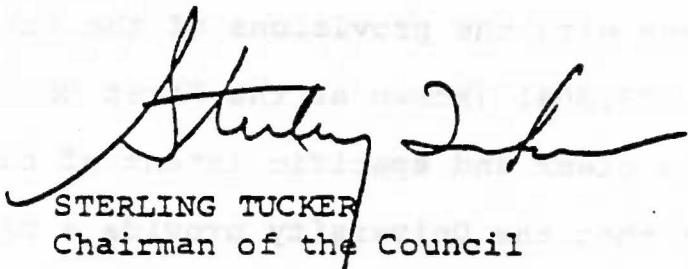


COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

Pursuant to Section 412 of the District of Columbia
Self Government and Governmental Reorganization Act, PL 93-198,
(the Act), the Council of the District of Columbia adopted
Bill No. 1-115 on first and second readings July 15, 1975, and
July 29, 1975, respectively. Following the signature of the
Mayor on August 25, 1975, this legislation was assigned Act No.
1-50, published in the D. C. Register on October 6, 1975, and
transmitted to both Houses of Congress for a 30-day review, in
accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives
notice that the 30-day Congressional review period has expired
and, therefore, cites the following legislation as D. C. Law
No. 1-36, effective November 1, 1975.



STERLING TUCKER
Chairman of the Council

In the Council of the District of Columbia

November 1, 1975

To amend the District of Columbia Public Postsecondary Education Reorganization Act.

Be it enacted by the Council of the District of Columbia,
That this act may be cited as "The District of Columbia
Public Postsecondary Education Reorganization Act
Amendments".

PURPOSE

Sec. 2. It is the intent of the Council of the District of Columbia to approve the Congressional intent expressed in section 102 of the District of Columbia Public Postsecondary Education Reorganization Act (D.C. Code, secs. 31-1701 et seq.) (hereinafter referred to as the "Act") to authorize a public land-grant University through the reorganization of the existing local institutions of public post secondary education in the District of Columbia, and that the land-grant funds shall be utilized by the University in accordance with the provisions of the Act of July 2, 1862 (7 U.S.C. 301-305,307,308) (known as the First Morrill Act). Additionally it is the clear and specific intent of the Council of the District of Columbia that the University provide a range of programs, studies

and degrees designed to reach the widest possible number of citizens and residents of the District of Columbia including career and technological education, liberal arts, sciences, teacher education; and associate, graduate, post graduate and professional degrees and studies. Central to this is a governing board with the authority to provide a policy framework and such administration as are necessary to carry out such policies under the law. The function of the board is to build a University to serve the residents of the District of Columbia consisting of, but not limited to, strong programs of liberal arts studies and vocational-technical education in accordance with the provisions of this Act.

Sec. 3. Section 103 of the Act (D.C. Code, sec. 31-1702) is amended to read as follows:

"Definitions

"Sec. 103. For the purpose of this Act --

"(a) The term 'Trustees' means the Board of Trustees established under title II of this Act.

"(b) The term 'chief executive officer' means the chief executive and administrative officer of the University.

"(c) The term 'University' means the University of the District of Columbia authorized and directed to be established under title II of this Act.

"(d) The term 'academic and administrative head' means the academic and administrative head of each of the components of the University.

"(e) The term 'Mayor' means the Office of the Mayor of the District of Columbia established by section 421 of the District of Columbia Self-Government and Governmental Reorganization Act.

"(f) The term 'Council' means the Council of the District of Columbia established by section 401 of the District of Columbia Self-Government and Governmental Reorganization Act.

"(g) The term 'Board of Higher Education' means the Board of Higher Education established under section 102 of the District of Columbia Public Education Act (D.C. Code, sec. 31-1602).

"(h) The term 'Vocational Board' means the Board of Vocational Education established under section 202 of the District of Columbia Public Education Act (D.C. Code, sec. 31-1622).

"(i) The term 'Board' means the District of Columbia Board of Education established under section 303 of the Elected-Board of Education Act (D.C. Code, sec. 31-101).

"(j) The term 'financial institution' means an insured bank as defined in section 3 of the Federal Deposit Insurance Act, or a savings and loan association as defined in section 401 of the National Housing Act.

"(k) The term 'component' means that segment of the whole University such as a school, college, branch or campus, which, because of its nature, the Board of Trustees specifies as constituting an identifiable entity for the purpose of, but not limited to, being administered by an academic and administrative head."

Sec. 4. Sections 208 and 209 of the Act are renumbered 209 and 210 respectively. Sections 201, 202, 203, 204, 205, 206, and 207 of the Act (D.C. Code, secs. 31-1711 - 31-1718) are amended to read as follows:

"Title II -- Board of Trustees

"Sec. 201. (a) There is hereby established a body corporate by name of the Board of Trustees of the University of the District of Columbia and by that name and style shall have perpetual succession. It shall be charged with the responsibility of governing the University of the District of Columbia and shall possess all the powers necessary or convenient to accomplish the objects and

perform the duties prescribed by this section. Pursuant to this section and sections 206 and 403 of this Act, it shall have the power to adopt, alter, and use a corporate seal which shall be judicially noticed; and to make contracts; to sue and be sued, to complain and defend in its own name in any court of competent jurisdiction; to make, deliver, and receive deeds, leases and other instruments and to take title to real and other property in its own name; and to adopt, prescribe, amend, repeal, and enforce such by-laws, rules, and regulations as it may deem necessary for the governance and administration of the University.

"(b) There is hereby authorized to be established an independent agency of the government of the District of Columbia known as the University of the District of Columbia which shall be governed by the Board of Trustees as established in subsection (a) of this section.

"(c) Except as provided in subsection (d) of this section, such Board of Trustees shall consist of fifteen voting members selected in the following manner:

"(1) eleven members shall be appointed by the Mayor by and with the advice and consent of the Council;

"(2) one member shall be appointed by the student community of the University and shall be a full time student at the University; and

"(3) three members shall be appointed by the alumni associations in the following manners:

"(A) one member of the Trustees appointed by the Alumni Association of the District of Columbia Teachers College, with notice thereof to the Mayor within forty-five days after the effective date of this section;

"(B) one member of the Trustees appointed by the Alumni Association of Federal City College, with notice thereof to the Mayor within forty-five days after the effective date of this section; and

"(C) one member of the Trustees appointed by the Alumni Association of the Washington Technical Institute, with notice thereof to the Mayor within forty-five days after the effective date of this section.

"(d) Prior to consolidation as authorized in section 205 of this Act, the Board of Trustees shall consist of seventeen voting members selected in the following manner:

"(1) eleven members shall be selected in the same manner as in paragraph (1), subsection (c) of this section;

"(2) three members shall be selected in the same manner as in paragraph (3), subsection (c) of this section; and

"(3) three members shall be appointed by the Mayor PROVIDED that one of such members shall be a full time student at Washington Technical Institute, one of such members shall be a full time student at Federal City College and one of such members shall be a full time student at the District of Columbia Teachers College.

"(e) In the event that the appointments referred to in paragraphs (2) and (3) of subsection (c) of this section are not made within the time specified, the Mayor shall make the appointments.

"(f) As the initial terms of the alumni members expire, the three alumni trustees shall be appointed by the Alumni Association of the University or the Mayor if no alumni association of such University exists.

"(g) The Trustees shall hold the first meeting no later than thirty days after the confirmation and or appointment of eleven of its members. The first meeting of the Trustees shall be convened by a member of the Trustees designated by the Mayor.

"(h) The student member of the Trustees shall serve a one-year term of office; all Trustees may be selected to serve one successive term.

"(i) The terms of non-student Trustees shall be for 5 years; except that the terms of office of the non-student members first taking office shall be determined by lots to provide:

"(1) Three shall serve terms of two years.

"(2) Three shall serve terms of three years.

"(3) Three shall serve terms of four years.

"(4) Five shall serve terms of five years.

"(j) Any Trustee selected to fill a vacancy shall be selected only for the remainder of the term for which his or her predecessor was selected and in the same manner as the

original selection. A Trustee may serve after the expiration of his term until his successor has qualified to take office.

"(k) A Chairperson and Vice Chairperson (1) shall be selected by the Trustees from among the District of Columbia resident members (2) shall serve a one-year term as Chairperson or Vice Chairperson (3) may be reselected, and (4) cannot serve in such capacity beyond their term as member.

"(l) Members of the Trustees may be employees of the United States or of the District of Columbia Government, unless they hold positions in clear conflict of interest.

"(m) The chief executive officer of the University shall be a non-voting ex-officio member of the Trustees.

"(n) All appointments under this section shall be made not later than forty-five days after the effective date of this section.

"Nominating Committee

"Sec. 202. (a) There is established within the Government of the District of Columbia a committee to be known as the University of the District of Columbia Board of Trustees Nominating Committee

(hereinafter in this Act referred to as the 'Committee').

"(b) The Committee shall consist of five members to be appointed as follows:

"(1) Two members shall be appointed by the Mayor within thirty days after the effective date of this section.

"(2) Three members shall be appointed by the Chairman of the Council of the District of Columbia, with the approval of the Council, within thirty days after the effective date of this section.

"(c) No individual may be appointed as a member of the Committee unless he or she --

"(1) is a citizen of the United States;

"(2) is a resident of the District of Columbia and has maintained his or her domicile within the District of Columbia for the twelve months immediately preceding the effective date of this section; and

"(3) is not a member of the Council of the District of Columbia or an officer or an employee of the Government of the District of Columbia (including the judicial branch).

"(d) Members of the Committee shall serve for terms of five years, except that of the members first appointed pursuant to paragraph (b)(1) of this section, one shall serve for one year and one for five years, as designated at the time of appointment; and of the members appointed pursuant to paragraph (b)(2) of this section, one shall serve for two years, one for three years and one for four years, as designated at the time of appointment.

"(e) Whenever a vacancy on the Committee occurs, such vacancy shall be filled in the same manner in which the original appointment was made. Any individual appointed to fill a vacancy, occurring other than upon the expiration of a term shall serve only for the remainder of the term of such individual's predecessor.

"(f) Within ten days following the date on which a majority of the members are first appointed pursuant to this section, such members so appointed shall hold their first meeting as members of the Committee.

"(g) Except as otherwise provided in this section, the Committee shall act only at meetings called by the Chairperson of the Committee or a majority of the members thereof and only after notice has been given of such meeting to all members of the Committee.

"(h) The Committee shall choose annually from among its members a Chairperson and such other officers as it deems necessary. The Committee may adopt such rules of procedure as may be necessary to govern the business of the Committee.

"(i) Each agency of the Government of the District of Columbia shall furnish to the Committee, upon request, such records, information, services and such other assistance and facilities as may be necessary to enable the Committee to perform its function properly. Any information furnished to the Committee designated 'confidential' by the person furnishing it to the Committee shall be treated by the Committee as privileged and confidential.

"(j) The Committee shall have the function of nominating individuals to the Mayor for appointment as members of the Board of Trustees of the University of the District of Columbia other than the members of the Trustees appointed by the alumni associations and the student community and the three student Trustees appointed prior to consolidation. Additionally, the Committee shall fill any and all vacancies other than the alumni and student members occurring on such Board after the date on which a majority of the members first appointed pursuant to this section hold their first meeting as members of the Board of Trustees.

"(k) The Committee shall develop a list of names of not less than twenty-five persons, who must be residents of the District of Columbia and have maintained their domicile within the District of Columbia for one year immediately preceding the effective date of this section and who, in the opinion of the Committee, are qualified and available to be appointed to the Board of Trustees. The Committee is to transmit the list of names to the Mayor within thirty days from the date of the last appointment to the Committee.

"(l) In the event of any vacancy on the Board of Trustees of the University of the District of Columbia, the Committee shall, within thirty days after such vacancy occurs, submit a list of three persons as nominees for appointment by the Mayor to fill the vacancy. If more than one such vacancy exists at the same time, the Committee shall submit a separate list of nominees for appointment to fill each such vacancy, and no individual's name shall appear on more than one such list. In filling such vacancy, the Mayor may appoint more than one individual from any list currently before the Mayor.

"(m) Whenever a vacancy on the Board of Trustees is to occur as a result of the expiration of a term of a member, the Committee shall transmit a list of names to the Mayor of three nominees for appointment to fill such vacancy, at least thirty days prior to the expiration of such member's term.

"(n) All Mayoral appointments which are subject to the provisions of this section shall be drawn from among the names of the persons transmitted to the Mayor by the Committee.

"Suspension Removal and Termination"

"Sec. 203. (a) Any Trustee shall be automatically suspended from serving as such member after he has been found guilty

of a felony by a court of competent jurisdiction. Upon a final determination of his guilt or innocence, the term of such member shall automatically terminate or be reinstated.

"(b) The Board of Trustees shall have the power to remove any member, after fair notice and an opportunity to be heard, at any time for adequate cause which relates to such members' character or efficiency as a Trustee.

"(c) The tenure of the student member shall automatically terminate if the status of such member ceases to be that of a full time student at the University.

"Compensation

"Sec. 204. Trustees shall serve without compensation, but may be reimbursed for their expenses, including per diem in lieu of subsistence, at the maximum rate equal to the daily equivalent provided for by grade 18 of the General Schedule established under section 5332 of title 5 of the United States Code, with a limit of \$4,000 per annum, while actually engaged in service for the Trustees.

"Consolidation

"Sec. 205. The Trustees shall by September 1, 1976, consolidate the existing public institutions of postsecondary education in the District of Columbia under a single management system to be called the University of the District of Columbia, with several

programs, schools, colleges, institutes, campuses and other components that offer a comprehensive program of public postsecondary education. The institutions of public postsecondary education in the District of Columbia existing immediately prior to such consolidation shall be deemed abolished on the effective date of the consolidation. Thereafter, any reference in any law, rule, regulation, or other document of the United States or of the District of Columbia to such institutions shall be deemed to be a reference to the University of the District of Columbia.

"Duties of the Board of Trustees

"Sec. 206. It shall be the duty of the Trustees to:

"(a) Review and evaluate the existing public institutions of postsecondary education with respect to (1) accreditation, (2) present programs and functions, (3) actual and potential capabilities, and (4) educational policies and procedures.

"(b) (1) Establish the University of the District of Columbia consisting of, but not limited to, two major components, liberal and fine arts and vocational and technical education.

"(2) Prepare and, from time to time, revise a long-range plan for the development of the University which shall include the type and scope of programs offered and envisioned. Such plan shall

also include the development, expansion, integration, coordination and efficient use of the facilities, physical plant, curricula, and standards of public postsecondary education. Such initial plan and any revisions thereof shall be made available to the public, the Council of the District of Columbia and the Mayor for a period of not less than sixty days prior to its implementation and the Trustees shall hold such hearings and public forums as may be necessary to receive public response and comment on such plans.

"(c) Establish or approve policies and procedures governing admissions, curricula, programs, graduation, the awarding of degrees, and general policy making for the components of the University.

"(d) Prepare and submit to the Mayor, on a date fixed by the Mayor, an annual budget for the fiscal year beginning October 1, 1977. Such budget shall include a proposed financial operating plan for such fiscal year, and a capital and educational improvements plan for such fiscal year and the succeeding four fiscal years for the University. The Mayor and the Council shall, after review and consideration of the budget submitted by the Trustees, establish the maximum amount of funds for each of the major components of the University and the total University

budget which will be allocated to the Trustees.

"(e) The Trustees may transfer, during the fiscal year, any appropriation balance available for one item of appropriation to another item of appropriations or to a new program in an amount not to exceed \$50,000.

"(f) Enter into negotiations and binding contracts pursuant to Council regulations regarding contracting with the governments of the United States and District of Columbia and other public and private agencies.

"(g) Enter into negotiations and binding contracts pursuant to Council regulations to perform organized research, training and demonstrations on a reimbursable basis for the United States and the government of the District of Columbia and other public and private agencies.

"(h) Fix tuition for students attending the University.

"(i) Fix fees, in addition to tuition, to be paid by resident and nonresident students attending the University. Receipts from these fees shall be deposited in a revolving fund in one or more financial institutions in the District of Columbia, and shall be available for such purposes as the Trustees shall approve, without fiscal year limitation.

"(j) Select, appoint, and fix the compensation for a chief executive officer of the University and of such staff for the Board of Trustees as it deems necessary and approve the appointment and compensation of the academic and administrative heads of each of the components of the University and of such other officers as it deems necessary, including legal counsel. In no case shall any such compensation be fixed in an amount in excess of that provided for the Mayor unless specifically authorized by legislative act of the Council. The chief executive officer shall serve at the pleasure of the Trustees.

"(k) Procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at daily rates for individuals not in excess of the maximum daily rate for GS-18 of the General Schedule under section 5332 of such title.

"(l) Submit recommendations to the Mayor and the Council of the District of Columbia from time to time relating to legislation affecting the administration and programs of the University.

"(m) Develop and define, in conjunction with the faculty, a policy governing academic freedom for the University and establish mechanisms to ensure its protection and enforcement.

"(n) Perform such duties and make such rules and regulations as may be necessary to carry out the purposes of this Act.

"(o) Seek to establish with the Board a Coordination Committee to determine areas of cooperation, coordination and assistance.

"(p) Utilize the services and seek the counsel and advice of the District of Columbia Commission on Postsecondary Education in planning the development of a program for public postsecondary education in the District of Columbia.

"(q) Generally determine, control, supervise, manage, and govern all affairs of the University of the District of Columbia. Toward this end the Trustees are authorized to adopt such policies and regulations as it may deem wise.

"Personnel System

"Sec. 207. (a) Notwithstanding any other provision of law, the Trustees are hereby authorized to establish, not earlier than one year and not later than five years after the effective date of this Act, a personnel system (setting forth minimum standards) for all employees of components, facilities, and programs of the University, including but not limited to pay, contract terms, vacations and sabbaticals, leave, residence, retirement, health

convenes its first meeting. Except as provided by this Act all functions, powers, and duties of the Board of Higher Education and the Vocational Board under the District of Columbia Public Education Act of 1966 (D.C. Code, Sec. 31-1601) shall be vested in and exercised by the Trustees. All employees, property (real and personal), and unexpended balances (available or to be made available) of appropriations, allocations, and all other funds and assets and liabilities of the Board of Higher Education and Vocational Board are authorized to be transferred to the Trustees, except the functions of licensing institutions to confer degrees as authorized by Public Law 89-791 (D.C. Code, Sec. 29-415). All rules, orders, obligations, determinations and any other understandings of the Board of Higher Education and the Board of Vocational Education shall remain in effect until such time as they may be lawfully amended, modified or repealed by the Trustees."

Sec. 4. Title III of the Act (D.C. Code, sec. 31-1721) is amended to read as follows:

"Title III -- Authorizations

"Sec. 301. (a) There are authorized to be appropriated out of any money in the Treasury to the credit of the District of Columbia such sums as may be necessary for carrying out the purposes of this Act.

"(b) The chief executive officer is authorized to provide for the expenditure of funds, in amounts not to exceed a

total of \$5,000, for such purposes as may be deemed necessary within limits that may be specified in annual appropriations. The chief executive officer shall be personally responsible for the expenditure of appropriations made pursuant to this section, and such expenditures shall be supported by vouchers and shall be audited by the District of Columbia Auditor."

Sec. 5. Title IV of the Act (D.C. Code, secs. 31-1731—31-1736) is amended to read as follows:

"Title IV — Miscellaneous

"Meetings

"Sec. 401. Meetings may be called by the Chairperson or a majority of the members of the Trustees. No official action may be taken by the Trustees except at a meeting of the Trustees at which a quorum is present. Eleven members shall constitute a quorum but a lesser number may hold hearings. Each meeting of the Trustees shall be open to the public and held in the District of Columbia with appropriate notice of each such meeting given to the general public, except a majority of the Trustees may elect to go into executive session to take action on personnel matters. The Trustees shall meet at stated times established by the Board of Trustees, but not less frequently than four times a year.

"Advisory Committees

"Sec. 402. The Trustees shall appoint such advisory

committees as are necessary to advise on educational policy.

Such advisory committees may consist of members of the Trustees, students, faculty members, parents, governmental, education, business, industrial, labor, and community representatives.

"Gifts and Contributions

"Sec. 403. (a) The Trustees may accept services, moneys, gifts, endowments, donations, and bequests. The Trustees may in their discretion retain or not retain such in the form in which they are made.

"(b) The Trustees shall establish in one or more financial institutions in the District of Columbia the District of Columbia Postsecondary Education Fund. There shall be deposited in such fund all gifts and contributions in whatever form, funds in receipt of services rendered, other than tuition, and all moneys not included in the annual operating and capital and educational improvements funds appropriated by Congress. Moneys deposited therein shall be available for investment and shall be distributed in such amounts and in such manner as the Trustees may determine. The Trustees are authorized to administer such fund in whatever manner the Trustees may deem wise and prudent, provided that such administration is lawful and does not impose any fiscal burden on the District of Columbia.

"(c) It is not the intent that any income derived as a result of such fund shall take the place of any District or Federal appropriations or any part thereof but that it shall supplement such appropriations to the end that the University may improve and increase its functions, may enlarge its areas of service and may become more useful to a greater number of people. Nothing in this section shall be construed to prevent the Trustees from receiving gifts, donations, and bequests from any source and from using the same for such lawful purposes as the donor or donors designate.

"Annual Report

"Sec. 404. The Trustees shall make an annual report to the general public, Mayor, Council, and the Congress on December 31 of each year on the operation of programs and the expenditure of all funds for public postsecondary education in the District of Columbia. Such annual report shall include but not be limited to the source, amount, distribution and expenditure of all funds whatever the source; and general student enrollment data, including but not limited to race, sex, age, major area of study, previous and current residency and upon graduation or termination of study, employment placement data (consistent with existing statutes and Department of Health, Education and Welfare regulations).

"New Authority Granted Board of Education

"Sec. 405. (a) The Board may transfer, during the fiscal year, any appropriation balance available for one item of appropriation to another item of appropriation or to a new program in an amount not to exceed \$50,000.

"(b) The Board may enter into negotiations and binding contracts pursuant to Council regulations regarding contracting with the governments of the United States and District of Columbia and other public and private agencies to render and receive services.

"(c) The provisions in section 204 of this Act, relating to compensation of the Trustees, shall apply to the members of the Board of Education.

"Authority to Council

"Sec. 406. Notwithstanding any other provision of law, or any rule of law, nothing in this Act shall be construed as limiting the authority of the Council to enact any act or resolution, after January 2, 1975, pursuant to the District of Columbia Self-Government and Governmental Reorganization Act with respect to any matter covered by this Act.

"Effective Dates

"Sec. 407. Title I and section 202 of this act shall be effective immediately. All other provisions of this Act shall be effective on January 2, 1976."

Sec. 6. This act shall become effective on the day following the 30-day Congressional review period required of Council legislation under section 602 of the Self-Government and Governmental Reorganization Act.

Docket for the Bill 1-115Considered in Council July 15, 1975First vote July 15, 1975

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	YES	NO	P.R.	A.D.	H.A.	COUNCIL MEMBER	YES	NO	P.R.	A.D.	H.A.	COUNCIL MEMBER	YES	NO	P.R.	A.D.	R.
TUCKER	X					DIXON	X					SPAULDING	X				
MOORE, D.	X					HARDY	X					WILSON	X				
BARRY	X					HOBSON	X					WINTER	X				
CLARKE	X					MOORE, L.		X									
COATES			X			SHACKLETON	X										

X—Indicates Vote P. R.—Present A. B.—Absent R. A.—Readopted

*Robert S. Moore*Final vote in Council July 29, 1975 *ASST* (Secretary of the Council)

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	YES	NO	P.R.	A.D.	H.A.	COUNCIL MEMBER	YES	NO	P.R.	A.D.	H.A.	COUNCIL MEMBER	YES	NO	P.R.	A.D.	R.
TUCKER	X					DIXON	X					SPAULDING	X				
MOORE, D.	X					HARDY	X					WILSON	X				
BARRY	X					HOBSON	X					WINTER	X				
CLARKE	X					MOORE, L.	X										
COATES			X			SHACKLETON	X										

X—Indicates Vote P. R.—Present A. B.—Absent R. A.—Readopted

*Robert S. Moore**ASST* (Secretary of the Council)Presented to the Mayor

AUG 8 1975

Mayor's action approve: ✓ 25 AUG 1975disapprove: *Robert S. Moore**ASST* (Secretary of the Council)*Miltie Wright Jr.*

(Mayor's Signature)

25 AUG 1975

Enacted without Mayor's signature

(Secretary of the Council)