

Regular Meeting of the Board of Trustees
Tuesday, January 28, 2014 – 5:15 p.m.
Minutes

Trustees Present:

Elaine Crider, Chair
Joseph Askew
Christopher Bell
Alejandra Castillo
Kendrick Curry
Kenneth Isaacs
Gabriela Lemus
James Lyons, ex-officio
Errol Schwartz
Jerome Shelton
Mary Thompson

Trustees Absent:

James Dyke
Reginald Felton
George Vradenburg

Staff Present:

Rachel Petty, Acting Provost and Vice President, Academic Affairs
Erik Thompson, Capital Projects Manager
Donald Rickford, Acting Chief Financial Officer
James Contreras, Director, Office of Financial Aid
Smruti Radkar, Assistant General Counsel
Beverly Franklin, Executive Secretary, Board of Trustees

Call to Order and Roll Call

At the conclusion of the UDC Foundation Annual Meeting, Chair Crider called the regular meeting of the Board of Trustees to order.

Approval of the Minutes

The minutes of the November 19, 2013 regular meeting of the Board of Trustees were unanimously approved.

Report of the Chairperson

No Report.

Report of the President

Dr. Lyons spoke about the recent meeting he attended at the White House where he represented the District of Columbia. The meeting's purpose was to discuss the commitment to action on college opportunity.

Dr. Lyons reported he received a copy of an NEA [National Education Association] article, "What Stinks in the Nation's Capital?" concerning the university. This article was written by the editor of the NEA Advocate and was an attack on the breakdown on shared governance. He expressed concerns about inaccuracies in the article which said the strategic plan was written by the administrators. Dr. Lyons noted that students and faculty (including faculty leadership) were involved with the strategic plan. He indicated the university would respond to the article.

Trustee Bell asked about the facilities improvement that the Architecture School needed. Mr. Thompson reported Phase II of the Architecture project and programming enhancement was underway.

Trustee Bell asked about the issue of noncompliance from the Zoning Commission. Mr. Thompson reported the university does not agree regarding noncompliance and has been working with the Zoning Commission regarding the matter. The commission requested additional information which is due on February 10.

A motion was made and the roll was called to enter executive session. Chair Crider read the following statement:

In accordance with Section 2-575(b) (10) of the D.C. Code, the Board of Trustees hereby gives notice that it may conduct an executive session, for the purpose of discussing the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials. The Board will now begin the executive session.

Executive Session

At the conclusion of the executive session, Chair Crider reconvened the public session. She announced that all matters acted upon in the executive session were proper.

Chair Crider noted a change in the agenda. A motion was made, seconded and approved to remove all items under Unfinished Business (Item VI).

Report of the Executive Committee

No Committee Report.

Report of the Committee of the Whole

No Committee Report.

Report of the Academic Affairs Committee

No Committee Report

Report of the Budget and Finance Committee

Trustee Felton reported the committee met and there was a discussion regarding periodic financial reports to the Board. Mr. Rickford discussed the monthly reports and indicated they will be provided starting the end of February on a monthly basis.

Report of the Audit, Administration and Governance Committee

Trustee Shelton reported there was an abbreviated meeting due to the lack of a quorum. He recognized Ms. Denise Slaughter for her assistance during the meeting. Trustee Shelton mentioned the Conflict of Interest Policy which he expects to discuss at the next Board of Trustees meeting.

Report of the Student Affairs Committee

General Schwartz reported the committee met on January 16. There was a briefing regarding Records Management. He asked Mr. Contreras to explain the three year default rate [financial aid].

Mr. Contreras discussed the increase in the cohort default rate. UDC's default rate was 7.1 percent for two years. This year, the US Department of Education will transition to three years. The cohort default rate for 2010 is 14.2 percent [three years].

Mr. Contreras spoke about the default prevention plan and various deferment options. Starting this semester, several sessions are planned at the community college and the flagship concerning financial literacy.

Communications Task Force

Trustee Isaacs did not have a formal report. He has had informal conversations with students regarding lab fees and the use of student activity fees. He plans to address these issues with the Budget and Finance Committee.

Report of the Community College Committee

Trustee Dyke was not present. Trustee Shelton mentioned Ms. Ford, Dean of Workforce Development, spoke before the Audit, Administration and Governance Committee regarding the Workforce Development program. General Schwartz reported the recent Workforce Development Graduation was held at H. D. Woodson High School.

Report of the Facilities Committee

Trustee Bell noted the committee met on January 7. He reported there were some questions regarding the Board's view on housing. He indicated a need for having a meeting with Dr. Lyons, Dr. Crider, Mr. Bell, and Ms. Jumper's team to discuss 801 North Capitol Street and other options. The Student Center is on track for 2014 and the plan is to have an official opening in the first quarter of 2015. One resolution from the committee meeting has been pulled and will not be discussed.

New Business

No new business.

Dr. Crider moved to end the meeting but was reminded that there were some executive appointments that needed to be discussed. She called the meeting back to order. The roll was called and a quorum was present.

The first item for consideration by the Board was the selection of the General Counsel, D. Scott Barash. She read a portion of the resolution into the record.

Motion:

UDC Resolution No. 2014-01: Appointment of D. Scott Barash as General Counsel of the University of the District of Columbia

WHEREAS, pursuant to the District of Columbia Comprehensive Merit Personnel Act, D.C. Code §1-601.01 et seq., the Board of Trustees has the authority to fill positions within the University; and

WHEREAS, Pursuant to D.C. Code §1-608.53(f), the General Counsel of an independent agency shall serve at the pleasure of the agency head; and

WHEREAS, D. Scott Barash was selected for appointment as the General Counsel of the University of the District of Columbia based on his past accomplishments and experience serving as an attorney with various Federal agencies and private firms as well as his experience as a senior executive at a not for profit corporation; and

WHEREAS, after review of his credentials it has been determined that he is well-qualified for such position and that the recommended salary adequately reflects the job duties and experience;

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the University of the District of Columbia approves the appointment of D. Scott Barash as the General Counsel of the University of the District of Columbia effective March 3, 2014.

The resolution was unanimously approved. Mr. Barash, who was present in the audience, was introduced to the university community.

Dr. Crider presented the acting General Counsel appointment of Smruti Radkar to cover the period of time until Mr. Barash joins the university on March 3. She read a portion of the resolution into the record and noted the effective period of the appointment is January 13, 2014 through March 2, 2014.

Motion:

UDC Resolution No. 2014-02: Appointment of Smruti Radkar as Acting General Counsel of the University of the District of Columbia

WHEREAS, pursuant to the District of Columbia Comprehensive Merit Personnel Act, D.C. Code §1-601.01 et seq., the Board of Trustees has the authority to fill positions within the University; and

WHEREAS, Pursuant to D.C. Code §1-608.53(f), the General Counsel of an independent agency shall serve at the pleasure of the agency head; and

WHEREAS, Smruti Radkar has been recommended to serve as the Acting General Counsel of the University of the District of Columbia, based on her current experience as Assistant General Counsel in the University's Office of General Counsel and her previous accomplishments and experience serving as a labor and employment and defense litigator in the private sector; and WHEREAS, after review of her credentials it has been determined that she is well-qualified for such position and that the recommended salary adequately reflects the job duties and experience;

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the University of the District of Columbia approves the acting appointment of Smruti Radkar as the Acting General Counsel of the University of the District of Columbia effective January 13, 2014 and ending March 2, 2014.

The resolution was unanimously approved.

Dr. Crider presented a resolution to continue the employment of Dr. James Lyons as Interim President for the period of March 20, 2014 and ending on or before August 21, 2015. A portion of the resolution was read into the record. This appointment will be subject to City Council approval.

Motion:

UDC Resolution 2014-03: Appointment of Dr. James Lyons as Interim President

WHEREAS, pursuant to 8B DCMR § 200.1 the Chief Executive Officer of the University appointed by the Board of Trustees (the "Board") pursuant to D.C. Official Code § 38-1202.06(10), shall be the President of the University of the District of Columbia (the "President") and shall report directly to the Board; and

WHEREAS, pursuant to 8B DCMR §200.2 when the office of the President is vacant, the Board shall appoint an individual to serve as Interim President within 30 days of the vacancy; and

WHEREAS, pursuant to 8B DCMR §200.3 appointment of the President, including the renewal of an existing appointment, shall be by affirmative vote of a majority of the Board; and

WHEREAS, pursuant to 8B DCMR §200.4 the terms and conditions of the appointment of the President, including compensation and benefits, shall be set forth in a contract of employment which shall be negotiated with the appointee in a manner directed by the Board and shall be subject to ratification by an affirmative vote of the majority of the Board; and
WHEREAS, the Board completed a search process for an Interim President and selected Dr. James Lyons to be Interim President of the University for a one year term which expires March 19, 2014; and

WHEREAS, upon mutual agreement, the Board seeks to employ Dr. Lyons for up to an additional eighteen (18) months subject to the terms of a new Employment Agreement to be executed by Dr. Lyons and to be executed on behalf of the Board of Trustees by the Chair, Dr. Elaine Crider; and

WHEREAS, Dr. Lyons' educational background includes bachelor's, master's and doctoral degrees from the University of Connecticut and his university leadership experience includes the presidencies of the California State University, Dominguez Hills; Jackson State University in Mississippi; Bowie State University in Maryland; and most recently interim president at Dillard University in New Orleans; and

WHEREAS, Dr. Lyons' national reputation for outstanding leadership in higher education includes Board service for the American Association of State Colleges and Universities, the Mississippi Association of Colleges, the American Council on Education and as Secretary of the Maryland Higher Education Commission;

NOW THEREFORE, BE IT RESOLVED THAT, the Board of Trustees appoints Dr. James Lyons as Interim President of the University of the District of Columbia, for a term beginning March 20, 2014 and ending on or before August 31, 2015 subject to approval by the D.C. City Council.

The resolution was unanimously approved.

The meeting adjourned at 7:34 p.m.

Secretary's Signature

Date