

BOARD OF TRUSTEES  
UNIVERSITY OF THE DISTRICT OF COLUMBIA  
UDC RESOLUTION NO. 2013-09

**SUBJECT:** Chapter 2, DCMR, Administration and Management, Emergency and Proposed Rulemaking

WHEREAS, District of Columbia law (D.C. Official Code §1202.01(a)) provides for the Board of Trustees of the University of the District of Columbia to adopt, prescribe, amend, repeal, and enforce such bylaws, rules, and regulations as it may deem necessary for the governance and administration of the University; and

WHEREAS, the rules adopted under the authority of § 1202.01(a) are codified in Title 8 of the District of Columbia Municipal Regulations (DCMR); and

WHEREAS, Chapter 2 of Title 8, entitled “Administration and Management,” contains the provisions with respect to the governance of the University, and particularly with respect to the powers and duties of the President; and

WHEREAS, Chapter 2 of Title 8 restricts an acting executive appointee to a term not to exceed one (1) year and three (3) months; and

WHEREAS Chapter 2 requires amendment to allow flexibility in the appointment of individuals serving in an acting capacity to prevent interruption in the operations of the University while still promoting expeditious hiring of highly qualified person in key positions;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees of the University of the District of Columbia hereby adopts the attached Notice of Proposed Rulemaking changing the language of Chapter 2 of Title 8, DCMR; and

**BE IT FURTHER RESOLVED** the General Counsel is hereby directed to publish this Notice of Proposed Rulemaking in the District of Columbia 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).

Approved by the Board of Trustees

April 17, 2013

  
Elaine A. Crider  
Chairperson of the Board

## **UNIVERSITY OF THE DISTRICT OF COLUMBIA**

### **NOTICE OF EMERGENCY AND 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 §§ 38-1202.01(a) and 38-1202.06 (13) (2001 & 2012 Supp.) hereby gives notice of its intent to amend Chapter 2 of Title 8, DCMR entitled "Administration and Management" in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The Board of Trustees took rulemaking action at a Regular Meeting on April 17, 2013. The purpose of the proposed rule is to allow the Board of Trustees greater latitude in making an acting appointment.

**Chapter 2, THE PRESIDENT OF THE UNIVERSITY, of subtitle B, UNIVERSITY OF THE DISTRICT OF COLUMBIA, of title 8, HIGHER EDUCATION, is amended as follows:**

**Section 210, EXECUTIVE APPOINTMENTS GENERAL PROVISIONS, Subsection 210.4 is amended to read as follows:**

- 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 without requiring that employee to resign from his or her current position. Compensation of appointees with "acting" status shall be determined in accordance with the provisions of §210.6 and other applicable subsections of this chapter. Service in an "acting" status in a position designated to be filled by executive appointment shall be limited to one (1) year. The President shall seek Board approval for an extension forty five (45) days prior to the year ending if he/she determines and can demonstrate that additional time is needed. Should an extension be approved by the Board, the President shall provide the Board immediately with a plan and time line for making the permanent appointment within ninety days (90) of the end of the one (1) year period should the appointment be necessary. 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.

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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 301Q, University of the District of Columbia, 4200 Connecticut Avenue, N.W. Washington, D.C. 20008. Comments may also be submitted by email to [smills@udc.edu](mailto:smills@udc.edu). Individuals wishing to comment by email must include the phrase "Comment to Proposed Rulemaking" in their subject line. Copies of the proposed rules may be obtained from the Office of the General Counsel at the address set forth above.