

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

**SUBJECT: NOTICE OF PROPOSED RULEMAKING, AMENDMENT TO DCMR, Title 8B, CHAPTER 2, Section 200: THE PRESIDENT OF THE UNIVERSITY**

**WHEREAS**, the Board of Trustees of the University of the District of Columbia (“Board”), 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(10); 38-1202.01(a)(7)(2012 Repl.) has the power to appoint a President who reports directly to the Board and 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 8B DCMR §200.2, it is the duty of the Board whenever a vacancy exists in the position of President or the Board has notice that a vacancy will exist, to appoint an individual to serve as Interim President or Acting President within thirty (30) days of the vacancy; and

**WHEREAS**, the Board desires to ensure the immediate continuity of leadership by amending 8B DCMR 200.2 to state that “upon the permanent vacancy in the Office of President, the Chief Academic Officer, shall immediately become Interim President, unless the Board of Trustees makes a different appointment”.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Trustees of the University of the District of Columbia hereby takes proposed rulemaking action to amend D. C. Municipal Regulations, Title 8B, Chapter 2, Section 200.2 to provide that “upon the permanent vacancy in the Office of President, the Chief Academic Officer, shall immediately become Interim President, unless the Board of Trustees makes a different appointment”, 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 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 9, 2020

Approved by the Board of Trustees:

June 16, 2020

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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 D.C. Official Code §§ 38-1202.06(10); 38-1202.01(a)(7) hereby gives notice of its intent to amend Chapter 2 (The President of the University 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 2, Section §200.2 of the University Rules to provide that in the event of a vacancy in the position of the President, the Chief Academic Officer shall immediately become Interim President, unless the Board of Trustees makes a different appointment.

The Board of Trustees will take final action to adopt this amendment 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 2, ADMINISTRATION AND MANAGEMENT, of subtitle B, UNIVERSITY OF THE DISTRICT OF COLUMBIA of title 8, HIGHER EDUCATION, is amended as follows:**

**Section 200, THE PRESIDENT OF THE UNIVERSITY, Subsection 200.2 is amended by adding the following sentence:**

200.2 Upon the permanent vacancy in the Office of President, the Chief Academic Officer, shall immediately become Interim President, unless the Board of Trustees makes a different appointment. The appointment of the Chief Academic Officer as Interim President must be approved by the Board within 7 days of the vacancy of the Office of President. During the period before approval, the Chief Academic Officer shall only exercise administrative duties to maintain operations of the University. After approval by the Board of the appointment of the successor, the successor shall exercise such powers as authorized by the Board. If the Chief Academic Officer is appointed Interim President, the Board shall approve an Acting Chief Administrative Officer upon the recommendation of the Interim President.

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 [OfficeofGC@udc.edu](mailto:OfficeofGC@udc.edu). Individuals wishing to comment by email must include the phrase “Comment to Proposed Rulemaking: “Amendment to The President of the University” in the subject line.

## FISCAL IMPACT STATEMENT

**TO:** Board of Trustees

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

**DATE:** June 16, 2020

**SUBJECT:** Presidential Vacancy for University of the District of Columbia

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### **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 it considers necessary for the governance and administration of the University of the District of Columbia.

### **Background**

The Board seeks to ensure the immediate continuity of leadership by amending 8B DCMR 200.2 to state that upon the permanent vacancy in the position of President, the Chief Academic Officer, shall immediately become Interim President, unless the Board of Trustees makes a different appointment.

### **Financial Impact**

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