

## **Minutes**

### **Regular Meeting of the Board of Trustees**

**Tuesday, December 8, 2015 – 5:00 p.m.**

#### **Trustees Present:**

Elaine Crider, Chair  
Christopher Bell  
Kendrick Curry  
Reginald Felton  
Gabriela Lemus\*  
Gwendolyn Lewis  
Ronald Mason, ex-officio  
Errol Schwartz  
Barrington Scott  
Jerome Shelton  
Anthony Tardd  
Joshua Wyner  
Theodore Wilhite

#### **Trustees Absent:**

Alejandra Castillo  
James Dyke

*\* via teleconference*

#### **Staff Participants:**

Troy Lemaile-Stovall, Executive Vice President  
Erik Thompson, Acting Vice President, Facilities and Real Estate  
Donald Rickford, Chief Financial Officer  
Valerie Epps, Vice President, Student Affairs  
Shelley Broderick, Dean, David A. Clarke School of Law  
Edith Westfall, Acting Dean for Workforce Development and Lifelong Learning  
Juanita Gray, Director, Residence Life  
Mario Foster, Chief of Police/Director of Public Safety  
Lieutenant Barnes, Campus Police  
Stacie Mills, Assistant General Counsel  
Beverly Franklin, Executive Secretary, Office of the Board of Trustees

#### **Call to Order and Roll Call**

Chair Crider called the meeting to order at 5:21 p.m. The roll was called and a quorum was present.

#### **Approval of Minutes**

The Board of Trustees reviewed and unanimously approved the minutes of the July 14, 2015 Board of Trustees meeting.

Chair Crider announced Trustee Kendrick Curry submitted his official resignation from the Board of Trustees. She recognized his contributions during his tenure on the Board, including serving as Chair of the Academic Affairs Committee. Trustee Curry briefly spoke about his years of service and expressed appreciation for the Trustees.

Due to the lack of a quorum, the Operations Committee had an informational meeting [October 28, 2015]. The committee discussed three action items which Chair Crider asked the Board to add to the

agenda as well as one item from the Audit, Budget and Finance Committee. The following items were added to the agenda:

Operations Committee

- Approval of SHADD Lease Agreement Between the University and 5601 East Capitol, LLC
- Notice of Proposed Rulemaking – 8B DCMR, Chapter 2 – Administration and Management
- University FY2017 Capital Improvement Plan Budget

Audit, Budget and Finance Committee

- Approval of Proposed University FY2017 Budget Request

**Action Items**

Executive Committee

*Notice of Final Rulemaking, Amendments to Chapter 2, Updating Executive Appointments:* Ms. Mills explained the resolution allows an acting appointment to be extended for extenuating circumstances. The extension had been for only one year.

**Motion:**

*UDC Resolution No. 2015-28: Notice of Final 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;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby adopts the Notice of Final Rulemaking attached and incorporated hereto; and

BE IT FURTHER RESOLVED, that the General Counsel is hereby directed to publish this Notice of Final Rulemaking in the D.C. Register.

The resolution was unanimously approved.

*Compliance with Section 702 of the Veterans Access, Choice and Accountability Act of 2014:* President Mason discussed the resolution which pertained to the in-state tuition rate for veterans while attending the university. Chair Crider read a portion of the resolution into the record.

**Motion:**

*UDC Resolution No. 2015 – 29: Compliance with Section 702 of the Veterans Access, Choice and Accountability Act of 2014*

WHEREAS, District of Columbia law (D.C. Official Code §1202.06(8)) provides for the Board of Trustees of the University of the District of Columbia to fix tuition, and fees in addition to tuition, to be paid by resident and nonresident students attending the University; provided, that such tuition and fees are adopted by the Trustees in accordance with the provisions of D.C. Official Code §2-505(a); and

WHEREAS, in consideration of the enhanced educational opportunities and to assure compliance with the Veterans Access, Choice and Accountability Act of 2014 that all qualifying veterans and eligible dependents that meet the requirements of Section 702 be charged in-state resident rates effective as of 1 July 2015. This applies to eligible students enrolled at all UDC schools, including the Flagship, the David A. Clarke School of Law, and the Community College, the Board of Trustees adopts a tuition policy change to support Veterans and their dependents; and

WHEREAS, 38 U.S.C. 3679(c), the Veterans Access, Choice and Accountability Act of 2014 ("the Act") requires the U.S. Department of Veterans Affairs to disapprove programs of education for payment of benefits under the Post-9/11 GI Bill and Montgomery GI Bill-Active Duty at public institutions of higher education if such institutions charge qualifying veterans and other qualified individuals ("covered individuals") tuition and fees in excess of the rate for in-state students for terms beginning after July 1, 2015; and

WHEREAS, "covered individuals" under the Act include:

- A veteran who lives in the District of Columbia, regardless of formal state of residence or domicile, and enrolls in this institution within three years of discharge from a period of active duty service of 90 days or more using benefits under the Post-9/11 GI Bill and Montgomery GI Bill-Active Duty.
- Anyone using transferred benefits under the Post-9/11 GI Bill and Montgomery GI Bill-Active Duty who lives in the District of Columbia, regardless of formal state of residence or domicile, and enrolls in this institution within three years of the transferor's discharge from a period of active duty service of 90 days or more.
- Anyone using benefits under the Marine Gunnery Sergeant John David Fry Scholarship who lives in the District of Columbia, regardless of formal state of residence or domicile, and enrolls in this institution within three years of the Service member's death in the line of duty following a period of active duty service of 90 days or more; and
- Anyone described above while he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the same school. The person so described must have enrolled in the school prior to the expiration of the three year period following discharge, release, or death described above and must be using educational benefits under either chapter 30 or chapter 33, of title 38, United States Code; and

NOW, THEREFORE BE IT RESOLVED, that the tuition and fee rate for the following categories of students shall be equal to the tuition and fee rate charged to in-state students:

- Anyone using transferred benefits under the Post-9/11 GI Bill and Montgomery GI Bill-Active Duty who lives in the District of Columbia regardless of formal state of residence or domicile, and enrolls in this institution within three years of the transferor's discharge from a period of active duty service of 90 days or more.
- Anyone using benefits under the Marine Gunnery Sergeant John David Fry Scholarship who lives in the District of Columbia, regardless of formal state of residence, and enrolls in this institution within three years of the Service member's death in the line of duty following a period of active duty service of 90 days or more.
- Anyone described above while he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the same school. The person so described must have enrolled in the school prior to the expiration of the three year period following discharge, release, or death described above and must be using educational benefits under either chapter 30 or chapter 33, of title 38, United States Code.

BE IT FURTHER RESOLVED, that the Board of Trustees adopt this policy change to comply with the tuition requirements of the Veterans Access, Choice and Accountability Act of 2014 and that the University of the District of Columbia and the University of the District of Columbia Community College shall charge tuition and fees to uniformed services veterans and other qualified individuals covered under 38 U.S.C. 3679(c) at a rate equal to in-state tuition and fees for that course of education.

BE IT FURTHER RESOLVED that the Board of Trustees of the University of the District of Columbia hereby directs the University to incorporate the above policy changes into the University Tuition Schedule.

The resolution was unanimously ratified by the Board of Trustees.

*Approval of Proposed Contract Change Order Nos. 11 – 12 for Construction of Student Center:* The resolution contains the final change order for the student center. It was presented at the Executive Committee and has been before the City Council. Final approval is needed by the full Board of Trustees.

There was a lengthy discussion regarding the student center. Trustees raised questions regarding specific change orders and the final costs for the student center as well as some of the reasons for the delays in the completion of the project. President Mason reported a walkthrough of the Student Center was done for the press. He mentioned he has a talking points briefing paper which he would share with the Board. At the request of the Audit Chair, the Administration is going to audit the entire process.

Chair Crider read a portion of the resolution into the record.

**Motion:**

*UDC Resolution No. 2015 - UDC Resolution No. 2015-30: Approval of Proposed Contract Change Order No. 11-12 for Construction of Student Center*

WHEREAS, pursuant to D.C. Official Code § 38-1241.01, the University of the District of Columbia has the authority and responsibility to implement its capital procurement program; and

WHEREAS, all proposed contracts and contract modifications in excess of one million dollars (\$1,000,000) must be approved by the Council of the District of Columbia ; and

WHEREAS, the proposed changes are related to scope modifications for building enhancements, unforeseen field conditions, additional general conditions for on-site activities through the end of construction and contract allowances to address all known and potential change order through the end of construction; and

WHEREAS, the Board has reviewed the terms of the contract modification, as well as all necessary certifications from the administration; and

WHEREAS, the Board is satisfied that the proposed contract represents the proper culmination of the University's due diligence process and represents the best interest of the University; and

NOW THEREFORE, BE IT RESOLVED that the University of the District of Columbia is hereby authorized to forward to the Council of the District of Columbia for its approval of the proposed construction contract modification, Change Orders No. 11 and 12, for the UDC student center.

The resolution was ratified with one abstention (Trustee Wyner).

There was further discussion regarding change orders. Chair Crider explained that the Board approved giving the Facilities and Real Estate area the authority to proceed with costs that were under \$4 million. Anything under that amount did not have to come to the Board. Trustee Wyner spoke about the importance of informing the Board of multiple change orders even if they did not need to come to the Board. Trustee Curry discussed revisiting the \$4 million threshold.

*Appointment of Troy A. LeMaile-Stovall as Executive Vice President at the University of the District of Columbia:* President Mason briefly discussed the appointment of Mr. Stovall.

**Motion:**

*UDC Resolution No. 2015-31: Appointment of Troy A. LeMaile – Stovall as Executive Vice President at 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 8B DCMR §210.1, the President may make an executive appointment to appoint highly qualified and experienced executive talent to senior administrative positions; and

WHEREAS, pursuant to 8B DCMR §210.6, the Board determines the amount of compensation for each executive appointee at Grade Level 1A or above, through the Executive Committee or appropriate committee as determined by the Board Chair; and

WHEREAS, Mr. Troy A. LeMaile - Stovall has been recommended to serve as Executive Vice President at the University of the District of Columbia, based on his knowledge, past accomplishments, and experience serving as Interim President at Zeneth Education Group; Executive Vice President and Chief Operating Officer at Howard University; and Senior Vice President of Finance and Operations at Jackson State University. Mr. LeMaile – Stovall is also the Founder and Managing Member of LeMaile Stovall LLC since 2001.

WHEREAS, after review of his credentials it has been determined that he 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 Mr. Troy A. LeMaile - Stovall as Executive Vice President at the University of the District of Columbia effective September 1, 2015.

The Board unanimously ratified the resolution.

*Joint Academic and Student Affairs and Audit, Budget and Finance Committees*

*UDC School of Engineering and Applied Sciences Tenure Approval for Professor Sasan Haghani:* Chair Crider stated the resolution pertained to tenure approval for Professor Haghani. President Mason informed the Board that Dr. Petty was available to respond to any questions. Chair Crider read a portion of the resolution into the record.

**Motion:**

*UDC Resolution No. 2015 – 32: UDC School of Engineering & Applied Sciences Tenure Approval for Professor Sasan Haghani*

WHEREAS, pursuant to 8B DCMR §1467, the School of Engineering & Applied Sciences (SEAS) Promotion Committee and Dean Devdas Shetty have determined that Professor Sasan Haghani is qualified for the position of Associate Professor of Electrical and Computer Engineering; and

WHEREAS, pursuant to 8B DCMR §1462, Professor Sasan Haghani has served as a professor at UDC since 2009, and is recognized by his students, fellow faculty members, administrators, and other experts in his field for his excellent teaching skills, including a specific connection to project-based learning, program development (including the Master of Science in Electrical Engineering degree), in addition to his renowned scholarship and research, with over 88 publication citations for his work, which includes significant and pioneering work in the area of performance analysis of wireless communications and the implementation of wireless sensor networks with biomedical applications, and other research that continue to earn him grant support and praise for his significant contributions to the field; and

WHEREAS, Professor Sasan Haghani is also recognized for his collaborations and many contributions to the UDC community, including serving on numerous University committees, including the Institutional Review Board and online learning, and serving as a highly regarded mentor to undergraduates and graduate students resulting in several best-teacher awards from SEAS, as well as leading a STEM Pathways (science, technology, engineering, and mathematics) grant and other efforts to actively recruit and retain UDC students for these fields, and serving on panels and as a reviewer for organizations such as the Institute of Electrical and Electronics Engineering (IEEE) and the National Science Foundation, all of which has helped bring credit to UDC; and,

WHEREAS, pursuant to 8B DCMR §§ 1468 and 1470 the Dean, the Provost and the President have affirmed the recommendation of tenure for Professor Haghani and the President has forwarded the recommendation for tenure to the Board of Trustees;

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees of the University of the District of Columbia approves the award of tenure to Professor Sasan Haghani of the School of Engineering & Applied Sciences.

The resolution was unanimously approved. Chair Crider congratulated Professor Haghani.

*Institutional Aid Support for the UDC David A. Clarke School of Law:* President Mason reported the proposed resolution was thoroughly vetted by the Executive Committee. The request is for \$700,000 in institutional aid for two years for the law school with an annual review. President Mason stated his support for the aid and review. Chair Crider read a portion of the resolution into the record.

There was a brief discussion regarding the need for this type of aid for undergraduate and graduate students. President Mason noted the Chair's interest in this matter and their conversations regarding institutional aid and policy. The Enrollment Management group is developing a comprehensive university aid policy which will be brought to the Board. President Mason also noted the university has over \$2 million in the Provost's Office that is distributed for institutional aid in the other units.

A question was raised regarding the discrepancy in the Fiscal Impact Statement (FIS) regarding \$700,000 in institutional aid and the net tuition revenue loss (\$500,000). After a brief discussion, Mr. Rickford was asked to provide a correct FIS. The Board agreed to table the resolution until the revised FIS was available.

*Notice of Proposed Rulemaking, Fee Reform and Increase in Mandatory and Special Fees Effective AY2016-2017:* Chair Crider reported the next resolution pertained to fee reform and increases in mandatory and special fees. President Mason reported a broad based committee conducted a study with several task forces and town hall meetings. Chair Crider read a portion of the resolution into the record.

Trustee Wilhite expressed his concerns regarding the health service fee, specifically for community college students. They are being assessed this fee and their facilities do not have access to a nurse onsite. All services are centered at the main campus. He asked if health care services would be provided on the other campuses. Dr. Epps reported the students are assessed \$25 for the student health fee which is for use of the student health center for all students. They try to accommodate the students on other campuses and have gone to the 801 North Capitol Street site to have workshops. She has asked the Director of the health center, Dr. Elliott, to work with Dr. Peters at the community college regarding available space at 801 and Bertie Backus where the health services staff may meet with students. Trustee Wilhite stated that with fee increases, students should know what the fees cover and how they can access the services.

Trustee Bell asked if the fees had been presented to the student body. Dr. Epps confirmed that a meeting was held with students, faculty and staff. She noted the USGA and SGA hosted meetings and had their own town hall meetings.

**Motion:**

*UDC Resolution No. 2015-33: Notice of Proposed Rulemaking, Fee Reform and Increase in Mandatory and Special Fees Effective AY2016-2017*

WHEREAS, District of Columbia law (D.C. Official Code § 1202.06(8)) provides for the Board of Trustees of the University of the District of Columbia to fix fees to be paid by District of Columbia resident and nonresident students attending the University; provided, that such fees are adopted by the Trustees in accordance with the provisions of D.C. Official Code § 2-505(a); and

WHEREAS, the recommendations and findings presented are the product of the University Committee on Fee Reform (UCFR) of the University of the District of Columbia, whose composition represented broadly twenty-six (26) members of the administration, faculty, staff and students of the institution and whose purpose was to review UDC's current structure for mandatory and special fees by (1) assessing the current fiscal fee structure, (2) determining if revisions were necessary, and (3) recommending a more current and relevant fee structure for the University of the District of Columbia; and

WHEREAS, the University of the District of Columbia currently has three (3) distinctly different mandatory fee structures for students who attend the Flagship, Community College and the David A. Clarke School of Law campuses, and such differentiated structures are counterproductive to or compromise promotion of the “One University Culture” exuded by the institution; and

WHEREAS, pursuant to District of Columbia Code of Municipal Regulations § 8-B728.8, the University of the District of Columbia currently assesses the following mandatory fees for students enrolled full-time in its academic, degree-granting programs, to wit: (1) Activity Fee, (2) Athletic Fee, (3) Health Services Fee, (4) Technology Fee, and (5) Student Center Fee. Further, with the exception of the Law School, Flagship students are assessed an additional Career Development Fee. However, Law School students pay a Fall Semester enrollment fee that Flagship students do not incur. Students enrolled full time in the Community College are assessed a flat fee of \$300 once a year. All UDC part-time Community College, baccalaureate, and graduate students pay a prorated, mandatory fee of \$30.00 per credit hour. Part-time Law School students pay the same, non-prorated fees as full-time students in the School of Law; and

WHEREAS, all students, who attend the University of the District of Columbia, have equal access to all of the services provided to them, as a result of revenue generated from the assessment of mandatory student fee assessments, regardless of whether they attend the institution as full-time or part-time students; and

WHEREAS, the issue of parity in prorating fees for part-time students who have equal access to the same services afforded to full-time students has been discussed and considered; and

WHEREAS, the UCFR completed its charge and submitted a report, replete with recommendations and rationale therefore, to the President of the University of the District of Columbia; and

WHEREAS, The President of the University of the District of Columbia has reviewed the report from the UCFR and submitted it the Board of Trustees;

NOW, THEREFORE BE IT RESOLVED that, effective Fall Semester, 2016, all University of the District of Columbia students shall be charged the same rates for Mandatory Fees; and

BE IT FURTHER RESOLVED that the Board of Trustees of the University of the District of Columbia hereby takes proposed rulemaking action to amend Chapter 7 of the University Rules (Title 8B DCMR) to adopt the Recommended Single Fee Charges By College (Per Semester, including Summer Term), 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).

The resolution was approved with one nay vote (Trustee Lewis).

Chair Crider returned to the institutional aid resolution. The revised FIS was presented to the Board. There was further discussion regarding institutional aid and recruitment at the law school. Chair Cider noted she recently learned there may be institutional aid for the student body and indicated President Mason will be providing information about the aid.

**Motion:**

*UDC Resolution No. 2015-34: Institutional Aid Support for the UDC David A. Clarke School of Law*

WHEREAS, pursuant to D.C. Official Code §38-1201.06(2),(C), it is the duty and responsibility of the Board of Trustees of the University of the District of Columbia to operate a public law school component in a manner that shall maintain accreditation necessary to qualify the graduates of the School of Law to take the bar examinations of the District of Columbia and several states; and

WHEREAS, the American Bar Association standards require that the “present and anticipated financial resources of a law school shall be adequate to sustain a sound program of legal education and accomplish its mission;” and

WHEREAS, The American Bar Association will conduct an accreditation site visit during academic year 2015-2016 and will review the manner in which the School of Law is funded and in which it is accomplishing its missions; and

WHEREAS, the School of Law's mission requires that it recruit and enroll students from racial, ethnic and other backgrounds traditionally under represented at the bar, with the understanding that such students typically come from low-income families which cannot afford high tuition rates; and

WHEREAS, the School of Law's mission also requires that it educate public interest, public service and public policy lawyers who earn much lower than average lawyer salaries and thus cannot sustain significant student debt repayment obligations; and

WHEREAS, the School of Law's tuition will increase by 2.6 percent during academic year 2016-2017 at a time when other law schools are lowering or freezing tuition rates as a strategy to recruit and retain more students; and

WHEREAS, nationally the applicant pool for law schools dropped 40% since 2011; and

WHEREAS, law student transfer rates are increasing significantly nationally as top ranked schools offer generous multi-year financial aid packages to recruit both competitive and less competitive students as a means to enhance tuition revenue streams and the School of Law's transfer rate increased each year since 2011 in keeping with the national trend; and

WHEREAS, the Board of Trustees approved UDC Resolution No. 2006-30 authorizing the University to remit law school tuition in the amount of \$700,000 during FY 2006, FY 2007, and FY 2008 and UDC Resolution No. 2008-05 also authorizing the University to remit Law School tuition in the amount of \$700,000 during FY 2009, FY 2010 and FY 2011, UDC Resolution No. 2012-12 authorizing the University to remit tuition in the amount of \$700,000 during FY 2012, FY 2013 and FY 2014, and UDC Resolution No. 2014-38 authorizing the University to remit tuition in the amount of \$700,000 in FY2015 and FY2016 in all cases to further the mission and to meet financial aid requirements of the School of Law; and

WHEREAS, these funds are needed to compete with law schools nationally that are offering three and four year scholarship packages to attract and retain full-time and part-time students and;

WHEREAS, institutional aid is used to attract and retain mission-driven students who have options to attend much higher ranked and more prestigious law schools, and those who, because of family and other obligations cannot otherwise afford to go to law school; and

WHEREAS, the amount of institutional aid afforded the School of Law since 2006 has remained constant at \$700,000 per year supporting enrollment and retention of a student body ranging from about 234 students to a high of 366 students in 2012 and in 2015 about 311 students; and

WHEREAS, the School of Law will track entering LSAT, GPA, UGPA, UDC GPA, retention and bar passage for scholarship recipients and provide an annual report to the President of the University to demonstrate the effectiveness of the institutional aid provided; and

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees authorizes the University to remit law school institutional aid in the amount of \$700,000 during each of FY 2017 and 2018 to further the mission and to meet the financial aid requirements of the School of Law.

The resolution was approved with one abstention (Chair Crider).

### Operations Committee

*Notice of Final Rulemaking, Amendment to Chapter 1, Minimum Number of Regular Meetings:* The rulemaking sets the number of regular Board of Trustees meetings at a minimum of four meetings a year.

### **Motion:**

*UDC Resolution No. 2015-35: Notice of Final Rulemaking, Amendment to Chapter 1, Minimum Number of Regular 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; provided, that at least 4 (four) meetings shall be held each year.; and

WHEREAS, pursuant to D.C. Official Code §38-1202.01, the Board of Trustees, was established as a body corporate and charged with the responsibility of governing the University of the District of Columbia and all of its components, possessing all the powers necessary or convenient to accomplish the objects and perform the duties as authorized; and

WHEREAS, the Board of Trustees is committed to operating in an effective and efficient manner consistent with the Mission, Vision, and Goals as communicated in the Vision 2020 Strategic Plan;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby adopts the Notice of Final Rulemaking attached and incorporated hereto; and

BE IT FURTHER RESOLVED, that the General Counsel is hereby directed to publish this Notice of Final Rulemaking in the D.C. Register.

The resolution was unanimously approved.

*Approval of SHADD Lease Agreement Between the University and 5601 East Capitol, LLC:* Trustee Bell reported the Operations Committee did not have a quorum at their meeting. They discussed the action items but could not take a vote. The SHADD lease is for five years and is intended to benefit primarily the workforce [development] program. Chair Crider read a portion of the resolution into the record.

There was a brief discussion regarding 801 North Capitol Street and whether all options had been exhausted that would allow for the purchase [of the building]. Mr. Thompson reported there were two options for purchase listed in the lease and both options have collapsed.

Mr. Thompson provided background information regarding the SHADD lease. He reported the initial price paid for the space was approximately \$5 per square foot and was owned by the city. The rate was discounted and an all-inclusive lease excluding security. Between FY14 and FY15, the building was sold to a private entity. The negotiated rate (\$12.12 per square foot) is significantly higher than the previous rate, but more in line with the market rate.

In response to a question regarding the number of students at SHADD, Ms. Westfall reported SHADD hosts approximately fifteen classes per semester and serves approximately 200 to 300 students per term. Mr. Thompson reported the building is physically separated from the charter school space. In response to questions regarding several blocked stairwells, Mr. Thompson stated they have confirmed the renovated version of SHADD stairwells have more access than they actually need per code.

Chair Crider noted the lease is a five year term beginning October 1, 2014. She asked why the Board was approving 2014. Mr. Thompson reported it took over a year for the sale to take place and there was a year we did not pay rent while we were in the building. For the first year, we are paying the amount paid to the city (\$5.30 per square foot). Trustee Schwartz asked how security was being handled. Mr. Thompson explained that there is a separate security force that was hired specifically for the building.

Chair Crider asked if the district sale agreement to the new owner went back to the period where the university was not paying rent. Mr. Thompson explained that it does. The owner had a responsibility for the building during that year. The negotiation of the deal took longer than the city, the owner and the university had anticipated.

President Mason noted there was a technical glitch in the lease and asked Ms. Mills to explain. Ms. Mills stated that a one year base with four one-year options is the recommended language. She asked that the amendment be made to the resolution which states that it is a five year agreement. The lease has to be approved and signed each year. If the lease is a five year agreement, it has to go to the city council one time to cover the years. If the lease is one year plus the one year options, it does not have to go to the city council. Ms. Mills recalled that the landlord was amenable to having a one year lease with four one-year options.

Trustee Wyner proposed a motion that the resolution be amended to reflect not a five year lease but a one year lease with four options for renewal with all other terms as reflected in the motion, and the Board vote with the understanding that the authorization does not extend to a five-year lease as an alternative. Chair Crider said essentially, the amendment to the motion is the one year term beginning in 2014 with four one year lease options to renew. Ms. Mills explained that some action has to happen and some review has to take place very year. Trustee Bell noted the only risk is that because the lease is one year, either party may cancel.

**Motion:**

*UDC Resolution No. 2015-36: Approval of Shadd Lease Agreement Between the University and 5601 East Capitol, LLC*

WHEREAS, pursuant to 8B DCMR §2100.1, the President of the University, subject to Board approval, is authorized to enter into real estate lease agreements with any person. Partnership, or other entity; and

WHEREAS, the District of Columbia, through the Department of General Services ("DGS"), entered into a Ground Lease Agreement, as landlord, with 5601 East Capitol LLC, as tenant, leasing that certain building containing approximately 72,100 square feet located at 5601 East Capitol St, S.E., Washington, DC 20019 (the "Property"); and

WHEREAS, certain workforce development programs of the University have been operating at the Property in recent years under an agreement with DGS, and the University desires to continue operating workforce development programs at the Property under a sub-leasing arrangement with 5601 East Capitol, LLC, as Grantor (herein, "Landlord"), and the University, as Grantee (herein, "Tenant"); and

WHEREAS, the University proposes to lease approximately 13,200 square feet of space for classroom, administration and supportive uses at the Property; and

WHEREAS, the proposed use agreement includes the following key terms:

- Space: The UDC Premises (as defined in the Agreement) will consist of approximately 13,200 square feet on the second floor of the Property for all University programs and related uses;
- Usage Fee (i.e., rent): The University as Tenant will pay \$70,000 for FY 2015, the first lease year, then shall pay \$160,000 per year for fiscal years 2016 through 2019, or \$12 per square foot.
- The Usage Fee is inclusive of all costs for rent, utilities (gas, water, electricity, and trash removal), building engineering, maintenance and repairs, snow removal, pest control. The Usage Fee does not cover the costs for security service.
- Term: No more than four (4) terms of one (1) year each, with the last term ending no later than June 30, 2019.

NOW THEREFORE, BE IT RESOLVED, that the Board approves the proposed Lease Agreement and authorizes the President to take all necessary actions to finalize and execute the lease amendment.

The resolution was approved with the amended language concerning the lease term.

*Notice of Proposed Rulemaking – 8B DCMR, Chapter 2 – Administration and Management:* Chair Crider read a portion of the resolution into the record.

**Motion:**

*UDC Resolution No. 2015-37: Notice of Proposed Rulemaking – 8B DCMR, Chapter 2 – Administration and Management*

WHEREAS, pursuant to D.C. Code §38-1202.01 (b), the Board of Trustees has the authority to adopt, prescribe, amend, repeal, and enforce bylaws, rules, and regulations it considers necessary for the governance and administration of the University; and

WHEREAS, the administration and management of the University are governed by the provisions of 8B DCMR Chapter 2; and

WHEREAS, the Board wishes to define the structure of the University administration requiring revision of specific regulations; and

THEREFORE BE IT RESOLVED, that the Board of Trustees of the University of the District of Columbia hereby approves the attached DCMR regulations; and

BE IT FURTHER 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); and

BE IT FURTHER RESOLVED, that the University administration as defined in this Chapter shall be referred to as follows effective immediately:

- The Executive Vice President shall now be titled Chief Operating Officer;
- The Vice President for Student Affairs shall now be titled Chief Student Development and Support Officer;
- The Chief Executive Officer – Community College shall now be titled Provost of the Community College;
- The Provost/Vice President for Academic Affairs shall now be titled Chief Academic Officer; 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 §2-205 (a).

The resolution was unanimously approved. Trustee Bell wanted to make sure the General Counsel reports to the President. There was a brief discussion regarding head of agency. Chair Crider noted the Board will remain the head of agency, but DCMR language was changed to reflect that the General Counsel reports to the president and a dotted line to the Board. There was discussion regarding the administration's structure.

The resolution was unanimously approved.

*University FY2017 Capital Improvement Plan Budget:* Chair Crider read a portion of the resolution into the record.

**Motion:**

*UDC Resolution No. 2015-38: University FY 2017 Capital Improvement Plan Budget*

SUBJECT: University FY 2017 Capital Improvement Plan Budget

WHEREAS, pursuant to D.C. Official Code 38-1202.06 (4), the Board of Trustees is "required to prepare and submit to the Mayor... an annual budget for each fiscal year"; and

WHEREAS, pursuant to 8B D.C.M.R. §110.1(d), the Operations Committee shall "oversee financing of capital projects " and "establish a budget for all capital projects which shall include a list of all capital projects planned for the fiscal year; review contracts as necessary or as required by law;" and

WHEREAS, the Office of the Vice President for Real Estate & Facilities Management has developed the budget in support of the

University's proposed areas of emphasis for fiscal years 2017 – 2022, reviewed the budget with the University's Chief Financial Officer and the Executive Vice President, and recommends its approval for submission to the Office of the Mayor by the Board of Trustees; and

WHEREAS, the proposed Capital Improvement Plan is reflective of the estimated scope of required capital projects, consistent with prudent fiscal and industry practices, and is in line with the President's and Board's vision for the University;

NOW, THEREFORE, BE IT RESOLVED THAT the attached Capital Improvement Plan is approved by the Board of Trustees for submission to the Office of the Mayor.

The resolution was unanimously approved.

*Proposed University FY2017 Budget Request:* Chair Crider read a portion of the resolution into the record.

President Mason discussed the Mayor's MARC (Mayor's Allowable Resource Ceiling) which is the amount the Mayor gives the university. The number is \$69 million, \$2 million less than what the university had last year. He explained that with the \$2 million last year and the \$2.2 million reflected in the structural cost of rent at 801, tax increases, and SHADD rent, the university has a deficit of \$4.4 million. Revenue enhancements and expense reductions were identified totaling \$4 million. The revenue enhancers which will be available after this year include the sale of the President's Residence and a rental from the Cleveland Park Library. On the expense side, the Administration is recommending a \$500,000 reduction in the adjunct budget (from \$7 million to \$6.5 million), eliminating the housing subsidy for non-student athletes; eliminating the food subsidy; eliminating all non-critical hires; and reducing the outside counsel budget. In addition, they are requesting the authority to spend \$2 million from the fund balance.

President Mason discussed the process for developing the budget which included working with core groups from across the system; a town hall meeting with about 200 in attendance; and training sessions with Board members. He reported they will be submitting a memo explaining the impact for different budgets (MARC; FY15-16 budget; rent and taxes; dream budget).

Mr. Stovall stated that starting in January, they will develop a multi-year budget model. This is the third year, there has been a Budget Committee. Mr. Stovall reported the budget does not include cost of living adjustments for non-union faculty and staff who have not gotten a raise in over five years. Mr. Stovall also spoke about the negotiations for the faculty master agreement and the \$2 million, one-time authority to spend out of the fund balance which will be used for marketing, student support, technology infrastructure and security technology. The budget is due December 15. Mr. Stovall reported there are four items that have to be submitted with the budget: personal service costs and non-personal service costs; impact; enhancement requests; and the Mayor's MARC.

The enhancement request is \$5.5 million (\$3.5 million for COLAs and \$2 million for an effort presented by Dr. Phillips called Strong Start which will look at how we empower and drive better retention, graduation and support of our students).

Mr. Stovall noted if the current MARC is reduced by ten percent (about \$1.5 million), the only option is furloughs. He also reported that the accounting in place for FY 16 will be different for FY17 due to a new organizational structure. Under executive direction for the president, there will be a number of units including athletics, university communications, advancement, and government relations.

Trustee Wilhite asked how many athletes versus non-athlete students will be impacted by the housing situation and elimination of the program. He also asked about the revenues the athletics program generates, the logic for maintaining housing for athletes, the benefit of the athletic program and how many students will be impacted. President Mason reported very few athletic organizations make money. A decision was made to subsidize the athletics program for approximately \$3.2 million. The subsidy includes housing costs. Currently, the university subsidizes student housing on a first come, first serve basis. Certain students are providing with housing subsidies which is a part of the institutional aid at \$300,000. Discussions have started with consultants and brokers about identifying housing units for referral to students. They also are looking at permanent housing options.

Ms. Gray reported roughly ninety student athletes and sixty non-athlete students (community college, undergraduate, graduate, and law school) are in the housing.

Trustee Bell mentioned that there had been extensive discussions regarding the athletic department. No one was in favor of eliminating athletics. They received assurances that there were plans in place to grow revenue through the Athletic Department.

**Motion:**

*UDC Resolution No. 2015-39: Approval of Proposed University FY2017 Budget Request*

WHEREAS, pursuant to D.C. Official Code §38-1202.06(4), the Trustees are “required to prepare and submit to the Mayor...an annual budget for each fiscal year”; and

WHEREAS, the proposed FY2017 Budget Request has been prepared by the University Administration in consultation with the University’s Chief Financial Officer, and the President, recommends its approval for submission to the Mayor by the Board of Trustees; and

WHEREAS, the proposed budget is reflective of projected revenues, consistent with prudent fiscal and accounting practices, and is in line with the President’s and Board’s vision for the University; and

NOW, THEREFORE, BE IT RESOLVED, that the attached proposed budget request for Fiscal Year 2017 is approved by the Board of Trustees for submission to the Mayor by the Board of Trustees.

The resolution was unanimously approved with one abstention (Trustee Wilhite)

**Report of the Chair**

Chair Crider reported that during the Operations Committee meeting there was a presentation from the security staff on active shooter.

Chief Foster and staff gave a presentation at the Board meeting regarding public safety. He provided a quick overview of their services including escorts, security checks, vehicle assistance, jumpstart, and assistance with vehicle lockouts. He mentioned the LiveSafe application provides text alerts that occur within the university community. Annually, they provided the security report which is required by the U.S. Department of Education. Lieutenant Barnes spoke about protecting yourself, property, and identity. Chief Foster showed a video which was produced by the Texas Department of Public Safety regarding an active shooter situation. At the conclusion of the video, he briefly discussed the Community Awareness Program (CAP) which is a weekly program at various locations throughout the university.

Trustee Tardd asked how the campus community is notified in the event of a threat. Chief Foster reported that they use the LiveSafe application and UDC Communications to notify everyone. Trustee Felton asked about safety assessments on the campus. Chief Foster stated that he has been working with the President's cabinet regarding vulnerabilities and strategies to decrease vulnerabilities.

At the conclusion of the public safety presentation, Chair Crider thanked Chief Foster and his team for the information.

#### **Report of the President**

President Mason encouraged the Board to review the concept paper on regenerating UDC as an advance public system of higher learning.

#### **Report of the Executive Committee**

No Committee Report

#### **Report of the Committee of the Whole**

No Committee Report

#### **Report of the Academic and Student Affairs Committee**

No Committee Report

*Alumni Task Force:* Trustee Shelton announced the alumni were planning an event at Brookland's Busboys and Poets on December 9<sup>th</sup>. An invitation was extended to everyone to attend the event and bring a toy for the toy drive.

*Student Communications Task Force:* Trustee Wilhite reported that an editor had been identified for the Free Voice.

#### **Report of the Audit, Budget and Finance Committee**

No Committee Report

#### **Report of the Community College Committee**

No Committee Report

#### **Report of the Operations Committee**

No Committee Report

#### **Unfinished Business**

No Unfinished Business.

#### **New Business**

No New Business.

#### **Closing Remarks**

Chair Crider announced an executive session was held at the regular meeting of the Board of Trustees on July 14, 2015. All matters acted upon in the executive session were proper.

Dr. Epps reminded the Board there will be an official opening for the Student Center on January 20<sup>th</sup>. Dr. Epps introduced the Director of the Student Center [Clifton Johnson].

The meeting adjourned at 8:38 p.m.

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Secretary's Signature

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Date

DRAFT