electronically via email no later than 3 business days prior to the applicable meeting.
- 118.5 The Board Chair or Designee may, at their discretion, designate time during a meeting to receive oral testimony, provided that only those persons who have submitted written testimony in a timely manner may be permitted to provide oral testimony.
- 118.6 Once the Board Chair or Designee has designated time for oral testimony, all persons present, who have provided timely written testimony, must be permitted to speak.
- 118.7 Persons who testify orally must provide twenty hard copies of their testimony to the Board Secretary no less than 24 hours prior to the scheduled meeting.
- 118.8 Where items are added to the agenda after the deadline for submission of testimony, the Board Chair or Designee, may allow for public testimony at his or her discretion.

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 Guidelines for Public Testimony" in the subject line.



Donald L. Rickford
Chief Financial Officer

Office of the Chief Financial Officer

FISCAL IMPACT STATEMENT

TO: The Board of Trustees
FROM: Office of the Chief Financial Officer (UDC) *Donald L. Rickford*
DATE: June 5, 2015
SUBJECT: Guidelines for Public Testimony at Board Meetings

Conclusion

It is concluded that there is no significant fiscal impact to changes to Chapter 1 of Subtitle B of Title 8 of the DCMR to establish a process whereby public witnesses may provide testimony at Board of Trustees meetings.

Background

District of Columbia law provides for periodic Board of Trustees meetings as scheduled by the Trustees. The Board of Trustees also seeks to establish a process whereby both oral and written testimony can be received from the University community. To this end, the Board proposes to take rulemaking action to amend Chapter 1 of the University Rules (Title 8B DCMR) in order to effect the change in policy.

Financial Impact

The funding requirement associated with the proposed rulemaking change to establish a process whereby public witnesses may provide testimony at Board of Trustees meetings appears to be negligible. As such, the Office of the Chief Financial Officer of UDC has approved this request based on the information provided. We do not anticipate any risks at this time.

RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: _____ EMERGENCY RULES
 _____ FINAL RULES X PROPOSED RULES _____ COMBINED

DATE AND TIME RECEIVED
 Office of Documents use only

AGENCY: University of the District of Columbia

AGENCY REPRESENTATIVE: Stacie Mills

ADDRESS: 4200 Connecticut Avenue NW Washington, DC 20008

TELEPHONE: 202-274-5956

TITLE AND DESCRIPTION OF RULES:

Guidelines for Public Comment and Public Testimony at Board Meetings

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed:

FINAL RULES ONLY: Give the *D.C. REGISTER* citation and date of publication of the Notice of Proposed Rulemaking for these rules: _____ DCR _____ DATE: _____

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules: D.C. Official Code §38-1204.01((a)(1))

LEGAL CERTIFICATION: I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient.

FINAL X CONDITIONAL

SIGNED: _____ PHONE: _____

NAME: Stacie Mills TITLE: Assistant General Counsel

PROMULGATOR: Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote):

Elaine Crider

TITLE: Chairperson

COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes this person or agency to adopt and promulgate these rules:
D.C. Official Code §38-1204.01((a)(1))

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF
APPROVAL
OR VOTE: _____

APPROVAL
OR ATTEST: _____

TITLE: _____ PHONE: _____

Office of Documents use only:
 THIS NOTICE PUBLISHED AT:

VOL _____ DCR _____ DATE _____