

Minutes

Board of Trustees Meeting

Tuesday, November 22, 2016 – 5:00 p.m.

Trustees Present:

Elaine Crider, Chair
Christopher Bell
Reginald Felton
Errol Schwartz
Joshua Wyner
Jerome Shelton
Gary Mills
Gwendolyn Lewis
Anthony Tardd
Ronald Mason, ex-officio
James Dyke*
Gabriela Lemus*
*via telephone

Trustees Absent:

Alejandra Castillo
Barrington Scott

Executive Cabinet Present:

Rachel Petty, Acting Chief Academic Officer
Karen Hardwick, General Counsel
Evola Bates, Chief of Staff
Troy Lemaile-Stovall, Chief Operating Officer
William Latham, Chief Student Development and Success Officer
Tony Summers, Acting Provost, UDC Community College

Staff Participants Present:

Beverly Franklin, Executive Secretary, Office of the Board of Trustees

Call to Order and Roll Call

Chair Crider called the meeting to order at 5:20 p.m. The Board of Trustees agreed to include additional action items to the agenda.

Approval of the Minutes

The minutes of the July 26, 2016 Board of Trustees meeting were unanimously approved.

Action Items:

Academic and Student Affairs Committee

Resolution: Approval of a Bachelor of Arts Degree in Urban Sustainability. Chair Wyner presented the resolution for the approval of a Bachelor of Arts program in Urban Sustainability. It is a multi-disciplinary program which was presented to the committee with the recommendation of the Curriculum Committee. There was a lengthy discussion regarding the process in terms of the Faculty Senate consideration of the program. Professor King-Berry noted the Faculty Senate would be meeting the next week and feedback could be provided shortly after that meeting.

After further discussion, Chair Crider noted the Board will need to schedule a special meeting within the next couple of weeks. The Trustees approved tabling consideration of the program until a special meeting of the Board of Trustees is held. The expectation was that the special meeting would be held no later than December 2 which would allow time for the Board to hear from the Faculty Senate.

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Resolution: Institutional Aid Funding for the UDC David A. Clarke School of Law. Trustee Wyner presented the proposal for institutional aid for the Law School. The request is for \$700,000 per year for a three-year period (FY19, 20, and 21). Over the past ten years, the Board of Trustees has approved \$700,000 per year to the law school. Trustee Wyner provided a brief summary of the committee's discussion regarding institutional aid. The committee voted, with one abstention, to recommend this proposal to the full Board of Trustees for consideration.

Trustee Felton noted the Audit, Budget and Finance Committee also considered this proposal. There was committee support. However, no formal recommendation was made due to the lack of a quorum.

Motion:

UDC Resolution No. 2016-45: Institutional Aid Funding for the UDC David A. Clarke School of Law

WHEREAS, pursuant to D.C. Official Code §38-1202.06(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 maintains accreditation necessary to qualify the graduates of the UDC David A. Clarke School of Law (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 School of Law's mission requires that it recruit and enroll students from racial, ethnic and other backgrounds traditionally underrepresented at the bar, with the understanding that such students frequently come from low-income families who 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% during academic year 2017-2018 even as 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 has dropped 40% since 2011; and

WHEREAS, law student transfer rates are increasing significantly as top-ranked law 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 has increased each year since 2011 in keeping with the national trend; and

WHEREAS, it is anticipated the implementation of multi-year financial aid awards and targeted enrollment strategies may result in increased tuition revenue; and

WHEREAS, multi-year financial aid awards will be conditioned upon continued strong academic performance; and

WHEREAS, institutional aid will support the School of Law's retention strategies, including the Dean's Fellows Program (for students earning a 3.0 and above GPA) and Need-Based Aid; and

WHEREAS, to further the mission and meet the financial aid requirements of the School of Law, the Board of Trustees approved UDC Resolution No. 2006-30 authorizing the University to remit law school tuition annually in the amount of \$700,000 during each of FY 2006, FY 2007, and FY 2008; UDC Resolution No. 2008-05 authorizing the University to remit Law School tuition annually in the amount of \$700,000 during each of FY 2009, FY 2010 and FY 2011; UDC Resolution No. 2012-12 authorizing the University to remit tuition annually in the amount of \$700,000 during each of FY 2012, FY 2013 and FY 2014; UDC Resolution 2014-38 authorizing the University to remit tuition annually in the amount of \$700,000 in each of FY 2015 and FY 2016; and UDC Resolution 2015-38 authorizing the University to remit tuition annually in the amount of \$700,000 in each of FY 2017 and FY 2018; and

WHEREAS, the School of Law needs institutional aid 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

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WHEREAS, the School of Law uses institutional aid 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, and has supported enrollment and retention of a student body ranging from approximately 234 students to a high of 366 students in 2012, and, in 2015, a student body of approximately 305 students; and

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

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees authorizes the University to offer institutional aid for the School of Law in the amount of \$700,000 annually during each of FY 2019, 2020 and 2021 to further the mission and to meet the financial aid requirements of the School of Law.

The Board of Trustees unanimously approved the resolution.

Resolution: UDC David A. Clarke School of Law Tenure Approval for Professor Stephanie Y. Brown.
Trustee Wyner reported the committee was provided with a presentation of Professor Brown's credentials, and was comfortable with the approval of tenure as recommended by the Dean of the law school.

Motion:

UDC Resolution No. 2016-46: UDC David A. Clarke School of Law Tenure Approval for Professor Stephanie Y. Brown
WHEREAS, the UDC David A. Clarke School of Law ("UDC-DCSL") Faculty Evaluation and Retention Committee ("FERC") appointed a subcommittee to prepare a report and make a recommendation to FERC regarding the application by Professor Stephanie Y. Brown for a position with continuous tenure at UDC-DCSL; and

WHEREAS, the tenure standard at UDC David A. Clarke School of Law requires that "[a]ll members of the faculty have as their primary responsibilities teaching and contributing to the growth and understanding of the law," participating in and conducting "other school of law activities...necessary to the successful functioning and harmony of the institution[,]...and other activities...which significantly relate to and advance a faculty member's academic skills, including work in his or her special field"; and

WHEREAS, the FERC subcommittee conducted a review of Professor Brown's teaching, scholarship, and service to the UDC-DCSL and to the legal profession and concluded that Professor Brown is a teacher whose work reflects creativity along with other attributes of good teaching, that her scholarly and other writings satisfy the criteria for tenure, and that she is an indefatigable champion for the School of Law, for the legal profession, and for justice; and

WHEREAS, the FERC subcommittee, upon consideration of the Standards for Promotion and Tenure and the Faculty Handbook, concluded that Professor Brown's teaching, scholarship and service met all applicable standards for tenure and recommended to the full committee that it should recommend to the Dean that Professor Brown be awarded tenure; and

WHEREAS, the FERC considered the subcommittee's report and recommendation and voted unanimously to adopt the recommendation of the subcommittee and asked the Dean to seek an award of continuous tenure for Professor Brown; and

WHEREAS, Dean Broderick independently evaluated Professor Brown's teaching, scholarship, and service, and concurred in writing with FERC's recommendation; and

WHEREAS, the Acting Chief Academic Officer and the President have independently affirmed the recommendation of tenure for Professor Brown, 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 Stephanie Y. Brown of the UDC David A. Clarke School of Law.

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The resolution was unanimously approved by the Board of Trustees.

Academic and Student Affairs Committee and Audit, Budget and Finance Committee

Notice of Final Rulemaking, Amendments to Chapter 7, Updating Tuition Rates for Academic Year 2017-2018

Trustee Wyner reported this proposal would include a 3.1 percent increase in tuition and a ten percent tuition increase for the engineering program. The proposal was vetted at the Board level. No comments were received during the proposed rulemaking period.

Trustee Mills discussed his efforts to work with the Administration on this proposal. He indicated he had sent emails to the Council and Ms. Franklin. He felt the Administration had not done enough to ensure students are commenting on the increase in the student fees. Chair Crider indicated his comments would be noted in the minutes and that he continued to have concerns regarding this issue.

Operations

Notice of Final Rulemaking, Amendments to Chapter 21, Repealing Cap on Maximum Lease Term Length

Chair Bell spoke briefly about this rulemaking which would remove the limitation on the lease term.

Motion:

UDC Resolution No. 2016-47: Notice of Final Rulemaking, Amendments to Chapter 21, Repealing Cap on Maximum Lease Term Length

WHEREAS, pursuant to D.C. Code §38-1202.01(a), the Board of Trustees has the authority to make, deliver and receive deeds, leases and other instruments and to take title to real and other property in its own name; and 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 leasing of real property is governed by the provisions of 8B DCMR Chapter 21; and

WHEREAS, the Board of Trustees seeks to repeal the restriction on the maximum lease term length to allow for strategic planning and stronger negotiating positions; and

WHEREAS, on July 26, 2016, the Board of Trustees passed Resolution 2016-35 approving a Notice of Proposed Rulemaking (NPRM) to update Chapter 21 of 8B DCMR in order to repeal the restriction on maximum lease term length to allow for strategic planning and stronger negotiating positions; and

WHEREAS, the Notice of Proposed Rulemaking was published in the D.C. Register on October 14, 2016 for a thirty (30) day comment period. The public comment period has lapsed, and no comments have been submitted during the period pursuant to the instructions printed in the Notice.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the University of the District of Columbia hereby modifies Chapter 21 pertaining to the leasing of space to repeal the restriction on the maximum lease term; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the University of the District of Columbia hereby approves the attached DCMR regulations and takes proposed rulemaking action to repeal Section 2100.2 of Chapter 2 of the University Rules (Title 8B DCMR); and

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

The resolution was unanimously approved.

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Notice of Final Rulemaking, Amendments to Chapter 2, Changing the Title of the Provost of the Community College

President Mason discussed the rulemaking. During the Chief Academic Officer search, there was some concern about the title, Provost, for the community college head. To avoid confusion and provide symmetry among cabinet members, the decision was made to change the title to Chief Community College Officer.

Motion:

UDC Resolution No. 2016-48: Notice of Final Rulemaking, Amendments to Chapter 2, Changing the Title of the Provost of the Community College

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 Board seeks to amend 8B DCMR Chapter 2 to change the title of the Provost of the Community College to the “Chief Community College Officer”.

WHEREAS, on July 26, 2016, the Board of Trustees passed Resolution 2016-41 approving a Notice of Proposed Rulemaking (NPRM) for updates to Chapter 2 of 8B DCMR in order to change the title of the Provost of the Community College to the “Chief Community College Officer.”

WHEREAS, the Notice of Proposed Rulemaking was published in the D.C. Register on October 14, 2016 for a thirty (30) day comment period. The public comment period has lapsed, and no comments have been submitted during the period pursuant to the instructions printed in the Notice.

THEREFORE BE IT RESOLVED that the Board hereby approves the changes to Chapter 2 which change the title as discussed and as reflected in the attached rulemaking; and

BE IT FURTHER RESOLVED that the Board of Trustees of the University of the District of Columbia hereby takes final rulemaking action to amend Chapter 2 of the University Rules (Title 8B DCMR) to reflect the changes as indicated; and

BE IT FURTHER RESOLVED that the following change in Chapter 2 shall be effective immediately:

- The Provost of the Community College shall now be titled the Chief Community College Officer;

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

The resolution was unanimously approved by the Board of Trustees

Approval of the Proposed FY2018 University Budget Request. Trustee Felton reported the Audit, Budget and Finance Committee received a briefing on both budgets. Ms. Vasquez (Budget Officer) discussed the \$160.1 million total budget of which \$116.9 million is unrestricted. This budget represents a \$2.9 million decrease from the FY2017 Budget. One of the primary reasons for the decrease is the lower use of the fund balance. The committee, which did not have a quorum, supported the budget and suggested the full board to approve it.

Trustee Wyner felt it would be helpful to have a presentation on the budget. President Mason asked Mr. Stovall to present some of the budget highlights. Mr. Stovall gave a brief presentation which included restricted and unrestricted funds, the fund balance, indirect costs and grants. Trustee Wyner

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requested, in the future, additional information including the cost per student per year, the cost per graduate, and budget implications associated with some of the retention and graduation efforts.

Motion:

UDC Resolution No. 2016-49: Approval of Proposed FY2018 University Budget Request

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, the proposed FY2018 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 the Board of Trustees’ vision for the University.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Trustees hereby approves the attached proposed FY2018 Budget Request for submission to the Mayor by the Board of Trustees.

The Board of Trustees unanimously approved the resolution.

Approval of Proposed FY2018 University Capital Improvement Plan Budget. Mr. Stovall reported that through the Operations and Audit, Budget and Finance Committees, the Board approved a \$45 million capital budget which was a six-year budget. Mr. Stovall and Mr. Thompson have had numerous conversations with the District regarding the challenges on the campus particularly in terms of the heating and cooling issues. Through these discussions, a \$150 million budget was presented focusing on the heating and cooling system on the Van Ness Campus and building the Backus expansion.

Motion:

UDC Resolution No. 2916-50: Approval of Proposed FY2018 University 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, the proposed FY2018 Capital Improvement Plan Budget has been prepared by the University Administration in support of the University’s proposed areas of emphasis for Fiscal Years 2018-2023; reviewed by the University’s Chief Financial Officer; and recommended by the President for approval for submission to the Mayor by the Board of Trustees; and

WHEREAS, the proposed Capital Improvement Plan Budget 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 the Board of Trustees’ vision for the University.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Trustees hereby approves the attached proposed FY2018 Capital Improvement Plan Budget for submission to the Mayor by the Board of Trustees.

The resolution was unanimously approved by the Board of Trustees.

Chair Crider noted the vote had not been taken for the final rulemaking regarding the tuition increase.

Motion:

UDC Resolution No. 2016-51: Notice of Final Rulemaking, Amendments to Chapter 7, Updating Tuition Rates for Academic Year 2017-2018

WHEREAS, District of Columbia law (D.C. Official Code §38-1202.06(8)) provides for the Board of Trustees of the University of the District of Columbia (“University”) to fix tuition to be paid by resident and nonresident students attending the University; provided, that such tuition is adopted by the Trustees in accordance with the provisions of D.C. Official Code §2-505(a); and

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WHEREAS, the University consists of a flagship urban land-grant university offering a broad range of academic and professional programs; a community college offering workforce development opportunities, academic certifications and academic associate degrees; and a law school whose mission is to recruit and enroll students from groups under-represented at the bar, provide a well-rounded theoretical and practical legal education that will enable students to be effective and ethical advocates, and represent the legal needs of low-income District of Columbia residents through the school's legal clinics; and

WHEREAS, the University seeks to avoid sporadic, significant tuition increases and seeks instead to maintain the existing cost structure consistent with the rate of inflation by implementing consistent incremental increases; and

WHEREAS, for the calendar year 2015 the Consumer Price Index was 2.1%; and

WHEREAS, the School of Engineering and Applied Science is the fastest growing program in the University and requires increased investment in computers, equipment and laboratories to keep pace with advancing technologies; and

WHEREAS, on July 26, 2016, the Board of Trustees passed Resolution 2016-39 approving the Notice of Proposed Rulemaking (NPRM) to update Chapter 7 of 8B DCMR to increase the tuition rates for the academic year 2017-2018; and

WHEREAS, the Notice of Proposed Rulemaking was published in the D.C. Register on October 14, 2016 for a thirty (30) day comment period. The public comment period has lapsed, and no comments have been submitted during the period pursuant to the instructions printed in the Notice.

THEREFORE, BE IT RESOLVED that the Board of Trustees of the University of the District of Columbia hereby increases the tuition rates by 3.1% for all programs except that, for the School of Engineering and Applied Science, the Board of Trustees hereby increases the tuition rates by 10%; and

BE IT FURTHER RESOLVED that the Board of Trustees of the University of the District of Columbia hereby adopts the Notice of Final Rulemaking to increase tuition to the rates 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 District of Columbia Register.

The Board of Trustees approved the resolution with one no vote (Trustee Mills).

Report of the Chair

No Report.

Report of the President

President Mason briefly discussed the President's First Year Report [2015 – 2016], including a summary of the priorities that had been accomplished at a high level, partially accomplished and not accomplished in the last work plan. He also provided information regarding the Work Groups established for FY17 that will work on specific issues and lay the foundation for an advanced public system of higher learning. The Work Groups are Advanced Academy, Advanced Teaching and Learning, Curriculum Pathways, Student Success and Teaching and Learning Support Systems. These Work Groups are tied to goals and timetables and will be tracked during the course of the year.

President Mason mentioned the Thurgood Marshall College Fund 28th Annual Awards Gala where Shelley Broderick, Dean of the David A. Clarke School of Law was the Education Leadership Awards Recipient. He taped a session with the Andrew Young Foundation and noted that Ambassador Young will be sharing information regarding the University's urban farm work. Trustee Dyke mentioned President Mason had an opportunity to make a presentation to the Federal City Council Education Committee regarding the new vision for the University as well as his first year accomplishments.

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Trustee Wyner spoke about seeing the university move towards some student success goals and quantifiable financial goals.

Trustee Mills requested information about fundraising goals and the timeline for the [selection of] the Chief Academic Officer. President Mason reported the replacement for the UDC Foundation Director position will be in place the first of 2017. He explained that the search for the Chief Academic Officer is continuing.

Mr. Stovall noted the Board was provided with copies of the Fact Book.

President Mason noted the Wall Street Journal recently ranked HBCUs based on certain criteria. The University was ranked Number 9. President Mason informed the Board that he would provide them with a copy of the report.

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

Trustee Wyner presented a brief summary of the committee meeting which included the enrollment report.

Alumni Task Force. Trustee Shelton noted approximately 250 alumni gathered a few weeks ago for the alumni scholarship dance.

Communications Task Force. Trustee Mills spoke about the issues and challenges he was having with the lack of administrative staff support in the Board office in terms of arranging meetings, travel to the other campuses to meet students, and the lack of internet and computer access in the Student Trustee Office. He was encouraged to share his written concerns with the Board leadership.

Audit, Budget and Finance Committee

Trustee Felton reported the committee discussed the investment policy. He noted the need for a clear policy regarding the percentage of the investment income that could be spent without jeopardizing the endowment base. The committee also was informed that work had been done regarding the FY16 audit.

Community College Committee

Trustee Tardd reported Brailsford and Dunlavey presented a report regarding the footprint analysis for the community college. In addition, there were presentations regarding the aviation program, and updates on the mortuary science and nursing programs accreditations.

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Trustee Bell reported the committee did not have a meeting. He anticipates the committee will meet in 2017 to discuss 4250 Connecticut Avenue and the build out of the student center. He also expressed an interest in learning about the utilization and capacity issues that were discussed at the Community College Committee meeting.

Unfinished Business
No unfinished business.

New Business
No new business.

Closing Remarks
The meeting adjourned at 6:51 p.m.

Secretary's Signature

Date

DRAFT