

Maryland Higher Education Commission
Meeting Minutes

April 28, 2021
1:00 p.m.

The Maryland Higher Education Commission (MHEC) met on Wednesday, April 28, 2021 via video teleconference (GoToMeeting).

Commission members present:

Andrew R. Smarick, Chair	Vera R. Jackson, Ph.D.
Donna M. Mitchell, Vice Chair	Charles McDaniels, Jr.
Senchal D. Barrolle, Esq.	Sydney Miller, Student Commissioner
Vivian S. Boyd, Ph.D.	Mary Pat Seurkamp, Ph.D.
James E. Coleman	John W. Yaeger, Ed.D.

Commission members absent:

Lewis R. Brown, Ed.D.	James B. Sellinger, Sr.
-----------------------	-------------------------

Staff members present:

James D. Fielder, Ph.D.	Emily A. A. Dow, Ph.D.
Barbara Schmertz, Ph.D.	Jennifer Katz
Soma Kedia	Trish Gordon McCown
Lee Towers	Glenda Abney
Karen King-Sheridan	Jacqueline Cade
Bryson Barksdale	

Call to Order

The meeting was called to order by **Chair Smarick** at approximately 1:01 p.m. A meeting quorum was established with ten out of twelve (12) members present.

Chair's Remarks

Chair Smarick welcomed everyone to today's meeting and expressed the hope that things were returning to some degree of normalcy.

Secretary's Remarks

Secretary Fielder announced the settlement of the coalition case (Coalition for Equity and Excellence in Maryland Higher Education, et al. v. Maryland Higher Education Commission, et al.) that was originally filed in 2006. The settlement agreement was fully executed by all parties and filed with the District Court last night. He also reported that MHEC was working with MDH

(MD Dept. of Health) to offer mass vaccination opportunities to college students, staff and faculty. “University Days” have been set up at state mass vaccination sites to that effect. Additionally, MHEC staff recently participated in another webinar on the topic of cultural diversity. **Chair Smarick** remarked that a Chair needs to be appointed to lead the Diversity, Equity and Inclusion Committee. He asked Commissioners to submit nominations for this role.

Public Comments

Chair Smarick recognized the team from Strayer University that included Ms. Megan Jackson, General Counsel, Ms. Lisa Sincere, Associate General Counsel, and Mr. Andrew Burmeister, Director of Government Affairs. They are at the meeting to testify regarding their request for a waiver of the full-time faculty definition, as provided for in the Maryland Higher Education Commission’s “Requirements for Authorization of Out-of-State Degree-Granting Institutions to Operate in Maryland.” Ms. Sincere asserted that Strayer’s role, scope and mission are unique enough to merit a waiver of the full-time faculty definition. No other institution in Maryland is contributing to the education of adult learners in the same way as Strayer. They serve the highest percentage of part-time, underrepresented students over the age of 25 years old in Maryland. Strayer is also the only institution operating in Maryland that currently holds a Special Focus Four-Year: Business & Management Schools basic Carnegie classification. They have a long-standing commitment to Maryland students and a strong record of uniquely contributing to postsecondary education in Maryland that spans 130 years.

Ms. Jackson added that the decisions which Strayer makes are rooted in the best interests of their students. They have a strong full-time faculty and adjunct faculty base. Regardless of whether a faculty member is full-time or adjunct, they are held to the same standards of excellence in instruction and student engagement. Adjunct faculty are practicing professionals whose contributions only enhance the student experience.

Commission Minutes Approval

Commissioner Yaeger motioned to approve the March 24, 2021 and April 9, 2021 meeting minutes, as well as the April 9, 2021 closed session minutes. **Commissioner Barrolle** seconded the motion, and it was approved unanimously.

Commissioner Committee Updates

Education Policy Committee: There were no new items to report.

Outreach, Grants, and Financial Assistance Committee: **Commissioner Jackson** shared that the Committee (consisting of Commissioners Coleman and Miller) met on March 29. Their goals include the study of MHEC’s current grants and financial aid programs, the recommendation of changes to improve these programs & their administration, and the recommendation of strategies to improve public awareness of financial aid opportunities. During their meeting, the staff reported on the launch of a new file upload tool for scholarship applicants. They have also increased outreach efforts to high school students, which includes 45 virtual presentations this year.

Finance and Operations Committee: Vice Chair Mitchell reported that the Committee is currently recruiting new members. Once fully in place, they hope to be a source of support to the implementation of the coalition settlement agreement.

Education Policy Committee – Strayer University’s Request for Waiver of Full-Time Faculty Definition – Action Item

Chair Smarick recognized **Commissioner Yaeger** (Chair of the Education Policy Committee) who explained that Strayer University submitted a request on August 4, 2020 for a waiver from the definition of full-time faculty consistent with the Commission’s “Requirements for Authorization of Out-of-State Degree-Granting Institutions to Operate in Maryland,” specifically COMAR 13B.02.01.16E.

There are two elements regarding faculty that are required for MHEC to approve an out-of-state institution to operate in Maryland: (1) At least 1/3 of the classes offered shall be taught by full-time faculty of the parent institution and (2) meeting the specified definition of full-time faculty found in COMAR. **Commissioner Yaeger** added that the regulation is there to protect the students, as they would clearly benefit from having sufficient access to full-time faculty who have a large role in shaping the student experience, from curriculum to advisement.

The Committee recommends that the Commission deny Strayer University’s waiver of the definition of full-time faculty as provided for in the Maryland Higher Education Commission’s “Requirement for Authorization of Out-of-State Degree-Granting Institutions to Operate in Maryland.” Strayer has not demonstrated that its “unique role, scope, and mission...requires a waiver in order for the institution to operate in Maryland,” pursuant to the requirements of COMAR 13B.02.01.16E(2).

Upon reviewing the University’s renewal application to continue operations in Maryland, it was discovered that the University was out of compliance in meeting the 1/3 full-time faculty standard (by not meeting the COMAR definition of full-time faculty) and subsequently requested the waiver. Strayer’s renewal application remains active until a determination regarding this request is resolved. While Strayer provided commentary on its mission, role and scope, it is not clear what about its mission, role and scope is unique that merits an exemption to the definition of full-time faculty.

Commissioner Yaeger made a motion to approve the recommendation and **Vice Chair Mitchell** seconded the motion. **Commissioner McDaniels** thanked Commissioner Yaeger for his comments and explanation, as it is especially important that underserved students have sufficient access to full-time faculty. The motion passed unanimously.

Department of Academic Affairs – The Collegium Sanctorum Angelorum’s Stage One Application for Initial Approval as a Degree-Granting Institution Offering – Information Item

Chair Smarick recognized Ms. Trish Gordon McCown (MHEC’s Director of Academic Affairs) who presented this item. In accordance with the Code of Maryland Regulations (COMAR) 13B.02.02, the Maryland Higher Education Commission has reviewed a Stage One initial application for a Certificate of Approval as an in-state degree-granting institution submitted by Collegium Sanctorum Angelorum (“The Collegium”), located at 36 S. Potomac Street, Suite 203, Hagerstown, MD 21740 (main office). The application includes a proposal to offer the following three programs:

- 1) Bachelor of Arts (B.A.) in Liberal Arts
- 2) Upper Division Certificate (U.D.C.) in Theology and Philosophy
- 3) Lower Division Certificate (L.D.C.) Studies in English and Latin

Dr. Edward Schaefer, President, was informed on April 2, 2021, that The Collegium is approved to proceed to Stage Two of the application process. This decision was based on an analysis of the application in conjunction with the Maryland Higher Education Commission’s Minimum Requirements for In-State Degree-Granting Institutions (COMAR 13B.02.02), the Maryland State Plan for Postsecondary Education, and a 30-day review by the Maryland higher education community. No comments or objections were received during the 30-day circulation period.

A Stage Two application was received on April 15, 2021 and is currently under review by MHEC staff. If the documentation submitted by The Collegium satisfies the requirements of the Stage Two application, an evaluation team will be appointed to conduct an on-site visit to the institution to ensure that the institution complies with the regulations.

If, based on the evaluation team report and other available information, the Secretary is satisfied that the prospective in-state institution is in compliance with COMAR 13B.02.02 and the minimum requirements are met, the Secretary shall grant approval to operate. If the Secretary is not satisfied that a prospective in-state institution is in compliance with this chapter, the Secretary shall issue a notice of deficiencies and deny approval to the institution. If approved, an evaluation team will conduct an on-site visit to the in-state institution at the end of an institution’s first instructional year to ensure that the institution is in compliance with COMAR 13B.02.02 and any other condition upon which the Commission based the institution’s approval to operate.

Commissioner Seurkamp asked about the mission of The Collegium. **Secretary Fielder** responded that The Collegium offers an education in a traditional Catholic environment.

Office of Research and Policy Analysis – Maryland Higher Education Commission
Maryland Public Colleges and Universities Enrollment Projections 2021 to 2030 – Action Item

Chair Smarick recognized Dr. Barbara Schmertz (MHEC’s Director of the Office of Research and Policy Analysis) who presented this item. The Maryland Higher Education Commission (MHEC) prepares 10-year enrollment projections for public institutions each year. These projections provide perspective to higher education policy discussions at the state level, including facilities planning, tuition and fees issues, articulation, funding priorities, and retention

and graduation rates. The Department of Budget and Management and the General Assembly use the Commission's forecasts as the State's official enrollment projections for public higher education.

The materials include headcount projections for each institution, with separate analyses for full and part-time undergraduates and, as applicable, full and part-time graduate/professional students. Full-time equivalent (FTE) and full-time day equivalent (FTDE) projections are calculated by applying a mathematical formula to the headcount figures. Projections are also developed for state-funding-eligible FTE noncredit continuing education enrollments at the community colleges. The projections model involves the application of a linear regression analysis to demographic and economic factors.

After careful consideration and a review of the projections model and its data sources, MHEC has decided that the projections reporting for the 2020 report (projecting annual changes to enrollment from 2020 to 2029) will serve as the basis for the 2021 to 2030 Enrollment Projections. These are the key drivers of this decision:

- Fall 2020 undergraduate and graduate student data, which serves as the baseline for the projections model, reflects unprecedented upheaval in Maryland's colleges and universities enrollment due to the COVID-19 pandemic;
- A number of the variables integral to the linear regression model – including Maryland high school graduate projections, per capita income, and population projections – rely on data that has not been updated for the past two to four years. It is felt that these are specious data to use in the model and likely will cause the projections to be an unreliable predictor of future enrollment; and
- The model relies on FTE and FTDE data collected each Fall by MHEC that requires institutions to distinguish distance education students from students taking courses on the campus; this year MHEC issued temporary guidance to institutions to ameliorate colleges' concerns that their data for Fall 2020 under-represented their student enrollments and their subsequent space needs (again, due to various pedagogical accommodations to maintain safe learning environments during the COVID-19 pandemic). Despite this guidance, institutions faced challenges in estimating their in-person versus distance education courses for the near future; using these data in our model would have unintended, and possibly, negative effects on projections.

Dr. Schmertz recommended that the Maryland Higher Education Commission accept the 2021-2030 enrollment projections and approve their distribution to the public, the campuses, and interested state agencies.

Commissioner Yaeger inquired if the U. S. Census 2020 data is used in this report. Dr. Schmertz responded that this data is used by the Maryland Department of Planning, whose data is used by MHEC. However, the effect is not seen right away, as population projections (using U. S. Census 2020 data) are not released by the Dept. of Planning until possibly sometime in the fall. **Commissioner Seurkamp** asked what might account for the high rate of projected enrollment growth at BCCC (Baltimore City Community College). Dr. Schmertz replied that she would have to look into it further and get back to her.

Commissioner Boyd made a motion for approval and **Commissioner Seurkamp** seconded it. The motion was approved unanimously.

Office of Research and Policy Analysis – 2020 Performance Accountability Report – Action Item

Chair Smarick recognized Dr. Schmertz who presented this item. The annual Performance Accountability Report (PAR) provides an opportunity for the State, the Maryland Higher Education Commission (MHEC), colleges and universities, and individual governing boards to review and evaluate institutions' efforts to fulfill their missions and advance the goals of the State. This statewide report includes a summary of highlights from institutional submissions for the 2019-2020 academic year reporting cycle.

Overall, institutions met or exceeded most of their goals, objectives, and benchmarks established through their accountability processes. That said, institutions faced tremendous challenges beginning in March 2020 as a result of the COVID-19 pandemic. Colleges and universities worked tirelessly to maintain the academic quality of their programs and courses while protecting the health and safety of their campus communities. It is important to note that much of the data shared in the institutional reports that follow were collected prior to the COVID-19 pandemic. As such, the impact COVID-19 has had on metrics tied to the State Plan's goals of access, success, and innovation has not yet been fully revealed. Institutions caution that it will take several years to see the short and long-term impacts that this virus will have on campuses.

Dr. Schmertz recommended that the Maryland Higher Education Commission approve the 2020 Performance Accountability Report and ask the Secretary to forward it to the Governor and the General Assembly as required by law. **Chair Smarick** asked if the institutions self-report or if an outside consultant is hired to assemble their reports. Dr. Schmertz replied that the institutions are responsible for writing their own submissions. **Commissioner Yaeger** made a motion for approval, and **Commissioner Jackson** seconded the motion. The motion was approved unanimously.

Adjournment

Commissioner Coleman made a motion to adjourn and **Vice Chair Mitchell** seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 1:58 p.m.