

MEMORANDUM

TO: KEN GROSSINGER, CHAIR, OPERATIONS COMMITTEE

COPY TO: TROY LEMAILE-STOVALL, CHIEF OPERATING OFFICER

FROM: AVIS M. RUSSELL, GENERAL COUNSEL *AMR*

SUBJECT: **NOTICE OF FINAL RULEMAKING, AMENDMENT TO CHAPTER 1, TITLE 8-B
DCMR – Section 105: Meetings of the Board of Trustees**

DATE: June 10, 2020

On April 21, 2020, the Board of Trustees approved a Notice of Proposed Rulemaking (NPRM) to allow the University to address contingencies in the event of a University emergency declaration issued by the Board of Trustees Executive Committee, or other public emergency declaration. The NPRM provides that all Board members including the Chair of the Board of Trustees, Chair of standing committees and ad hoc meetings may participate in any meeting by telephone, electronic video or internet medium during such University declared emergency or other public emergency declaration; and

The NPRM was published in D.C. Register on May 8, 2020 at (67 DCR 19) for a thirty-day public comment period in accordance with D.C. Official Code § 2-505(a). The public comment period has elapsed, and no comments were received during the applicable period.

The NPRM was initially adopted and forwarded for consideration by the Operations Committee on March 31, 2020. Pursuant to 8B DCMR §128.4, if no public comments are received on a Notice of Proposed Rulemaking, “the Chairperson of the Board Committee may forward the rules to the Board for final adoption without a meeting of or action by the committee.” Accordingly, as Chairperson of the Operations Committee, you may forward the referenced rulemaking action to the full Board of Trustees for final rulemaking action at the Board meeting scheduled for June 16, 2020.

**BOARD OF TRUSTEES
UNIVERSITY OF THE DISTRICT OF COLUMBIA
UDC RESOLUTION NO. 2020-_____**

**SUBJECT: NOTICE OF FINAL RULEMAKING, AMENDMENT TO DCMR, Title 8B,
CHAPTER 1, Section 105: MEETINGS OF THE BOARD OF TRUSTEES**

WHEREAS, the Board of Trustees of the University of the District of Columbia, pursuant to D.C. Official Code §38-1202.01(a)(7); and 38-1202.06(3)(13) has the power to adopt, prescribe, amend, repeal and enforce bylaws, rules, and regulations it considers necessary for the governance and administration of the University of the District of Columbia (“University”); and

WHEREAS, pursuant to D.C. Official Code § 38-1202.06(13) and (16), it is the duty of the Board to perform such duties and make such regulations as may be necessary to carry out the purposes of the University and generally determine, control, supervise, manage, and govern all affairs of the University and adopt such regulations in accordance with the provisions of D.C. Official Code § 2-505(a); and

WHEREAS, pursuant to 8B DCMR §105.10(b) and (d), the Chair of a standing committee or ad hoc meeting conducted by telephone, electronic video or internet medium must be physically present at each meeting unless it is an emergency or executive meeting; and

WHEREAS, the University seeks to address contingencies in the event of a University emergency declaration issued by the Board of Trustees Executive Committee, or other public emergency declaration by providing that all Board members including the Chair of the Board of Trustees, Chair of standing committees and ad hoc meetings may participate in any meeting by telephone, electronic video or internet medium during such University declared emergency or other public emergency declaration; and

WHEREAS, the substance of the proposed rules enacted herein was published on May 8, 2020 at 67 DCR 19 for a thirty-day public comment period in accordance with D.C. Official Code § 2-505(a) and no public comments were received during the public comment period; and

WHEREAS, pursuant to 8 D.C.M.R §128.4, where no comments are received, the Chairperson of the Board may forward the rules for final adoption without committee action.

THEREFORE, BE IT RESOLVED that the Board of Trustees of the University of the District of Columbia hereby adopts the Notice of Final Rulemaking attached and incorporated hereto as Exhibit A; and

BE IT FURTHER RESOLVED that the Rules enacted herein shall take effect upon publication in the DC Register and that all prior inconsistent resolutions, customs, procedures, and practices are hereby repealed and General Counsel is hereby directed to publish this Notice of Final Rulemaking in the D.C. Register as soon as practicable.

Approved by the Board of Trustees:

June 16, 2020

Christopher D. Bell
Chairperson of the Board

Exhibit A

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

The Board of Trustees of the University of the District of Columbia pursuant to D.C. Official Code §§ 38-1202.06(10); 38-1202.06(13)(16) 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 rulemaking is to amend D. C. Municipal Regulations, Title 8B, Chapter 1, Section 105.10 of the University Rules to provide that all Board members including the Chair of the Board of Trustees, Chair of standing committees or ad hoc meetings may participate by telephone, electronic video or internet medium during such emergency declaration issued by the Board of Trustees Executive Committee or other public emergency declaration.

The substance of the rules adopted herein was published in the D.C. Register on May 8, 2020 at 67 DCR 19 for a thirty-day public comment period in accordance with D.C. Official Code §2-505(a).

No public comment was received by the Board during the public comment period. The rule was adopted by the Board as final on June 16, 2020 and will become effective upon publication of this notice in the *D.C. Register*.

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

Section 105.10, QUORUM AND VOTING, Subsection 105.10(b) is amended by deleting the following sentence:

105.10(b) “Other than at an emergency or Executive Committee meeting, the Chair of the standing committees shall be physically present at each meeting”.

Section 105.10, QUORUM AND VOTING, Subsection 105.10(d) is amended by adding the following sentence:

105.10(d) All Board members including the Chair of the Board of Trustees, Chair of standing committees or ad hoc meetings may participate remotely by telephone, electronic video or internet medium during an emergency declaration issued by Board of Trustees Executive Committee or other public emergency declaration. The Chair of the Board of Trustees may unilaterally issue such emergency declaration and authorize the convening of meetings remotely by telephone, electronic video or internet medium subject to subsequent ratification of the emergency declaration by the Executive Committee.

FISCAL IMPACT STATEMENT

TO: Board of Trustees

FROM: Managing Director of Finance *David A. Franklin*

DATE: April 21, 2020

SUBJECT: FIS - DCMR Change - Title 8B, Chapter 1, Section 105: Meetings of the Board of Trustees

Conclusion

It is concluded that there is no significant fiscal impact associated with the Board of Trustees' authority to adopt, prescribe, amend, repeal, and enforce bylaws, rules, and regulations that it believes necessary for the governance and administration of the University.

Background

Pursuant to 8B DCMR, the University seeks to address contingencies in the event of a University emergency declaration issued by the Board of Trustees Executive Committee, or other public emergency declaration, by providing that all Board members, including the Chair of the Board of Trustees, chairs of standing committees, and ad hoc meetings, may participate in any meeting by telephone, electronic video or Internet medium during a University-declared emergency or other public emergency declaration.

Financial Impact

This request is approved based upon the information provided. There are no anticipated risks at this time.