

**BOARD OF TRUSTEES
UNIVERSITY OF THE DISTRICT OF COLUMBIA
UDC RESOLUTION NO. 2024 - 04**

SUBJECT: NOTICE OF PROPOSED RULEMAKING, AMENDMENT TO TITLE 8B DCMR, CHAPTER 6, CAMPUS LIFE, SECTION 613.

WHEREAS, the Board of Trustees of the University of the District of Columbia, pursuant to the authority set forth in D.C. Official Code §§38-1202.01(a)(7); 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)(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, the Board seeks to incorporate provisions of the Mayor’s Order 2023-131, dated October 31, 2023, regarding sexual harassment in District of Columbia (“District”) Government workplaces by adopting similar provisions applicable to the University environment; and

WHEREAS, the Board is amending Chapter 6, Section 613, of Title 8B DCMR, to prohibit certain consensual romantic or sexual relationships in the University’s workplace, and to avoid real or perceived impropriety, favoritism, conflicts of interest and to advance fairness for all students, staff, and faculty interactions.

THEREFORE, BE IT RESOLVED that the Board of Trustees of the University of the District of Columbia hereby takes this proposed rulemaking action to amend D. C. Municipal Regulations, Title 8B DCMR Chapter 6, Section 613 of the University regulations to prohibit certain consensual romantic or sexual relationships in the workplace and provide for disclosure as indicated in the Notice of Proposed Rulemaking attached hereto as Exhibit A; 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 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:

February 5, 2024

Approved by the Board of Trustees:

February 6, 2024

Christopher D. Bell

A handwritten signature in cursive script that reads "Christopher D. Bell".

Chairperson of the Board

Exhibit A

UNIVERSITY OF THE DISTRICT OF COLUMBIA
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 § 38-1202.06(8)) hereby gives notice of its intent to amend Chapter 6 (Campus Life) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the proposed rulemaking is to amend Title 8B DCMR, Chapter 6, Subsection 613 to prohibit certain consensual romantic or sexual relationships in the University's workplace, to avoid real or perceived impropriety, favoritism, conflicts of interest and to advance fairness for all students, staff, and faculty,

Pursuant to D.C. Official Code § 2-505(a), 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 6, CAMPUS LIFE, of Title 8B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:

Section 613, CONSENSUAL RELATIONSHIPS, is amended as follows:

Subsection 613.1 is amended by deleting it and replacing it in its entirety as follows:

- 613.1 A consensual romantic or sexual relationship between a supervisor and any employee in the chain of command of the supervisor is prohibited.
- 613.2 A consensual romantic or sexual relationship between an employee and all students over whom the employee exercises academic, administrative, supervisory, evaluative, counseling, or extracurricular authority is prohibited.
- 613.3 In cases of pre-existing relationships, the employee must disclose the relationship to the Title IX Coordinator who will inform the employee's supervisor, so that alternative arrangements are put in place.

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. Comments may also be submitted by email to OfficeofGC@udc.edu. Individuals wishing to comment by email must include the phrase "Comment to Proposed Rulemaking: "Consensual Relationships" in the subject line. Copies of the proposed

rulemaking may be obtained at the address listed above.

TO: Board of Trustees

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

DATE: February 6, 2024

SUBJECT: Notice of Proposed Rulemaking - Amending 8B DCMR Chapter 6, Section 613 -
To revise consensual relationship regulations

Conclusion

It is concluded that there is no fiscal impact related to updating the 8B District of Columbia Municipal Regulations (DCMR) regarding consensual relationships.

Background

On October 31, 2023, the Office of the Mayor issued Mayor's Order 2023-131: "Updated District Government Sexual Harassment Policy, Guidance, and Procedures", which went into effect on November 10, 2023. In particular, the order banned all "dating, romantic, and sexual relationship[s] between a supervisor and any employee in the chain of command they supervise – whether supervision is direct or indirect, operational or situational..." This prohibition also refers to trainees, recruits, and interns. Moreover, the order requires all existing relationships that fall within the prohibitions of the order to be disclosed.

Recommendation

This resolution seeks to update the 8-B DCMR Chapter 6, Section 613 to address the new mayoral policy by adopting similar provisions applicable to the University environment. This amendment will prohibit certain romantic or sexual relationships in the University's workplace, and to avoid real or perceived impropriety, favoritism, conflicts of interest and to advance fairness for all students, staff, and faculty interactions.

Fiscal Impact

There is no anticipated fiscal impact nor any anticipated financial risks at this time.