

Maryland Higher Education Commission
Meeting Minutes

June 23, 2021
1:00 p.m.

The Maryland Higher Education Commission (MHEC) met on Wednesday, June 23, 2021 via video teleconference (GoToMeeting).

Commission members present:

Andrew R. Smarick, Chair	Sydney Miller, Student Commissioner
Senchal D. Barrolle, Esq.	James B. Sellinger, Sr.
Vivian S. Boyd, Ph.D.	Mary Pat Seurkamp, Ph.D.
Vera R. Jackson, Ph.D.	John W. Yaeger, Ed.D.
Charles McDaniels, Jr.	

Commission members absent:

Lewis R. Brown, Ed.D.	Donna M. Mitchell, Vice Chair
James E. Coleman	

Staff members present:

James D. Fielder, Ph.D.	Emily A. A. Dow, Ph.D.
Bryson Barksdale	Jennifer Katz
Soma Kedia	Trish Gordon McCown
Lee Towers	Thuy Langrill-Miles
Karen King-Sheridan	

Call to Order

The meeting was called to order by **Chair Smarick** at approximately 1:02 p.m. A meeting quorum was established with nine (9) out of twelve (12) members present.

Chair's Remarks

Chair Smarick recognized Commissioners Miller and Yaeger, as their terms are ending soon. He thanked Commissioner Miller for her diligent service and Commissioner Yaeger for his many years of service, adding that he learned a lot from him.

Secretary's Remarks

Secretary Fielder also thanked Commissioners Miller and Yaeger for their service. He noted that Commissioner Miller did an excellent job of bringing the student perspective to the table, and he expressed appreciation for Commissioner Yaeger's knowledge of the higher education

field. **Secretary Fielder** also congratulated the Office of Research and Policy Analysis on hiring a new Associate Director.

Public Comments

There were no public comments.

Commission Minutes Approval

Commissioner Seurkamp motioned to approve the minutes from the May 26, 2021 meeting, the June 8, 2021 meeting, and the June 8, 2021 closed session. **Commissioner Jackson** seconded the motion. The motion was approved unanimously.

Commissioner Committee Updates

Education Policy Committee: Commissioner Yaeger thanked everyone for their kind words and remarked that it was a privilege to serve on the Commission.

He reported that their last meeting was very productive, noting two requests from the Joint Chairmen's Report. The first was a request that MHEC convene a workgroup to develop uniform standards for the awarding of credit for prior learning. The second requested that MHEC collect internal validity studies from institutions used to select the most effective assessment tools to identify students needing remediation.

Commissioner Yaeger also suggested that a member of every Committee serve on the Diversity, Equity, and Inclusion Committee in order to improve collaboration. Lastly, he announced that Commissioner Boyd agreed to be the Chair of the Education Policy Committee.

Outreach, Grants, and Financial Assistance Committee: Commissioner Jackson did not have any updates to share, but she thanked MHEC staff for their continued fine work.

Finance and Operations Committee: There was no update, as Vice Chair Mitchell was not present.

Diversity, Equity, and Inclusion Committee: Chair Smarick reported that there was only one Commissioner who volunteered to serve on the Committee so far. He encouraged more Commissioners to step forward.

2020-2021 Faculty Advisory Council: Report of Recommendations – Information Item

Chair Smarick recognized Dr. Emily Dow, Assistant Secretary for Academic Affairs, who asked Dr. James Coker of the University of Maryland Global Campus, outgoing Chair of the Faculty Advisory Council, to present the Report of Recommendations. Dr. Coker introduced Dr. Shinta Hernandez from Montgomery College, who is the incoming Chair of the Council, and highlighted a few topics in the report:

- Faculty Professional Development – The Faculty Advisory Council recommends statewide support for faculty professional development in the relevant areas of racial equity and social justice, effective teaching and learning best practices in various modalities, mental health and self-care, and faculty mentoring and leadership.
- Social Justice and Systemic Racism Recommendations – Among others, this includes the creation of a statewide archive of resources relevant to social justice in higher education with the intended purpose of sharing strategies, best practices, and innovations that may increase institutional and social change.
- Open Educational Resources (OER) Recommendations – These recommendations include the consolidation of Communities of Practice and other workgroups from Maryland higher education institutions to identify benefits, challenges, and solutions related to OER discovery, adoption, and evaluation.

These are topics that were discussed during the 2020-2021 academic year. The report lists the Council’s recommendations to the Commission for implementation, either by staff or Maryland higher education segments or institutions. Dr. Dow added that the Council met every month, and members represent various higher education institutions in Maryland.

Review Meeting – Proposal of the University of Maryland Global Campus for a Substantial Modification to the Community College Policy and Administration AoC within the Doctor of Management Program

Chair Smarick recognized Ms. Soma Kedia, Assistant Attorney General, who will facilitate the review meeting. Ms. Kedia advised the Secretary that he will present first and be given 30 minutes, which will be divided between his initial presentation and any responsive remarks. The proposing institution (University of Maryland Global Campus) will present next and also be given 30 minutes. Lastly, the objecting institution (Morgan State University) will be allowed to present for 10 minutes.

Chair Smarick recognized **Secretary Fielder** who stated that MHEC’s careful review and analysis of the proposal by the University of Maryland Global Campus (UMGC) revealed that the proposed program would unreasonably duplicate Morgan State University’s (MSU) existing doctoral program, causing it demonstrable harm. MSU’s program, created in 1998, is unique and high-demand, accounting for about 27% of all their doctoral enrollment. He further explained that UMGC’s AoC (Area of Concentration) was approved in 2009, despite MSU having a similar program. Because the programs were found to be duplicative, UMGC received a conditional approval to limit their enrollment to out-of-state students. MSU requested a review of the decision, and the Commission affirmed the conditional approval. Since that time, MSU has expanded its program, offering both online and in-person modalities. The substantial modification request from UMGC reflects curricular changes driven by an internal study to identify the current needs of community college leaders. Prior to this request, UMGC suspended its program in 2020 for the purpose of curriculum reform and program improvement.

Dr. Dow added that the degree level (doctorate/graduate) is the same for both programs, and both are offered online. **Secretary Fielder** also noted that MSU’s enrollment has remained steady at

around 150 students each year. UMGC has seen smaller enrollments, in comparison. The expansion of UMGC's program makes it more similar to MSU's program.

Commissioner Yaeger asked if the programs would still be duplicative if the AoC was not offered by UMGC. Dr. Dow explained that UMGC previously had multiple concentrations within their Doctor of Management program, including this specific AoC. Currently, the Community College leadership program is the only concentration in the doctoral program.

Chair Smarick recognized the representatives from UMGC, including President Gregory Fowler who explained that their program was first established in 2009 at the request of the American Association of Community Colleges, due to the workforce demand at the time. Their program was conditionally approved by MHEC to be offered to out-of-state students only. President Fowler also expressed concern regarding the implications of the Secretary's decision, noting that MHEC should not apply state-specific duplication criteria to distance-education programs offered only to out-of-state students. Such a practice becomes a disadvantage to Maryland institutions as they compete nationally. In order to fulfill their mission, they must be able to offer current, relevant, high-quality programs and to update these programs periodically as the needs of their students change and the demands of the workforce evolve.

Ms. Blakely Pomietto, Senior Vice President and Chief Academic Officer, noted that both MSU and UMGC's programs have successfully co-existed for over a decade. She shared four (4) reasons in support of a reversal of the Secretary's decision:

1. The proposed curriculum updates to the DMCCPA are educationally justified for the program to meet industry and academic quality standards.
2. The UMGC and MSU programs have successfully co-existed for over a decade. UMGC's updated program will continue to serve a unique market.
3. The Secretary erroneously applied the COMAR in-state program duplication regulations in the DMCCPA denial decision. The degree is not offered in Maryland.
4. The UMGC and MSU programs are a case of reasonable program duplication.

Ms. Pomietto also highlighted some differences between the two programs, including the fact that MSU requires an internship, while UMGC does not. MSU's core focus is a traditional educational leadership approach; UMGC's core focus consists of interdisciplinary fields of management and policy studies. In addition, MSU's program generally takes 6 years to complete, while UMGC's program takes 3-3.5 years to finish.

Commissioner Yaeger remarked that if UMGC's admission standards are less restrictive, wouldn't they be drawing prospective students away from MSU? Ms. Pomietto responded that they are fulfilling their mission as an "open university" by having less restrictive admission standards. President Fowler added that they attract a very different group of students. **Chair Smarick** asked if the substantial modification makes the programs more similar, do they not become duplicative? Ms. Pomietto replied that the changes are more to the structure of the program (rather than content) in order to serve and support their student population, as they attract very different students. **Commissioner Boyd** asked their primary reason for requesting a reversal of the Secretary's decision. Ms. Pomietto answered that UMGC's students are

exclusively from outside of Maryland, while MSU's students are in-state. The in-state program duplication regulations were incorrectly applied to their program. **Commissioner Jackson** inquired if there are any in-person opportunities in UMGC's program. Ms. Pomietto responded that there is one weekend residency per term.

Chair Smarick recognized **Secretary Fielder** for responsive remarks. **Secretary Fielder** remarked that the Commission has jurisdiction to deny a substantial modification request based on unreasonable duplication. In this case, the modification would cause harm to an HBCU's (Historically Black College or University) existing program. The state's interests are affected (though UMGC's program is geared to out-of-state students) because UMGC is using state resources to implement a modification that would compete with an HBCU's program. If an HBCU comes forward with evidence that a modification would duplicate their program, and there is no educational justification for the duplication, MHEC has the authority to deny the request. Dr. Dow added that MHEC has an obligation to review program proposals for duplication. It has an added obligation in its evaluation if an HBCU has a similar, existing, unique and high-demand program. They must determine if there is educational justification to operate both programs. As MSU offers their program online now, the duplication is greater. There is no educational justification for both programs to be offered.

Chair Smarick recognized UMGC for responsive remarks. Ms. Pomietto stated that if the Secretary's decision is allowed to stand, other institutions outside of Maryland will continue to compete for the same students. This will result in a lack of economic impact that UMGC would have been able to contribute. President Fowler added that if the Secretary's decision is not reversed, a precedent would be set, hindering the expansion of programs by other institutions in the state.

Chair Smarick recognized the representatives from Morgan State University. Dr. Glenda Prime, Dean of the School of Education and Urban Studies, spoke on behalf of MSU, noting that both programs are almost indistinguishable. 77% of UMGC's non-dissertation courses are duplicative. As MSU's program is available online now, its reach extends nationally and globally. Thus, UMGC's program would cause demonstrable harm to theirs. Dr. Prime asserted that MSU's program might have grown even more, if initially protected from duplication (in 2009). UMGC's proposed substantial modification would increase duplication.

Commissioner McDaniels asked the number of non-Maryland students currently enrolled in MSU's program. Dr. Prime answered that 30% are non-Maryland students. **Commissioner Sellinger** asked the total number of students currently enrolled in the program. Dr. Prime answered that there are 153 students currently enrolled.

Commissioner Boyd made a motion to enter into a closed session to perform an administrative function and receive legal advice. **Commissioner Barrolle** seconded the motion. Ms. Kedia called the roll:

Barrolle – YES

Boyd – YES

Jackson – YES

McDaniels – YES
Miller – YES
Sellinger – YES
Seurkamp – YES
Smarick – YES
Yaeger – YES

The motion was approved unanimously.

Adjournment

The meeting adjourned at approximately 2:25 p.m.