

Minutes

Regular Meeting of the Board of Trustees

Thursday, March 27, 2014 – 5:00 p.m.

Trustees Present:

Elaine A. Crider, Chair
Christopher Bell
Joseph Askew
Kendrick Curry
Reginald Felton
Gabriel Lemus
James Lyons, ex-officio
Jerome Shelton
Errol Schwartz
Mary Thompson
George Vradenburg

Trustees Absent:

Alejandra Castillo
James Dyke
Kenneth Isaacs

Staff Present:

Myrtho Blanchard, Vice President, Human Resources
Valerie Epps, Vice President, Student Affairs
April Massey, Acting Dean, College of Arts and Sciences
Calvin Woodland, Acting Chief Executive Officer, Community College
Sandra Yates, Acting Dean, School of Business and Public Administration
Scott Barash, General Counsel
Smruti Radkar, Assistant General Counsel
Stacie Mills, Office of the General Counsel
Denise Slaughter, Office of the Provost and Vice President for Academic Affairs

Other Participants:

Perita Baxter

Call to Order and Roll Call

Chair Crider called the meeting to order at 5:18 p.m. The roll was called and a quorum was present. A motion was made, seconded and approved to add a number of items to the agenda [Conflict of Interest Policy; Freedom of Information Act – Notice of Final Rulemaking; Termination of Academic Programs Resolution – Technical Amendment; Executive Appointments – Dean, College of Arts and Sciences, Acting Dean – School of Business and Public Administration (SBPA), Associate Dean, Administration and Development, SBPA; Vision 2020 Strategic Plan].

Approval of the Minutes

The minutes of the January 28th and February 18th Board of Trustees meetings were reviewed and unanimously approved.

Report of the Chairperson

No Report.

Report of the President

President Lyons briefly discussed the recent Northwestern University football team ruling.

Dr. Lyons thanked the board members who agreed to meet with Dr. Guerrero for the preliminary Middle States visit on April 2nd.

Dr. Lyons provided a student center project status report. They are awaiting the steel to continue the center's construction.

Trustee Bell asked about the university's efforts to help students with learning disabilities. Dr. Epps spoke about the Disability Resource Center located on campus that services all disabled students. The Center has a full time staff. She discussed some of the technology available to assist students with learning disabilities. Also, the university is involved in a FIPSE grant which is a partnership with Syracuse University. The grant's purpose is to look at the services provided on UDC's campus as well as other HBCUs.

Trustee Shelton spoke about our athletes and acknowledged their successes during the first semester in basketball and track and field. Trustee Askew also recognized the achievements of the university's athletes.

Report of the Executive Committee

No Committee Report.

Report of the Committee of the Whole

No Committee Report.

Report of the Academic Affairs Committee

Trustee Curry presented the resolution pertaining to the executive appointment of Dr. April Massey, Dean of the College of Arts and Sciences. Dr. Massey has served as the interim dean. He read a portion of the resolution into the record.

Motion:

UDC Resolution No. 2014-07: Appointment of Dr. April Massey as Dean of the College of Arts and Sciences

WHEREAS, pursuant to 8 DCMR §212.1(b), all Deans of academic colleges positions shall be filled by executive appointment; and

WHEREAS, pursuant to 8 DCMR §212.3, the President shall provide for a formal search and selection process to fill the positions of the Dean of academic colleges positions; and

WHEREAS, Dr. April Massey has participated in a formal search and selection process pursuant to 8B DCMR §212.3; and

WHEREAS, Dr. Massey currently serves as the Acting Dean of the College of Arts and Sciences and has been recommended by the President and Provost to serve as the Dean, based on her knowledge, past accomplishments, and extensive experience;

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the University of the District of Columbia approves the appointment of Dr. April Massey as the Dean of the College of Arts and Sciences, consistent with the terms and conditions in her appointment letter.

The resolution was unanimously approved. The Board extended congratulations to Dr. Massey.

Trustee Curry presented the extension of the appointment of Dr. Sandra Grady Yates, Acting Dean of the School of Business and Public Administration (SBPA) and Dr. Malva Daniel Reid, Associate Dean for Administration and Development, (SBPA). He read portions of the two resolutions into the record.

Trustee Askew asked about certification indicating the ability to meet the financial obligations associated with the positions. Dr. Crider confirmed that the Fiscal Impact Statements were included with the documents.

Motion:

UDC Resolution No. 2014-8: Extension of the Appointment of Dr. Sandra Yates as Acting Dean of the School of Business and Public Administration

WHEREAS, pursuant to 8 DCMR §212.1, all Dean of academic colleges positions shall be filled by executive appointment; and

WHEREAS, pursuant to 8B DCMR §210.4 and 212.3 a person serving in an "acting" status for an executive appointment shall be limited to one (1) year; and

WHEREAS, 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; and

WHEREAS, Dr. Yates has been recommended to continue to serve as the Acting Dean of the University's School of Business and Public Administration, based on her knowledge, past accomplishments, and extensive experience; and

WHEREAS, Dr. Yates is currently serving as the Acting Dean of the School of Business and Public Administration and the Board has determined that the acting appointment should be extended based on extenuating circumstances;

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the University of the District of Columbia approves the extension of the appointment of Dr. Sandra Yates as the Acting Dean of the School of Business and Public Administration for a period not to exceed February 28, 2015, consistent with the terms and conditions in the appointment letter.

UDC Resolution No. 2014-9: Appointment of Dr. Malva Reid, Associate Dean for Administration and Development at the School of Business and Public Administration

WHEREAS, pursuant to 8 DCMR §212.1 each person to be appointed as an Associate Dean of an academic college of the University shall be given an executive appointment as such appointments are defined in the university's rules and regulations; and

WHEREAS, pursuant to 8 DCMR §210.2 each person selected by the President for an executive appointment shall be qualified on a description of their position or their roles and responsibilities and shall be approved by the Executive Committee prior to the appointment being made; and

WHEREAS, Dr. Reid has been recommended to serve as the Associate Dean for Administration and Development at the School of Business and Public Administration based on her knowledge, past accomplishments and experience; and

WHEREAS, after review of her credentials it has been determined that she is well-qualified for such position;

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the University of the District of Columbia approves the appointment of Dr. Malva Reid as the Associate Dean for Administration and Development at the School of Business and Public Administration effective February 1, 2014, consistent with the terms and conditions of her appointment letter.

The two resolutions were considered in block and were unanimously approved.

Trustee Curry introduced the resolution concerning the termination of academic programs. He read a portion of the resolution into the record. Chair Crider explained that there were some minor errors in a previously approved resolution concerning the termination of academic programs. The errors were

specific to either the program names or the degrees. She explained that the resolution reflects the corrections.

Motion:

UDC Resolution No. 2014-10: Termination of Academic Programs

WHEREAS, pursuant to D.C. Code §38-1202.06 (3), the Board of Trustees is authorized to establish or approve policies and procedures governing admissions, curricula, programs, graduation, the awarding of degrees, and general policy for the components of the University; and

WHEREAS, the following academic programs are currently offered by UDC:

1. Graphic Communication Technology (AAS);
2. Sociology and Anthropology (BA)
3. Mass Media (BA)
4. Graphic Design (BFA)
5. Physics (BS)
6. Applied Statistics (MS)
7. History (BA)
8. Special Education (MA)
9. Marketing (BBA)
10. Finance (BBA)
11. Procurement and Public Contracting (BBA)
12. Economics (BA)
13. Management Information Systems (BBA)
14. Nutrition and Food Science (BS)
15. Environmental Science (General) (BS)
16. Environmental Science (Water Resources) (BS)
17. Environmental Science (Urban Sustainability) (BS)

WHEREAS, as determined by a comprehensive qualitative and quantitative review of all university academic programs, the listed programs evidence a consistent record of low enrollment and graduation performance; low demand and future enrollment potential; lack of viability or currency; and/or do not provide the appropriate credentialing required for the labor market; and

WHEREAS, the University is committed to streamlining and strengthening its academic portfolio to ensure all programs offered are of high quality; attract and retain students; reflect current trends in the field and prepare students for success in the modern workforce; and possess the human and financial capacity and resources necessary to thrive; and

WHEREAS, many of the programs listed for termination will be reconstituted in some other form such as minors, certificate programs, and/or concentrations; and

WHEREAS, while no new or current students will be added to the listed programs as majors, reasonable provisions will be made to advise and support those students currently in the programs through to their graduation; and

WHEREAS, the University desires to terminate the listed programs effective February 2014, with the exception of teach-out students as provided in the previous clause;

THEREFORE BE IT RESOLVED, that the Associates of Arts and Sciences in Graphic Communication Technology; Bachelor of Arts in Sociology; Bachelor of Arts in Mass Media; Bachelor of Fine Arts in Graphic Design; Bachelor of Science in Physics; Masters of Science in Applied Statistics; Bachelor of Arts in History; Master of Arts in Special Education; Bachelor of Business Administration in Marketing; Bachelor of Business Administration in Finance; Bachelor of Business Administration in Procurement and Public Contracting; Bachelor of Arts in Economics; Bachelor of Business Administration in Management Information Systems; The Food Science Option of the Bachelor of Science in Nutrition and Food Science; Bachelor of Science in Environmental Science (General); Bachelor of Science in Environmental Science (Water Resources); and the Bachelor of Science in Environmental Science (Urban Sustainability) programs will terminate immediately as degree-granting programs and will cease to be offered at UDC, with the full termination occurring upon completion of the teach-out described herein; and

BE IT FURTHER RESOLVED, that based on the elimination of the Food Science Option of the Bachelor of Science in Nutrition and Food Science, the degree which currently exists as the Bachelor of Science in Nutrition and Food Science shall now be named the Bachelor of Science in Nutrition.

The resolution was approved with two abstentions (Trustees Shelton and Lemus).

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.

Report of the Audit, Administration and Governance Committee

Trustee Shelton reported the committee worked on two items throughout the year. Because they did not have a quorum, he asked that the trustees consider these two items.

Trustee Shelton presented the notice of final rulemaking regarding the Freedom of Information Act (FOIA). Trustee Askew asked if there were any substantive changes or comments made to the proposed rulemaking during the comment period. Trustee Shelton reported there were no changes.

Motion:

UDC Resolution No. 2014-11: Updating Freedom of Information Act (FOIA) Regulations - Notice of Final Rulemaking

WHEREAS, the District of Columbia Freedom of Information Act, or FOIA, DC Official Code §§ 2-531 et seq., provides that any person has the right to request access to public records and further provides that all public bodies of the District government are required to disclose public records, except for those records, or portions of records, that are protected from disclosure by the exemptions found at DC Official Code § 2-534; and

WHEREAS, the University seeks to update the relevant section of 8B DCMR Chapter 8 to accurately reflect the University's process and obligations pursuant to the Freedom of Information Act; and

WHEREAS, the substance of the proposed rules enacted herein was published on September 27, 2013 in Volume 60 Issue 41 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.

The resolution was unanimously approved.

Trustee Shelton presented the conflict of interest policy. He noted the highlighted areas pertain to input from the trustees. The proposal will come back to the Board for final approval at the next meeting.

Chair Crider asked about the appointment of an Ethics Subcommittee rather than the Governance Committee. Trustee Shelton felt that it would be better to have the chairperson, the president and possibly one other person to consider a decision if there were violations. In response to a question from Trustee Bell, Trustee Shelton stated the Ethics Subcommittee would be an ad hoc committee to deal with the specific incidence when it occurs.

Chair Crider asked if there is a conflict of interest policy for staff. Ms. Radkar reported the university has the Government Ethics Act which is applicable to all employees and under the statute, staff and employees are required to file financial disclosure statements. There is no policy but the university complies with the statute. Chair Crider asked that the committee look at a reasonable ethics policy university-wide working with Ms. Blanchard and the legal team. She asked that they bring this policy back after the committee meets.

Trustee Shelton discussed the difficulty of obtaining quorums at meetings. Ms. Mills reported that the Office of the General Counsel's (OGC) interpretation is that the chair has to be physically present. All other members may participate electronically. OGC is working to clarify the policy.

Report of the Student Affairs Committee

General Schwartz reported the committee met on March 12th. He introduced Dr. Elliot, UDC alum, who will be working in Health Services. Another new employee is Juanita Gray, Director of Residence Life. He briefly spoke about the three-year cohort default rate which is 18.6% and noted Mr. Contreras is working on ways to engage students in order to keep the default rate down.

General Schwartz mentioned the veterans held meetings at the community college and the flagship. Elections for the new student representative to the board will start after the 15th.

Communications Task Force

No Report.

Report of the Budget and Finance Committee

Trustee Felton presented a resolution concerning reprogramming. Chair Crider reported that the request was to reprogram \$4.3 million.

Motion:

UDC Resolution No. 2014-12: Reprogramming of Funds

WHEREAS, pursuant to 8 DCMR §204.2 all reallocations of funds within programs or other areas over \$250,000 must be approved by the Budget and Finance Committee and reported to the Board; and

WHEREAS, pursuant to 8 DCMR §205.4(b) specific authorization by the Board shall be required for any transaction which requires modification of the financial plan in excess of the reprogramming authority delegated to the President; and

WHEREAS, a re-programming in the amount of \$4.3 million is necessary to balance the FY 2014 budget, reflecting the reduction of estimated tuition revenue that was budgeted in anticipation of Board of Trustees approval of tuition and fee increases and projected enrollment increases, neither of which was realized; and

WHEREAS, a re-programming in the amount of \$396,598 of Indirect Cost funds is necessary to move funds which were inadvertently loaded into Academic Affairs-Graduate studies & Research account to the Contingency Reserve account; and

WHEREAS, a re-programming in the amount of \$1.6 million is necessary to address the Academic Affairs' Adjunct Pool deficit;

THEREFORE, BE IT RESOLVED that the University of the District of Columbia is hereby authorized to re-program funds as indicated above.

The resolution was unanimously approved.

Trustee Felton presented the second resolution concerning the approval of the proposed University FY2015 budget. He reported there was an amendment to the resolution. The following language was read into the record as a part of the resolution:

“Now therefore be it resolved that the attached proposed budget request for fiscal Year 2015 is approved by the Board of Trustees for submission to the Mayor by the Board of Trustees with the understanding that the unfunded initiatives identified by the Board will be put forth to the Council. And, funding for proposed new positions will be placed in a contingency fund and will be revised in accordance with the mission of the University and its priorities following Council action on the final budget.”

Motion:

UDC Resolution No. 2014-13: Approval of Proposed University FY2015 Budget Request

WHEREAS, pursuant to D.C. Official Code §38-1202.06(4), the Trustees are “required to prepare and submit to the Mayor...an annual budget for each fiscal year”; and

WHEREAS, the Finance and Budget Committee of the Board has reviewed the proposed FY2015 Budget Request prepared by the University Administration in consultation with the University's Chief Financial Officer and the President, and recommends its approval for submission to the Mayor by the Board of Trustees; and

WHEREAS, the proposed budget is reflective of projected revenues, consistent with prudent fiscal and accounting practices, and is in line with the President's and Board's vision for the University;

NOW, THEREFORE, BE IT RESOLVED, that the attached proposed budget request for Fiscal Year 2015 is approved by the Board of Trustees for submission to the Mayor by the Board of Trustees, with the understanding that unfunded initiatives identified by the Board of Trustees will be put forth to the Council of the District of Columbia, and, funding for proposed new positions identified in the attached proposed budget will be placed in a contingency fund and will be revisited in accordance with the mission of the university and its priorities following action by the Council of the District of Columbia on the final budget.

The revised resolution was unanimously approved.

Trustee Felton clarified that the reprogramming resolution included other reprogramming besides the \$4.3 million.

Report of the Community College

Chair Crider reported Trustee Dyke had a written report. Dr. Woodland was asked to discuss the report.

Dr. Woodland acknowledged awards received by several students. Mr. Abdul Hamid Nuraddin was selected as an HBCU White House All Star Recipient and Mr. Abell was selected as one of the 2014 Coca Cola Century Scholars. This is a prestigious national scholarship to the International Phi Beta Kappa Honor Society.

Dr. Edith Westfall, workforce staff member, was named a Marano Fellow of the Aspen Institute. It is a one-year internship to develop strategies around enhancing workforce programs. The Workforce Development Division was the recipient of the National Association for Partnerships and Equipment for teamwork and other division accomplishments.

Two students won the Trachtenberg Scholarship (full four-year scholarship) to George Washington University.

Dr. Woodland noted Dean Jackson has resigned, effective March 31. She will be going to an administrative post at Anne Arundel Community College. They will be making plans to appoint an interim person in that position over the next three months.

Trustee Felton reviewed the reprogramming resolution and read into the records the portion of the resolution pertaining to the three reprogramming requests (\$4.3 million to balance the FY14 budget; \$396,598 of indirect cost funds; and \$1.6 million to address the academic affairs adjunct pool deficit). He clarified that there were three reprogramming pieces as part of the resolution. He asked that the record reflect the reading of the resolution which would supersede the one that was approved. The board unanimously approved the reprogramming.

Report of the Facilities Committee

Trustee Bell reported the committee did not have a meeting. There are plans to meet on April 14. They will discuss lease work and the student center.

Unfinished Business

Chair Crider reported there was a resolution that goes back to the approval of the Vision 2020 strategic plan. She explained that the board voted on the 2020 plan but there was a language change. Chair Crider introduced for approval the following language:

"Whereas, the Board has approved nine of the eleven initiatives presented in the Vision 2020 Plan, including the discontinuation of seventeen academic programs, the creation of two institutional aid funds, the annual consideration of a tuition increase equal to the Consumer Index Price Urban plus one percent, expansion of online learning offerings, expansion of the University Continuing Education Program, investment in the University Career and Professional Development Center, creation of an enrollment plan, separate accreditation of the community college, and the exploration of an alternative relationship with the Office of the Chief Financial Officer, subject to the specific Board approvals, authorization, and funding availability as required by applicable regulations, policy, and laws.

Therefore, be it resolved that the Board approves the Vision 2020 Strategic Plan as attached and further authorizes the President to take actions to implement Vision 2020 Strategic Plan as approved."

Motion:

UDC Resolution No. 2014-14: Approval of the Vision 2020 Strategic Plan

WHEREAS, pursuant to D.C. Code §38-1202.06(2) (B), the Board of Trustees is charged with preparing and, from time to time, revising a long term plan for the development of the University, including the type and scope of programs offered and

envisioned, as well as for the development, expansion, integration, coordination, and efficient use of the facilities, physical plant, curricula, and standards of public postsecondary education; and

WHEREAS, the University leadership, under the direction of the Board of Trustees, embarked on a formal re-visioning and planning process entitled "2020 Vision: A Roadmap for Renewal, Innovation, Success & Sustainability" (commonly known as the "Vision 2020" process); and

WHEREAS, representatives from the University's various constituencies, including students, alumni, faculty, staff, administrators, and Trustees closely examined the University's operations and proposed recommendations for the direction of the institution between March and August 2013; and

WHEREAS, three public hearings were held in early November 2013 to solicit community feedback on the preliminary Vision 2020 recommendations to which more than 80 representatives from the University community provided their input; and
WHEREAS, the Faculty Senate and the Faculty Association (NEA) provided a formal response to the proposed Academic Plan in November 2013; and

WHEREAS the Board has approved nine of the eleven initiatives presented in the Vision 2020 Plan, including the discontinuation of seventeen academic programs; the creation of two institutional aid funds; the annual consideration of a tuition increase equal to the Consumer Index Price (Urban) plus 1%; expansion of online learning offerings; expansion of the University Continuing Education Program; investment in the University Career and Professional Development Center; creation of an enrollment plan; separate accreditation of the Community College and the exploration of an alternative relationship with the Office of the Chief Financial Officer, subject to specific Board approvals, authorizations and funding availability as required by applicable regulations, polices and laws;

THEREFORE BE IT RESOLVED, that the Board approves the Vision 2020 Strategic Plan, as attached, and shall further authorize the President to take actions to implement the Vision 2020 Strategic Plan as approved.

The Board unanimously approved the revision.

The meeting adjourned at 7:59 p.m.

Secretary's Signature

Date