

**BOARD OF TRUSTEES
UNIVERSITY OF THE DISTRICT OF COLUMBIA
UDC RESOLUTION NO. 2013-24**

SUBJECT: Chapter 2, DCMR, Administration and Management, Final 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;

WHEREAS, the substance of the proposed rules enacted herein was published on April 26, 2013 at 59 DCMR for a thirty day public comment period in accordance with the DC Official Code § 2-505(a); and no public comment was received during the public comment period; and


WHEREAS, pursuant to 8 DCMR § 128.4, where no comments are received, the Chairperson of the Board Committee may forward the rules for final adoption without committee action;

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 as soon as is practicable.

Approved by the Board of Trustees

June 4, 2013


Elaine A. Crider
Chairperson of the Board

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL 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 adopt the amendments of Chapter 2 of Title 8, DCMR entitled "Administration and Management" of title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR as follows, effective upon publication of this notice in the *D.C. Register*. The Board of Trustees took rulemaking action at a regular meeting on June 4, 2013. The purpose of the rule is to allow the Board of Trustees greater latitude in making an acting appointment.

The substance of the rules adopted herein was published in the *D.C. Register* on April 26, 2013, for a period of public comment of not less than thirty (30) days, in accordance with D.C. Official Code § 2-205(a) (2012 Supp.). See 59 DCR 7553. No public comment was received by the Board within the public comment period.

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.