

UNIVERSITY OF
THE DISTRICT OF COLUMBIA

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EXECUTIVE COMMITTEE OF THE BOARD OF TRUSTEES

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REGULAR MEETING

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Tuesday,
July 15, 2014

The meeting convened at 5:52 p.m.,
Elaine Crider, Chair, presiding.

BOARD OF TRUSTEES MEMBERS PRESENT:

ELAINE CRIDER, Chair
CHRISTOPHER BELL, Vice-Chair

KENDRICK CURRY
JAMES DYKE
REGINALD FELTON
GABRIELA LEMUS
JAMES LYONS, ex-officio
JEROME SHELTON
ERROL SCHWARTZ

ALSO PRESENT:

BEVERLY FRANKLIN, Executive Secretary
SCOTT BARASH, General Counsel
SMRUTI RADKAR, Assistant General Counsel

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P-R-O-C-E-E-D-I-N-G-S

5:52 p.m.

CHAIRPERSON CRIDER: Ms. Franklin,
can you please call the meeting to order and
let's do a roll call please.

MS. FRANKLIN: Dr. Crider?

CHAIRPERSON CRIDER: Present.

MS. FRANKLIN: Mr. Bell?

VICE CHAIR BELL: Present.

MS. FRANKLIN: Mr. Felton?

(No response)

MS. FRANKLIN: Dr. Lemus?

(No response)

MS. FRANKLIN: Reverend Curry?

REVEREND CURRY: Present.

MS. FRANKLIN: General Schwartz?

GENERAL SCHWARTZ: Present.

MS. FRANKLIN: Mr. Shelton?

MR. SHELTON: Present.

MS. FRANKLIN: Mr. Dyke?

(No response)

MS. FRANKLIN: Dr. Lyons?

1 DR. LYONS: Here.

2 CHAIRPERSON CRIDER: Thank you.

3 We will have a few things on the agenda but we
4 have two policies that we are here to
5 complete. And then I would like to do a brief
6 Executive Session after we're through with the
7 agenda items.

8 And our first one is Sponsored
9 Programs.

10 MS. RADKAE: Good afternoon
11 Trustees. Smruti Radkae, Assistant General
12 Counsel. What you have before you is a
13 package of about 12 polices that relate to
14 Sponsored Programs.

15 Pursuant to an Agreement with the
16 National Science Foundation, the University is
17 required to draft and publicize Sponsored
18 Program polices that relate to such things as
19 cost allocation, cost sharing, time and effort
20 reporting and such. I believe the memo to the
21 Board attached to the policies details the
22 types of policies that are relevant to this

1 package.

2 And we anticipate that the Board
3 will be satisfied with the -- with all the
4 polices and its content. And pass it
5 accordingly. These policies have been vetted
6 by the Chief Financial Officer as well as the
7 Office of Sponsored Programs.

8 They both -- those two offices
9 have jointly looked at the policies, reviewed
10 them to make sure that these reflect the
11 processes at the University. And -- and we
12 anticipate that again, the Board will pass
13 these policies today.

14 VICE CHAIR BELL: Motion to
15 Accept. Question quickly? I'm sorry, I just
16 want to be clear. Why is it that the Board of
17 Trustees has to make provision?

18 MS. RADKAE: It's in the
19 Settlement Agreement.

20 VICE CHAIR BELL: Okay. So then -
21 - and so what that means then is that any
22 subsequent amendment or modification would

1 also have to come back to the Board as well?

2 MS. RADKAE: Potentially.

3 VICE CHAIR BELL: Probably?

4 MS. RADKAE: Yes, that would have
5 to be reviewed at that moment. But assuming
6 that it's not just a mere technical change or
7 something like that.

8 VICE CHAIR BELL: Okay, got you.

9 And then if it wasn't in the Settlement
10 Agreement that you referenced, would this type
11 of policy still need to come to the Board, or
12 no?

13 I'm trying to tease out when Board
14 involvement is needed and when it's not so
15 that we can make sure that Board approval is
16 actually not getting in the way of the
17 University getting business done.

18 MS. RADKAE: Correct. It would be
19 on a case by case analysis. It's hard to say
20 off hand what the bright-line rule is. I
21 don't think that there is a bright-line rule.

22 My colleagues and I in my office

1 have discussed this time and time again. And
2 really it depends on the content of the
3 policy, what the University is seeking to
4 achieve, and other factors that we'd have to
5 address at that time.

6 And with respect to this policy, I
7 will say it was very critical to the National
8 Science Foundation that we have approval and
9 buy-in from the top on these policies. And
10 basically good practices with respect to grant
11 management.

12 And that's why that was something
13 that was included in the Settlement Agreement.

14 VICE CHAIR BELL: Um-hum.

15 CHAIRPERSON CRIDER: I think that
16 we probably need to deal with one -- with the
17 issues separately. Because I do believe that
18 we need to look overall at why the Board needs
19 to be involved in policies.

20 And which polices are -- need to
21 be brought to us and why. Because I do think
22 that for me, most policies are at a management

1 level and get into day to day management. And
2 I don't think we should do that, you know.

3 So if you let us in on some day to
4 day stuff, it's hard to keep us out of other
5 day to day stuff. So -- and quite frankly, I
6 don't want to be in the day to day. So I do
7 think that's an issue that we have to really
8 look at.

9 MS. RADKAE: Yes, we welcome that
10 discussion to have with the Board.

11 CHAIRPERSON CRIDER: Okay. So
12 because there are a host of other policies
13 that we have to deal with here, and that's why
14 I'm trying to get some clarification. I hear
15 you trying to move on, but I'm just --

16 MS. RADKAE: You're just --
17 whatever -- whatever you'd like to say Dr.
18 Crider, we're more than happy to respond.

19 MR. BARASH: Scott Barash, General
20 Counsel. This is -- I mean I'm trying to get
21 my mind around sort of what comes to the
22 Board, what doesn't come to the Board.

1 There's a lot of precedent, there's a lot of
2 history sometimes.

3 You're in trouble if you do
4 sometimes, you're in trouble if you don't.
5 That's why when Ms. Radkae was saying, it's
6 really a case by case inquiry. I think that's
7 -- I think that's where we end up. Is that we
8 have to look at these individually and say
9 does it make sense in this case because of the
10 need for buy-in, the need that it was a
11 Settlement Agreement, et cetera, et cetera.

12 It seemed appropriate that this
13 set of policies would come to the Board. You
14 know, is it -- as a matter of sort of
15 practical management and governance, would we
16 otherwise have taken these to the Board? I
17 don't know.

18 I mean I think that that's a --
19 that's a really fair question. And I think
20 it's -- I think there has to be a dialog and
21 a discussion probably when we're setting the
22 agendas to say okay, we have some potential

1 policies that may or may not require Board
2 approval. And have that discussion when we're
3 -- when we're formulating the agendas.

4 It is really hard to set a bright-
5 line rule with respect to these things. So I
6 hope that that helps a little bit.

7 VICE CHAIR BELL: And so not to
8 belabor the point, but when you said that they
9 wanted the top's buy-in, that specifically
10 meant Trustees as opposed to the President of
11 the University? That's the way you interpret
12 it?

13 MS. RADKAE: Yes, the National
14 Science Foundation wanted to make sure that
15 the entire management spectrum of the
16 University was going to be able to administer
17 these polices. And basically support the
18 continued compliance of the University with
19 respect to Sponsored Programs.

20 GENERAL SCHWARTZ: Is it just a
21 wariness they are talking about, or just the
22 need for us to actually sign off on these

1 policies?

2 MS. RADKAE: The need for there to
3 be sign off and approval of these policies.
4 Where certainly they've been drafted, there is
5 supposed to be training on them. And not only
6 that, I think 22 months from now, we are
7 supposed to then audit our compliance, vis a
8 vis these newly adopted policies.

9 So that -- and submit that to the
10 National Science Foundation so that it is
11 aware of how well the University is doing
12 under a new policy system as opposed to prior
13 when the University was being investigated.

14 CHAIRPERSON CRIDER: I think it's
15 probably you know, good to distinguish why
16 this policy is different though. Because this
17 comes about as a result of a settlement issue
18 that we had with the National Science
19 Foundation where we were found out of
20 compliance.

21 And in fact we had to suffer a
22 penalty. A fairly significant penalty. And

1 I think these policies then were demanded,
2 I'll use that term, as a result of that
3 settlement.

4 Most policies though that we have
5 wouldn't fall into that category. But when
6 you say that they require this at the Board
7 level, it also raises a question about what is
8 our involvement on an ongoing basis?

9 You're saying that you know, two
10 years from now, they're going to come back.
11 They certainly don't expect the Board to be
12 dealing with this on an ongoing basis?

13 MS. RADKAE: The report
14 submissions would be from the administration
15 and would be from management. They are not
16 expecting the Board of Trustees to sign off.

17 CHAIRPERSON CRIDER: But they're
18 not asking us to sign off?

19 MS. RADKAE: No, they are not.
20 That's going to be an ongoing administration/
21 management issue with regard to the rest of
22 the compliance agree -- the rest of the

1 Settlement Agreement and the compliance with
2 it.

3 GENERAL SCHWARTZ: Okay. I think
4 this is just a part of a process to restore
5 trust. And we just have to accept the target
6 of when the Board is going to be out of this
7 business of oversight -- close oversight on
8 these policy issues.

9 MS. RADKAE: And we're certainly
10 committed to working with the Board on -- on
11 clarifying that point.

12 VICE CHAIR BELL: And so then who
13 owns it after today? After we sign off on it,
14 who then would be responsible for changes?
15 What part of the University?

16 MS. RADKAE: At this point, it
17 would be joint between the Chief Financial
18 Officer and the Office of Sponsored Programs.
19 A lot of those policies deal with financial
20 management, financial cost recording, shifting
21 on ledgers and things like that.

22 And also, generally how that's

1 going to work in the Sponsored Programs world.
2 Ideally you know, at some point there should
3 be a Sponsored Program Compliance Officer.
4 That's another issue we talked about. That's
5 part of the Settlement Agreement.

6 But I now that's something that
7 the Board is considering. But that would
8 ultimately be that individual's -- that
9 individual would be the point person as
10 opposed those two offices. But still working
11 with those two offices.

12 VICE CHAIR BELL: Right.

13 MS. RADKAE: And I believe
14 chairing a Sponsored Program Compliance
15 Committee. So it would still be a number of
16 offices throughout the University.

17 GENERAL SCHWARTZ: So you'll
18 establish a metrics and report back to the
19 Board quarterly on how this is going annually.
20 What's the methodology you plan to implement
21 to report back to us once you sign off? To
22 keep us informed?

1 MS. RADKAE: I haven't quite
2 accessed that yet. Typically that would be
3 the other individual's you know, role.

4 But I can certainly work with the
5 Office of Sponsored Programs and Chief
6 Financial Officer now to determine how best
7 that should be reported to the Board. And
8 certainly discuss it with the Board in terms
9 of what those expectations might be in terms
10 of format and content.

11 VICE CHAIR BELL: And then going
12 forward, if there was to be a conflict between
13 the CFO's office and the Sponsored Program,
14 who would decide?

15 MS. RADKAE: There would
16 definitely be a meeting. And at this point
17 I'm sure that our office would be called to
18 assist with interpretation of the policy. And
19 we just have to sit together and determine
20 what the best course is for the University as
21 a team.

22 CHAIRPERSON CRIDER: And what

1 would the role of that Compliance Officer be,
2 and who would that person report to?

3 MS. RADKAE: That -- the reporting
4 structure and et cetera, has yet to be
5 determined. I think at the time that the
6 Agreement was entered into, there was an
7 individual employed at the University who was
8 going to take on those duties in addition to
9 the duties that they already had because they
10 were well suited for that position.

11 Unfortunately that individual is
12 no longer with the University. And in terms
13 of what that person would be doing, basically
14 looking at the way grants are administered and
15 managed through the University and our
16 compliance with such policies.

17 I'm not clear at this point
18 whether that's going to be a standalone
19 position, or whether that's a set of duties
20 enveloped in a grander scheme. That's
21 certainly for the President and the Board to
22 decide in terms of positions.

1 CHAIRPERSON CRIDER: Okay. Other
2 questions?

3 MR. SHELTON: There's no -- right
4 now there's no one who's been assigned to
5 perform the audit? Once we complete this
6 document someone will have to do that job.

7 MS. RADKAE: You're talking about
8 the 22 -- 22 months from now?

9 MR. SHELTON: Yes. Um-hum.

10 MS. RADKAE: The National Science
11 Foundation has put in the Settlement Agreement
12 that it will be an external --

13 MR. SHELTON: Okay.

14 MS. RADKAE: Entity. So it will
15 be an external cost to the University.

16 CHAIRPERSON CRIDER: But what it
17 does imply though is that we need to have
18 everything in place now. And so that we're
19 not trying 22 months from now --

20 MR. SHELTON: Yes, to figure out
21 what we have to do.

22 CHAIRPERSON CRIDER: Including

1 that position. So I guess Mr. President and
2 looking at you in terms of this -- these
3 duties and functions and where they might fit.
4 I don't know how other Universities handle
5 that.

6 DR. LYONS: We've already -- we've
7 already begun talking about that. And we're
8 leaning in the direction of a person that
9 would handle more than just the NSF
10 compliance. I mean we really I think can
11 better utilize the skills of an individual.

12 But you're right, we can't wait
13 until 22 months before -- or 21 months before
14 to have it in place.

15 CHAIRPERSON CRIDER: Okay. Any
16 other questions? I might just ask if you
17 could -- if you did it while I was out of the
18 room, just tell me you've already done it and
19 I'll be quite.

20 But if you could maybe just
21 summarize for us quickly what we have here,
22 because there are lots of policies in this one

1 packet.

2 MS. RADKAE: Right. A number of
3 those policies are rooted in financial
4 processes and transactions. I don't remember
5 the names of all the policies off the top of
6 my head.

7 But there are things as cost
8 sharing, cost allocation, transfers from --
9 transfers -- cost transfers. Equipment, at
10 risk accounts, charging of administrative and
11 clerical costs. Time and effort reporting,
12 which was a very significant issue that we
13 wanted to make sure to memorialize formally in
14 a policy.

15 Retention of records. And that's
16 related to Sponsored Programs. So that's not
17 going to be the University's general record
18 retention policies. We didn't want to cast a
19 wider net than was necessary for compliance
20 with this Agreement. And certainly that
21 encompasses a lot of other departments and
22 regulations that aren't necessarily rooted in

1 Sponsored Programs.

2 What else is there? Program
3 income, close outs of financial reporting.
4 Financial reporting itself as Sponsored
5 Programs, and recipient monitoring. A number
6 of them are very -- are very procedural and
7 were vetted through Mr. Rickford's office and
8 Mr. Rickford himself.

9 CHAIRPERSON CRIDER: Okay, because
10 I think it does raise another one or two
11 questions. But so many of these policies
12 relating to the CFO's responsibility, and that
13 office there which we don't control, right.
14 How do we work with them and have their
15 cooperation to do what's required in these
16 policies so that we're not found out of
17 compliance?

18 MS. RADKAE: Well first, one thing
19 was that every policy has a statement written
20 in it. To the extent the foregoing policy is
21 relevant to employees of the District of
22 Columbia agencies over whom the University

1 lacks personnel authority, the University will
2 work in good faith with those employees to
3 effectuate adherence to this policy.

4 So we wanted to -- we certainly
5 made sure to tell NSF and to stress that we
6 don't have control over that agency. To the
7 extent that there might be disciplinary action
8 or something like that related to
9 noncompliance.

10 Certainly you know, not only do we
11 want Mr. Rickford and his team to look at
12 these policies for technical compliance, but
13 we also wanted to make sure they had the
14 opportunity to incorporate whatever processes
15 were related to their unit. So they did have
16 -- they did take the time to review it for a
17 number of weeks and incorporate what were
18 consistent with their processes, so that we
19 didn't have to go through this issue of there
20 being some edict from another office not
21 related to what those processes were in the
22 Chief Financial Officer's Office.

1 CHAIRPERSON CRIDER: Okay. So --
2 so this is not going to be another A-133 issue
3 for us?

4 DR. LYONS: No.

5 CHAIRPERSON CRIDER: Okay.

6 VICE CHAIR BELL: At least at
7 present it won't be. I mean, well if I
8 understand you, what you're saying is that
9 right now, it's compliant, they've signed off.
10 We have their feedback.

11 MS. RADKAE: Correct.

12 DR. LYONS: And so their office
13 has gone through this just like you -- we're
14 trying -- doing. They've gone through it
15 also.

16 CHAIRPERSON CRIDER: Right. They
17 report to --

18 DR. LYONS: Yes. And that's the
19 issue we really need to --

20 VICE CHAIR BELL: And if there's
21 changes in their department, or if they have
22 a change in leadership in the future, then at

1 that point, we'd have to get their buy-in
2 again.

3 MS. RADKAE: And certainly we'd
4 make sure you know once these policies are
5 passed, that there is a way to communicate
6 that to the Office of the Chief Financial
7 Officer so that their employees are aware.
8 And that whoever is there after Mr. Rickford,
9 knows about it and so communicates it forward.

10 VICE CHAIR BELL: Um-hum. And so
11 the person that the University is going to
12 hire to sort of oversee this, whether it's NSF
13 or in general, do we need them onboard now
14 given that the policy's in place? Are we
15 creating a gap?

16 Because we'll have the policy but
17 there's no one really to provide that
18 oversight until they're there, right? Or is
19 someone else acting on an interim basis?

20 MS. RADKAE: It's going to be --
21 it's going to be a team effort in the interim
22 until someone's hired. Frankly, the -- it

1 will be Sponsored Programs and the Chief
2 Financial Officer working together on it. And
3 occasionally calling my office if needed.

4 We do have outside counsel that we
5 could refer to and ask questions on that has
6 assisted with this project stemming back all
7 the way through the initial issues with the
8 National Science Foundation. So I think with
9 that team, we're -- we're okay now. But we
10 certainly do need to make sure we have someone
11 who's dedicated and has significant time
12 dedicated to making sure that there's
13 compliance with these policies.

14 VICE CHAIR BELL: And Jim do you
15 have an idea of when you think that person
16 will come on board, or what the time line is
17 for bringing you know, allocating these
18 responsibilities to one specific individual?

19 DR. LYONS: We -- we haven't --
20 well again, we haven't developed the position
21 description. We started talking about it. I
22 went -- after talking to the Chairman of the

1 Board, I went back to the General Counsel's
2 Office, raised the question about the urgency.

3 She indicated to me that it's
4 something we've got to do. It isn't --
5 doesn't have to be done tomorrow, but maybe
6 the day after tomorrow. You know, kind of get
7 moving.

8 I did speak to the Vice President
9 for Human Resources about whether or not there
10 was somebody in place who could take on
11 additional responsibility. I don't think
12 there is.

13 So we're goin -- that was not one
14 of the positions that we presented to the
15 Board as a part of the fiscal '15 budget. But
16 it's a high enough priority for us to -- to
17 make some adjustments.

18 CHAIRPERSON CRIDER: Any
19 additional questions?

20 MR. SHELTON: Motion to accept
21 Madam Chair.

22 CHAIRPERSON CRIDER: Seconded.

1 It's been moved and second, any further
2 discussion?

3 (No response)

4 CHAIRPERSON CRIDER: All in favor
5 of the approval of the resolution to adopt
6 what policies are related to Sponsored
7 Programs, vote aye.

8 (Chorus of ayes)

9 CHAIRPERSON CRIDER: Any opposed?

10 (No response)

11 CHAIRPERSON CRIDER: Or
12 abstentions?

13 (No response)

14 CHAIRPERSON CRIDER: That motion
15 carries. Thank you.

16 MS. FRANKLIN: Dr. Crider?

17 CHAIRPERSON CRIDER: Yes?

18 MS. FRANKLIN: I just wanted to
19 make -- make it clear that this is a -- these
20 are policies that will be ratified.

21 CHAIRPERSON CRIDER: By the full
22 Board.

1 MS. FRANKLIN: By the full Board
2 in September.

3 CHAIRPERSON CRIDER: Okay, thank
4 you Ms. Franklin.

5 MS. FRANKLIN: Okay.

6 CHAIRPERSON CRIDER: Okay, the
7 next policy is the Anti-discrimination and
8 Harassment Policy.

9 MS. RADKAE: The Anti-
10 discrimination and Harassment Policy was last
11 reviewed by the Board in April 2011. Since
12 then the Department of Education has issued
13 extensive guidance on its regulations related
14 to -- and it's all policies related to Title
15 IX. And its expectations of what it expects
16 of all universities and institutions that are
17 subject to Title IX.

18 Even since April 2011 when it
19 issued its Dear Colleague letter, there were
20 a number of questions that arose after the
21 issuance of the Dear Colleague letter related
22 to what an institution's compliance

1 obligations are. Even as recently as I
2 believe April of this year, some of those
3 questions were answered, but still the
4 Department of Education has a lot of work that
5 it's doing.

6 Title IX is definitely a big issue
7 for the Department of Education right now.
8 And it's certainly ramping up enforcement of
9 actions. I think there's a list of 55
10 institutions that have potentially a Title IX
11 investigations against it.

12 And a number of institutions
13 around the city have been meeting on it at an
14 annual conference. At a couple of
15 conferences, this has been the subject. Dr.
16 Epps informed me it's been one at her's. Dr.
17 Lyons said it's been a discussion at one of
18 the conferences he's gone to. Certainly at
19 the ones that Scott and I have gone to,
20 they've been pretty significant and extensive.

21 So what we did was incorporate
22 some best practices and just revamped our

1 policy a bit. We did work with a
2 representative from the Department of
3 Education's Office of Civil Rights for
4 technical assistance on this. And through
5 that discussion and collaboration we've been
6 able to update our policy in a way that's
7 reflective of the updated regulations.

8 GENERAL SCHWARTZ: How do we get
9 the word out to the students about what Title
10 IX is, and what are their responsibilities
11 when it comes to Title IX?

12 MS. RADKAE: That's an interesting
13 question, because the Department of Education
14 is hammering very hard on the same point.
15 There is a lot of encouragement for training.

16 I think, and I believe Dr. Epps
17 and I have talked about it just in the past
18 week or so, about how to get the students
19 involved. It's one thing to say here's a
20 policy. The students may not understand what
21 that means. The students may not understand
22 what the scope of it is, who to go to.

1 So I believe she was -- she had
2 potentially -- she had talked about, I'm
3 sorry, having it at orientation, or to have
4 different -- different presentations on it
5 throughout the year.

6 So that's something that we're --
7 we're talking about implementing. I think as
8 a team we just have not had the opportunity in
9 the past couple of weeks to determine how best
10 -- how best to have these training
11 opportunities for students.

12 Certainly staff has to have
13 training on the Anti-discrimination/Harassment
14 Policy. But it is a good point that students
15 also should be aware.

16 GENERAL SCHWARTZ: And the student
17 handbook, is that going to be a part of the
18 submission for the student handbook revision?

19 MS. RADKAE: I believe it's a
20 citation in the student handbook to the link
21 for the Policy. And also -- I don't think the
22 Policy in total is in the handbook. Just

1 because sometimes it can be updated or so.
2 But there is a link to it. We do have an
3 anti-discrimination and harassment statement
4 in the handbook. And students are instructed
5 to go to the Title IX EO coordinator and ADA
6 504 coordinator.

7 DR. LYONS: Madam Chair? This is
8 -- you just heard. This is, excuse me, one of
9 the -- perhaps the hottest issue in higher ed
10 right now. And in fact I sent Scott an email
11 this afternoon saying, are you getting all
12 this mail that I'm getting? Everyday I get
13 something, be it webinar or something about
14 it.

15 The Office for Civil Rights is
16 very concerned about it. Attorney General
17 Holder, we had a meeting with him and he's
18 weighed in heavily. In fact there's so much
19 going on that at the American -- at the
20 Association of Public and Land Grant
21 Institutions, they're fearful that when the
22 final regulations really come down on us, that

1 colleges and universities may find themselves
2 unable to comply because there will be such a
3 demand put on us to do what we need to do.

4 And so -- and so when you're
5 sitting in a meeting with Presidents from the
6 University of Florida, University of Michigan
7 and you know, these kind of -- if they're
8 saying that they're fearful that their legal
9 staffs and others are not in the position to
10 comply, then you know that smaller schools,
11 less well staffed, will be challenged.

12 So this is a -- as she said, this
13 is something we're watching everyday and
14 talking about everyday, to make certain that
15 you know, we're on the right track.

16 CHAIRPERSON CRIDER: I guess it
17 might raise another -- maybe another question
18 as it relates to public institutions. Because
19 for them you know, we have different
20 oversight.

21 So you know, we're the Board, we
22 certainly have an obligation. But there's

1 that other group of people out there that
2 control part of our destiny. So how are they
3 engaged? Or how will they be engaged with
4 these requirements that we have to follow?

5 MS. RADKAE: I believe Chief Volz
6 told me that there was a training, maybe in
7 the last two weeks or so, that was conducted
8 by D.C. Government. I think he said it was at
9 the Wilson Building.

10 And I'm not sure if D.C. Office of
11 Human Rights did it, or D.C. Human Resources.
12 But I believe he said D.C. Office of Human
13 Rights however. And that he and Dr. Epps had
14 attended it.

15 So I was actually surprised to
16 have heard that because I wasn't aware that
17 D.C. Government was taking such an interest in
18 Title IX enforcement. But it certainly is.

19 And so it was good to hear that
20 they are getting looped in too. So -- because
21 certainly the D.C. Office of Human Rights is
22 charged with enforcement of the Human Rights

1 Act, which currently is discrimination based
2 on sex, which is the -- I guess the local
3 counterpart to Title IX specifically.

4 GENERAL SCHWARTZ: Could the Board
5 get a copy of the policy for Title IX to use.

6 MS. RADKAE: Sure.

7 GENERAL SCHWARTZ: Could we have
8 that distributed to all Board members so at
9 least we have some idea of that?

10 MR. SHELTON: Yes. There should
11 be a compliance process that issued, that says
12 these are the things you must do when you
13 receive -- and you must submit somewhere. We
14 take -- the University takes on full
15 responsibility for that?

16 MS. RADKAE: Meaning what? I'm
17 not understanding the question.

18 MR. SHELTON: Well in public
19 schools, which is where I'm coming from, as
20 the -- receiving the information as an
21 administrator, prepare the documentation,
22 interview the clients, submit it to the

1 University office, and they send out a
2 separate investigation team to deal with it.

3 But you as an administrator had
4 specific steps that you had to follow in terms
5 of harassment or any type of violation of
6 Title IX.

7 MS. RADKAE: There's a point
8 person that deals with discrimination
9 complaints. And no administrator deals with
10 the complaints. If they hear a complaint,
11 they are to advise the EO Officer/Title IX
12 Coordinator.

13 That is the person who interviews,
14 drafts a report of investigation and will
15 recommend -- or will provide that information
16 to employer relations and HR if it involves a
17 -- an employee. To Student Affairs if the
18 issue might involve a student.

19 But the Title IX Coordinator is
20 very neutral. And EO Officer is your neutral
21 fact finder. And no administrator handles any
22 part of that investigation other than the

1 Title IX EO Officer. Which is what the -- the
2 policy contemplates.

3 MR. SHELTON: Okay, have -- so
4 have our numbers gone up significantly in this
5 area?

6 MS. RADKAE: I don't know of all
7 of the Title IX EO cases. Certainly the cases
8 that I know about are usually the ones that
9 have gone from that unit over to an external
10 forum, like the D.C. Office of Human Rights,
11 EEOC, or have been a lawsuit filed in court.

12 So I get -- I get a smaller
13 population. That's for the people who choose
14 to pursue their rights further.

15 GENERAL SCHWARTZ: Okay. So you
16 have an EO Officer that's within the
17 University?

18 MS. RADKAE: Yes.

19 GENERAL SCHWARTZ: And that person
20 reports to the?

21 MS. RADKAE: The Vice President
22 for Human Resources.

1 GENERAL SCHWARTZ: We probably
2 need to -- to look at that because I think the
3 President needs to -- the President needs to
4 be informed almost immediately. If he chooses
5 to go through his VP for Human Resources,
6 that's fine.

7 But I have my EO's Office --
8 Officer on my staff. Anything happens, they
9 come directly to me because I'm ultimately
10 responsible for every EO action in the agency.

11 MS. RADKAE: There are -- there
12 are certainly different models. And at
13 different institutions of higher ed, they have
14 them traditionally in the Office of Human
15 Resources. They might be in a compliance
16 office if there is an Office for Compliance
17 and Risk Management.

18 There may be a dotted line to the
19 President or report to the President. It
20 really varies. But I have -- I have for the
21 most part seen it through the Office of Human
22 Resources.

1 The one place it cannot be is the
2 Office of General Counsel because of potential
3 conflicts existing there.

4 GENERAL SCHWARTZ: Right. Because
5 there may be a tendency to have some issues in
6 your HR, right? I mean, if the person's
7 reporting through the HR it has a tendency to
8 be stifled, so.

9 MS. RADKAE: With an employee, by
10 statute and by regulation through the D.C.
11 Office of Human Rights, an employee is -- if
12 they pursue -- if they want to pursue a matter
13 at the D.C. Office of Human Rights, which
14 offers free complaint processing, free
15 mediation services and such. In order to do
16 that, you have to file with an agency EO
17 Officer. It can be the University's. Or you
18 can go to any other District agency.

19 So to obviate the kind of issue
20 where there might be somebody -- for
21 argument's sake, in HR, who may not feel
22 comfortable going to a colleague to complain

1 about an issue of discrimination or so, that
2 employee is statutorily and regulatorily
3 permitted to go to another District agency.

4 And that -- that hasn't happened
5 just in that office. We've had cases where
6 employees in whatever department have chosen
7 to go elsewhere and that's certainly something
8 that happens. Kind of whatever happens at the
9 Federal level.

10 MR. SHELTON: Motion to accept,
11 Madam Chair.

12 CHAIRPERSON CRIDER: So moved. Is
13 there a second?

14 VICE CHAIR BELL: Second.

15 CHAIRPERSON CRIDER: Moved and
16 second. Any further discussion?

17 (No response)

18 CHAIRPERSON CRIDER: All in favor
19 vote of accepting the -- of approving the
20 University Anti-discrimination and Harassment
21 Policy revision vote aye.

22 (Chorus of ayes)

1 CHAIRPERSON CRIDER: Any opposed
2 or abstentions?

3 (No response)

4 CHAIRPERSON CRIDER: That motion
5 carries as well.

6 MS. RADKAE: Thank you.

7 CHAIRPERSON CRIDER: Okay, thank
8 you. The next item on the agenda is Executive
9 Appointments.

10 GENERAL SCHWARTZ: I withdraw
11 until you pass this idea, thank you.

12 CHAIRPERSON CRIDER: Okay, so the
13 policy that we just approved in Executive
14 Committee will be ratified by the full Board
15 in September.

16 Okay, the Executive Appointment of
17 Dr. Petty as Interim Provost of the University
18 of the District of Columbia.

19 DR. LYONS: Yes Madam Chair.

20 CHAIRPERSON CRIDER: Okay.

21 DR. LYONS: I am delighted to
22 recommend, honored to recommend, and reading

1 the language of the resolution, now therefore
2 be it resolved, that the Board of Trustees of
3 the University of the District of Columbia
4 approves the extension of the appointment of
5 Dr. Rachel Petty as the Interim Provost of the
6 University of the District of Columbia.

7 And this is the part I like Dr.
8 Petty. For a time not to exceed one year from
9 the date of appointment, consistent with the
10 terms and conditions in her appointment
11 letter. And this is -- so I take that to mean
12 one year from July 15, 2014. So I present
13 that to you Madam Chair.

14 VICE CHAIR BELL: Motion to move.

15 GENERAL SCHWARTZ: Second.

16 VICE CHAIR BELL: Except I wanted
17 to beat that term.

18 DR. LYONS: I know.

19 VICE CHAIR BELL: Keep bringing
20 her forward.

21 CHAIRPERSON CRIDER: Yes, I think
22 that this is the date that the Executive

1 Committee approves, July 15. But the full
2 Board has to ratify that. So I believe the
3 appointment date would be one year from the
4 date that the full -- let me look at the
5 legal.

6 MR. BARASH: I'm not -- I'm not
7 part of it.

8 DR. LYONS: You're making it
9 worse.

10 CHAIRPERSON CRIDER: So this -- if
11 -- they could choose not to.

12 VICE CHAIR BELL: That's true.
13 But at that time --

14 CHAIRPERSON CRIDER: But let me
15 ask, that's why we have legal counsel.

16 DR. LYONS: Then ask the --

17 CHAIRPERSON CRIDER: Although I
18 know you're --

19 (Laughter)

20 VICE CHAIR BELL: They're looking
21 at each other.

22 MR. BARASH: Scott Barash, General

1 Counsel. No, I was just getting advised by my
2 esteemed colleague, that the -- the
3 appointment letter is attached to the package.
4 And that says effective August 1, 2014.

5 CHAIRPERSON CRIDER: Okay.

6 GENERAL SCHWARTZ: But the full
7 Board meeting is not until September.

8 CHAIRPERSON CRIDER: Right. So
9 why would it be August 1? Now we've got -- we
10 actually have two days that we're talking
11 about. The resolution says July 15. The
12 appointment letter says August 1. We're
13 asking a question about September 16. So
14 which date is the real date?

15 MR. BARASH: Well it would be
16 effective on August 1 because her appointment
17 expires. So we need to do it as of August 1.

18 CHAIRPERSON CRIDER: Okay.

19 MR. BARASH: And so the fact that
20 the Board would go ahead and ratify it in
21 September, that date -- that's a ratification.
22 That would be retroactive back to when we

1 approved it today.

2 CHAIRPERSON CRIDER: Okay.

3 MR. BARASH: So that -- the
4 September ratification is not relevant to
5 this.

6 CHAIRPERSON CRIDER: Okay. So if
7 we wanted to sneak that in, we couldn't do
8 that?

9 MR. BARASH: Stretch it a few more
10 -- you know, a few more weeks, you know. You
11 could -- you could always take it up again.

12 (Laughter)

13 GENERAL SCHWARTZ: Or change the
14 language to be 15 months instead of one year.

15 MR. BARASH: Absolutely.

16 (Laughter)

17 DR. LYONS: It says years, not
18 months.

19 CHAIRPERSON CRIDER: So years.
20 Put an S on the end of year. Dr. Petty does
21 not look amused.

22 (Laughter)

1 CHAIRPERSON CRIDER: Okay, I'd
2 like a motion please.

3 MR. SHELTON: So moved.

4 VICE CHAIR BELL: Second.

5 CHAIRPERSON CRIDER: Moved and
6 second. Any further discussion?

7 (No response)

8 CHAIRPERSON CRIDER: All in favor
9 vote aye.

10 (Chorus of ayes)

11 CHAIRPERSON CRIDER: Any opposed
12 or abstention?

13 (No response)

14 CHAIRPERSON CRIDER: And that
15 motion carries as well. Congratulations again
16 Dr. Perry.

17 (Applause)

18 CHAIRPERSON CRIDER: All right and
19 then the next one is the appointment of Dr.
20 Connie Webster as Acting Associate Provost for
21 Academic Programs. And who's going to present
22 this?

1 DR. LYONS: Thank you Madam Chair.
2 This is an act -- an action to move Dr. Connie
3 Webster out of the faculty position and into
4 an administrative position to free up the
5 faculty slot. She would be performing duties
6 pretty comparable to what she is doing now.

7 So Madam Chair, now therefore be
8 it resolved, that the Board of Trustees of the
9 University of the District of Columbia
10 approves the appointment of Dr. Connie Webster
11 as the Acting Associate Provost for Academic
12 Affairs, effective August 16, 2014. I present
13 that to you for your action.

14 GENERAL SCHWARTZ: So moved Madam
15 Chair.

16 MR. SHELTON: Second.

17 CHAIRPERSON CRIDER: All right
18 moved and second. Any discussion?

19 (No response)

20 CHAIRPERSON CRIDER: Okay, I do
21 have a question, and it goes to the -- goes to
22 the salary issue, the funding issue.

1 And I thought that one of the
2 requests that we had at a prior Board meeting
3 was to use essentially vacant position funding
4 for the request that the CFO made to move
5 money around and satisfy some other
6 obligations. So I know that we -- I guess
7 that we have a fiscal impact statement here.
8 Which you know, I'm not always comfortable
9 with.

10 So I just want to make sure that
11 the money to support this position is in fact
12 there in the budget.

13 DR. LYONS: The money -- the money
14 is there Madam Chair.

15 CHAIRPERSON CRIDER: Okay.

16 DR. LYONS: He didn't take it all.

17 CHAIRPERSON CRIDER: It hasn't
18 been promised for something else?

19 DR. LYONS: No ma'am. It has not
20 been promised for anything else.

21 CHAIRPERSON CRIDER: Okay.

22 DR. LYONS: The money is there.

1 He didn't take it all.

2 CHAIRPERSON CRIDER: And it's
3 going to be there?

4 DR. LYONS: And it's going to be
5 there for this appointment.

6 CHAIRPERSON CRIDER: Okay.

7 VICE CHAIR BELL: So she is doing
8 the job now, right?

9 DR. LYONS: Exactly, okay.

10 MR. SHELTON: Call for the
11 question Madam Chair?

12 CHAIRPERSON CRIDER: All in favor
13 vote aye.

14 (Chorus of ayes)

15 CHAIRPERSON CRIDER: Any
16 opposition or abstention?

17 (No response)

18 CHAIRPERSON CRIDER: That motion
19 carries as well. Okay, that is the end of
20 that agenda. But I would like to move into
21 Executive Session for a discussion of one
22 issue.

1 And so in accordance with Section
2 2-575(b)(10) of the Open Meetings Act of 2010,
3 the Executive Committee of the Board of
4 Trustees hereby gives notice that it may
5 conduct an Executive Session for the purpose
6 of discussing the appointment, employment,
7 assignment, promotion, performance evaluation,
8 compensation, discipline, demotion, removal or
9 resignation of government appointees,
10 employees or officials.

11 Ms. Franklin, can you call the
12 roll please.

13 MS. FRANKLIN: Yes. Dr. Crider?

14 CHAIRPERSON CRIDER: Yes.

15 MS. FRANKLIN: Mr. Bell?

16 VICE CHAIR BELL: Yes.

17 MS. FRANKLIN: Mr. Felton?

18 (No response)

19 MS. FRANKLIN: Dr. Lemus?

20 (No response)

21 MS. FRANKLIN: Reverend Curry?

22 REVEREND CURRY: Here.

1 MS. FRANKLIN: General Schwartz?

2 GENERAL SCHWARTZ: Yes.

3 MS. FRANKLIN: Mr. Shelton?

4 MR. SHELTON: Yes.

5 MS. FRANKLIN: Mr. Dyke?

6 (No response)

7 MS. FRANKLIN: Dr. Lyons?

8 DR. LYONS: Yes.

9 MS. FRANKLIN: Will you be coming
10 back, or are you adjourning?

11 CHAIRPERSON CRIDER: We'll adjourn
12 in there. All right, Trustee Curry, we're
13 going to link you back in and have Ms.
14 Franklin transfer you into the conference
15 room.

16 REVEREND CURRY: Okay, thank you.

17 CHAIRPERSON CRIDER: All right.
18 Thank you all.

19 (Whereupon, the above-entitled
20 matter went off the record at 6:33 p.m.)
21
22

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Executive Committee of the Board of
Trustees Regular Meeting

Before: UDC

Date: 07-15-2014

Place: Washington, D.C.

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