

MARYLAND HIGHER EDUCATION COMMISSION

MEETING BOOKLET

Time: 1:00 PM
May 22, 2019

Place: Maryland Higher Education Commission
6 N. Liberty St., 7th Floor Board Room
Baltimore, MD 21201

Maryland Higher Education Commission

Anwer Hasan, Chairman

Sandra L. Jimenez, Vice-Chair

Senchal Dashiell Barrolle, Esq.

Vivian S. Boyd

John Holaday

Vera R. Jackson

Giavanna Tserkis, Student Commissioner

Ian MacFarlane

Donna M. Mitchell

Rizwan A. Siddiqi

John W. Yaeger

James D. Fielder, Jr., Ph.D.
Secretary

Lawrence J. Hogan, Jr.
Governor

Boyd K. Rutherford
Lt. Governor



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph. D.
Secretary

Maryland Higher Education Commission Meeting Agenda

TIME: 1:00 p.m.
Wednesday
May 22, 2019

PLACE: Maryland Higher Education Commission
6 N. Liberty Street, 7th Floor Board Room
Baltimore, MD 21201

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| • April 24, 2019 | | |
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Maryland Higher Education Commission
Meeting Minutes

March 27, 2019
1:00 p.m.

The Maryland Higher Education Commission (MHEC) met on Wednesday, March 27, 2019 at 6 N. Liberty Street, 7th Floor Board Room, Baltimore, MD 21201.

Commission members present:

| | |
|-------------------------------|-------------------|
| Anwer Hasan, Chairman | Ian MacFarlane |
| Sandra L. Jimenez, Vice-Chair | Joel Packer |
| Vivian S. Boyd | Rizwan A. Siddiqi |
| John Holaday | John W. Yaeger |
| Vera R. Jackson | |

Commission members not present:

| | |
|-------------------|------------------|
| Donna M. Mitchell | Giavanna Tserkis |
|-------------------|------------------|

Staff members present:

| | |
|---------------------------|---------------------|
| Dr. James D. Fielder, Jr. | Donna Thomas |
| Geoffrey Newman | Bryson Barksdale |
| Dr. Emily Dow | Dr. Michael Kiphart |
| Christine Wellons | Jennifer Fischetti |
| Dr. Barbara Schmertz | Trish Gordon-McCown |
| Aubrey Bascombe | Jermal Butler |
| Mary Logan | |

Call to Order

The meeting was called to order by **Chairman Hasan** at approximately 12:58 P.M. A meeting quorum was established with nine of the eleven members present.

Approval of Minutes – Action Item

There was a motion by **Commissioner MacFarlane** and a second by **Commissioner Holaday** for approval of the January 23, 2019 closed session meeting minutes. The motion was approved unanimously.

There was a motion by **Commissioner Holaday** and a second by **Commissioner MacFarlane** for approval of the February 19, 2019 meeting minutes. The motion was approved unanimously.

Chairman Hasan’s Remarks

Chairman Hasan reported on a House budget hearing that he attended where the comments made about MHEC were very positive.

Secretary Fielder's Remarks

Chairman Hasan recognized **Secretary Fielder** who thanked the Commissioners for their input and contributions, inspiring MHEC's work and growth.

Secretary Fielder recognized Mr. Geoffrey Newman who introduced Ms. Mary Logan and Ms. Jennifer Fischetti who are both assisting with the Student Loan Debt Relief Tax Credit program.

Secretary Fielder also directed everyone's attention to recent MHEC publications, including our Data Book and Performance Accountability Report, both of which are available digitally.

Commissioner Committee Updates

Finance and Operations Committee: Commissioner MacFarlane noted that they did not meet this month and recognized Mr. Geoffrey Newman who reported that there were currently 5 or 6 vacancies which are in the process of being filled.

Program Review Committee: Commissioner Yaeger shared an update on the applied baccalaureate program. (The applied bachelor's degree is more technical than a traditional liberal arts bachelor's degree.) Their workgroup was able to come up with some agreements between the community colleges and 4-year colleges to work together.

Outreach, Grants, and Financial Assistance Committee: Commissioner Packer said that there was no meeting this month. He reported that the number of FAFSAs filed this year (149,867) was down 4.5% from last year. There is an increase in outreach (134 training sessions planned for FY2019). Also, in terms of legislation, there will be no new programs this year.

Office of Student Financial Assistance – Proposed Regulations for Richard W. Collins III Leadership with Honor Scholarship Program – Action Item

Chairman Hasan recognized Ms. Donna Thomas. Ms. Thomas reported the proposed regulations are for the Richard W. Collins III Leadership with Honor Scholarship. In 2018, the legislature enacted legislation to create a scholarship program to further the State's compelling interests in educating diverse student bodies and in achieving diversity in ROTC programs. Eligibility requirements include enrollment at an eligible institution (Historically Black Colleges & Universities only), membership in an ROTC program and identification as a minority student historically underrepresented in Reserve Officer Training Corp programs.

Ms. Thomas recommended that the Commission approve for publication in the Maryland Register the proposed regulations dated March 27, 2019 for the Richard W. Collins III Leadership with Honor Scholarship and authorize MHEC's attorneys to approve non-substantive revisions as necessary to conform the proposed regulations to the stylistic and formatting requirements of AELR and the Division of State Documents. Clarifying questions were asked

regarding the regulations. **Commissioner Boyd** made a motion for approval. **Commissioner Siddiqi** seconded the motion. The motion was approved unanimously.

Office of Research and Policy Analysis – 2018 Performance Accountability Report – Action Item

Chairman Hasan recognized Dr. Barbara Schmertz who presented a summary of highlights of the 2018 Performance Accountability Report, which Maryland Higher Education Commission must produce every year. She referred to Page 8, Figure 2 of the 2018 Performance Accountability Report. In terms of enrollment trends, community college enrollment has gone down while enrollment at 4-year institutions has gone up. These numbers mirror the national trends. In reference to Page 11, Figures 4 & 5, there has been an increase of Latino and Asian populations on campuses, as well as growth in enrollment of those age 25 and above. Conversely, there have been decreases in white and black representation. The proportion of low-income undergraduate students has flattened.

Dr. Schmertz then reported on the progress of the 3 key goals of our State Plan: access, success and innovation. To increase access to quality postsecondary education, colleges and universities are focusing on the areas of transfer, workforce training, distance education, dual enrollment and affordability. To ensure student success, colleges and universities are looking at ways to retain students and offer remediation when needed. The State is also doing well in terms of degree production. Completion outcomes are also generally positive, but efforts must continue to be made to narrow the achievement gap between white and African American students. Institutions foster innovation through research, teaching & learning, and meeting workforce needs.

Dr. Schmertz recommended that the Maryland Higher Education Commission approve the 2018 Performance Accountability Report and ask the Secretary to forward it to the Governor and General Assembly as required by law. **Chairman Hasan** recommended that, in a future report, we include data on Maryland students going to out-of-state schools, out-of-state students coming in to Maryland, and statistics on population growth. **Secretary Fielder** added that, in a future report, we can also include SARA (State Authorization Reciprocity Agreements) data.

Commissioner Packer suggested an amendment on Page 31 of the report. In the second bullet point under “Access”, in the third line, “continued” should be changed to “increased”.

Commissioner MacFarlane made a motion to approve the Report and ask the Secretary to forward it to the Governor and the General Assembly. **Commissioner Packer** seconded the motion. The motion was approved unanimously.

Department of Academic Affairs – School Name Change: Ana G. Méndez – Action Item

Chairman Hasan recognized Dr. Emily Dow who reported that there is a request by Sistema Universitario Ana G. Méndez for name changes of its three institutions operating in Maryland. The university system is located in the Commonwealth of Puerto Rico. Each university is a private, non-profit institution, holding regional accreditation from the Middle States Commission on Higher Education (MSCHE). Both MSCHE and the Puerto Rico Council on Education have approved the name change for each institution.

Dr. Dow recommended that the Maryland Higher Education Commission approve the name change request for its 3 institutions. **Commissioner MacFarlane** made a motion to approve the name changes and **Commissioner Packer** seconded the motion. The motion was approved unanimously.

Dr. Dow acknowledged the presence of the school's Director of Licensing and Accreditation.

Department of Academic Affairs – PCS Quarterly Reports – Information Items

Chairman Hasan recognized Dr. Emily Dow who shared with the Commissioners 3 quarterly reports (April-June, July-September and October-December of 2018) on the Secretary's actions related to private career schools. There have been some new private career schools opening up and some closures. There are also some private career schools that are operating without our approval. We have sent out "cease & desist" letters to these schools.

Department of Academic Affairs – Collegiate Quarterly Reports – Information Items

Chairman Hasan recognized Dr. Emily Dow who shared with the Commissioners 3 quarterly reports (April-June, July-September and October-December of 2018) on the Secretary's actions related to colleges and universities. These include the approval of new degree programs and new certificate programs, as well as programs objected to, among others.

Brief Presentation: Complete College America and MHEC Initiatives – Information Item

Chairman Hasan recognized Dr. Emily Dow who provided an overview of Complete College America's (CCA) initiatives, comparing them to MHEC's. CCA is a national non-profit organization established in 2009. Many of our initiatives are already aligned with CCA's. However, they have asked for our data, which we do not provide. Their mission is to work towards eliminating achievement gaps by providing equity of opportunity for all students to complete college degrees.

Dr. Dow also reported on her progress to organize our 2019 College Completion Summit. It will take place this year at Morgan State University on April 25th. We are required to plan this convening every two years. She encouraged the Commissioners to attend and support our event. The Summit will provide, among other things, an update on where our State is in terms of meeting our goal that, by 2025, 55% of all Marylanders will achieve at least an associate's degree.

Adjournment

The meeting adjourned at approximately 3:15 p.m.

Maryland Higher Education Commission
Meeting Minutes

April 24, 2019
1:00 p.m.

The Maryland Higher Education Commission (MHEC) met on Wednesday, April 24, 2019 via conference call.

Commission members present:

| | |
|-----------------------|-------------------|
| Anwer Hasan, Chairman | Donna M. Mitchell |
| Vivian S. Boyd | Joel Packer |
| Vera R. Jackson | Giavanna Tserkis |
| Ian MacFarlane | John W. Yaeger |

Commission members not present:

| | |
|-------------------------------|-------------------|
| Sandra L. Jimenez, Vice-Chair | Rizwan A. Siddiqi |
| John Holaday | |

Staff members present:

| | |
|---------------------------|---------------|
| Dr. James D. Fielder, Jr. | Dr. Emily Dow |
| Geoffrey Newman | Soma Kedia |

Call to Order

The meeting was called to order by **Chairman Hasan** at approximately 1:00 p.m. A meeting quorum was established with eight of the eleven members present.

Chairman Hasan’s Remarks

Chairman Hasan reminded everyone that on Thursday, April 25, 2019, Maryland Higher Education Commission will hold its biennial College Completion Summit at Morgan State University. He expressed the hope that many Commissioners will be able to join the convening on the following day.

Secretary Fielder’s Remarks

Chairman Hasan recognized **Secretary Fielder** who reported that over 200 persons are registered for the College Completion Summit. We will see representation from all sectors of education. It will be an excellent opportunity to network and share best practices.

Commissioner Committee Updates

There were no Commissioner Committee updates.

Department of Academic Affairs – Proposed Regulations Regarding Articulation Agreements and Degree Programs – Action Item

Chairman Hasan recognized Dr. Emily Dow who reported that the proposed regulations stem from recommendations of the Applied Baccalaureate Workgroup (chaired by Commissioner Yaeger), and they have been reviewed by the Student Transfer Advisory Council. Under the proposed regulations, a standard definition of articulation agreement would be adopted, and all articulation agreements would be required to cover certain topics and to be deposited with MHEC. The regulations would provide that up to 70 credits of any degree awarded by a community college may transfer to a 4-year institution, and that more than 70 credits may transfer pursuant to an articulation agreement. With respect to the Bachelor of Technical Studies (BTS) and Bachelor of Professional Studies (BPS) degree programs, the regulations would clarify that a new program proposal, in addition to an articulation agreement, must be submitted to and approved by MHEC for such programs.

Dr. Dow recommended that the Maryland Higher Education Commission approves for publication in the Maryland Register the enclosed regulations regarding articulation agreements and degree programs, and authorizes its Assistant Attorneys General to make non-substantive edits to the proposed regulations if necessary to conform to the stylistic requirements of the Joint Administrative, Executive, and Legislative Review Committee or the Division of State Documents. **Commissioner Boyd** made a motion for approval. **Commissioner Mitchell** seconded the motion. The motion was approved unanimously.

Adjournment

The meeting adjourned at approximately 1:08 p.m.



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph. D.
Secretary

MEMORANDUM

DATE: May 22, 2019
TO: Commissioners, Maryland Higher Education Commission
FROM: Geoff Newman, Assistant Secretary, Finance and Administration
RE: Proposed Regulations Regarding a Legal Representation Fund for Title IX Proceedings

During the 2018 legislative session, amendments were adopted to Education Article, § 11-206, Annotated Code of Maryland, which relates to institutions' sexual assault policies. Under the amendments to § 11-206, institutions are required to allow students to be represented by attorneys in Title IX proceedings, and the Commission is required to:

(1) Generate a list of attorneys who will represent complainants and respondents in Title IX proceedings at institutions; and

(2) Subject to funding, reimburse attorneys for reasonable fees related to the representation.

The enclosed proposed regulations are intended to implement the new requirements of § 11-601 by creating a legal representation fund, and setting by forth the administrative requirements of seeking reimbursement from the fund. These regulations were previously approved by the Commission and appeared in the March 15, 2019 issue of the Maryland Register. The public comment period ended on April 15, 2019.

Although no public comments were received during the public comment period, MHEC subsequently received comments from the Maryland Coalition Against Sexual Assault (MCASA), which are enclosed for your reference. MHEC staff has carefully considered MCASA's comments, and does not recommend any amendments to the regulations based on the comments.

MHEC staff does recommend several non-substantive amendments to the regulations. Those amendments are reflected in tracked changes in the attached copy of the regulations. The amendments include:

(1) In regulation .02(B)(3), striking the first instance of "student" and replacing it with "current";

(2) In regulation .03(A)(2), striking "reimbursement" and replacing it with "payment for the attorney"; and

(3) Correcting typos.

RECOMMENDATION:

It is recommended that the Commission approves for final adoption the regulations published in the Maryland Register on March 15, 2019, including the non-substantive amendments noted above, regarding a legal representation fund for Title IX proceedings.

Subtitle 09 INSTITUTIONAL SEXUAL ASSAULT POLICIES

Chapter 01 Legal Representation Fund for Title IX Proceedings

Authority: Education Article, §§11-105(u), 11-601, Annotated Code of Maryland

.01 Establishment

- A. There is a Legal Representation Fund for Title IX Proceedings.
- B. The fund shall be administered by the Commission pursuant to Education Article, § 11-601, Annotated Code of Maryland.

.02 Definitions

- A. The following terms, as used in this chapter, have the meanings indicated.
- B. Terms Defined.
 - (1) "Commission" means the Maryland Higher Education Commission.
 - (2) "Fund" means the Legal Representation Fund for Title IX Proceedings.
 - (3) "Complainant" means a ~~current student~~ or former student of an institution of higher education operating within the State who:
 - (a) Makes a complaint to an institution of higher education on which a formal Title IX investigation is initiated; and
 - (b) Was enrolled at the institution at the time of the incident that is the basis of the complaint.
 - (4) "Respondent" means a current or former student of an institution of higher education operating within the State who:
 - (a) Responds to a complaint on which a formal Title IX investigation is initiated; and
 - (b) Was enrolled as a student at the institution at the time of the incident that is the basis of the complaint.
 - (5) "Secretary" means the Secretary of Higher Education.
 - (6) "Title IX proceedings" or "Title IX investigation" means an institution's formal process of investigating and resolving a written complaint under Title IX of the federal Education Amendments of 1972, 20 U.S.C. § 1681, as amended.

.03 Institutional Policies

- A. Each institution of higher education that is required to adopt a sexual assault policy under Education Article, § 11-601, Annotated Code, shall include within the policy provisions that a complainant or respondent may:
 - (1) Obtain from the Commission, through its website, a list of licensed attorneys who have indicated that they will represent complainants or respondents in Title IX proceedings on a pro bono basis or for reduced legal fees; and
 - (2) Through the complainant or respondent's attorney, seek ~~reimbursement payment for the attorney~~ of certain legal costs and fees from the Commission's Legal Representation Fund for Title IX Proceedings, subject to the availability of funding.
- B. The institution shall display prominently in its policy, and shall make available to students, the information contained in section A of this regulation.

.04 Administration of the Fund

- A. The fund shall be funded through, and subject to, a specific appropriation in the State budget.
- B. Claims for reimbursement submitted under regulation .05 of this chapter may be granted subject to the availability of funds.

.05 Claims for Reimbursement of Legal Fees

- A. An attorney licensed in the State who has represented a complainant or respondent in Title IX proceedings may seek reimbursement from the fund, for up to 20 hours of legal costs and fees, by submitting an application to the Commission in the form prescribed by the Secretary.
- B. The application form prescribed by the Secretary shall require the attorney to disclose, at a minimum:
 - (1) Information about the Title IX proceeding, including the identity of the institution and the time period of legal representation;
 - (2) The attorney's retainer agreement with the complainant or respondent;
 - (3) A detailed billing statement of legal services provided to the complainant or respondent;
 - (4) Certification from the attorney that the billing statement is accurate and complete; and
 - (5) Written authorization, signed by the client, that:
 - (a) The attorney may seek reimbursement from the fund to pay the client's fees; and
 - (b) If applicable, the client understands and agrees that the client is responsible for paying any fees that are not reimbursed through the fund; and
 - (6) Certification from the attorney that, if the attorney is included within the pool created under regulation .06 of this chapter, the attorney has not charged, and shall not charge, the client any costs and fees in excess of the reduced rate identified in regulation .06.

.06 Pool of Attorneys Accepting Pro Bono Clients or Reduced Fees

- A. After consultation with legal service providers with expertise about sexual assault and with State and local bar associations, the Commission shall create and maintain a list of attorneys, each of whom represents and agrees that he or she:
 - (1) Is licensed to practice law in Maryland;
 - (2) Is in good standing with the Maryland Court of Appeals;

- (3) Has malpractice insurance sufficient to cover representation in a Title IX proceeding;
- (3) Is qualified and willing to represent a complainant, a respondent, or either, in a Title IX proceeding; and
- (4) Shall represent complainants or respondents in Title IX proceedings:

- (a) On a pro bono basis; or

- (b) At fees equivalent to those paid to attorneys under civil legal services programs administered by the Maryland Legal Services Corporation established under Title 11 of the Human Services Article Annotated Code.

B. The Secretary shall identify, and shall publish on the Commission's website, the hourly fees and costs that may be charged by an attorney on the list created under section A of this regulation.

C. The Commission shall not recommend, insure, or endorse an attorney, law firm, or legal services agency, and shall not be liable for any acts or omissions of the attorney, the law firm, or the legal services agency.

.07 Reimbursements from the Fund

A. The Commission shall grant a claim for reimbursement submitted under regulation .05 of this chapter if it determines, in its sole discretion, that:

- (1) The application submitted under regulation .05 of this chapter is complete and accurate;

- (2) The legal services for which reimbursement is sought were provided to a complainant or respondent solely in connection with a Title IX proceeding at an institution ~~or~~ of higher education operating within the State;

- (3) The legal costs and fees for which reimbursement is sought are reasonable; and

- (4) The fund contains sufficient funds to grant the reimbursement.

B. The Commission shall not reimburse any legal costs or fees associated with a civil or criminal matter, or associated with an administrative matter that is not a Title IX proceeding at an institution operating in Maryland.

C. The Commission shall reimburse costs or fees only at rates equivalent to those paid to attorneys under civil-legal services programs administered by the Maryland Legal Services Corporation established under Title 11 of the Human Services Article of the Annotated Code of Maryland.

D. The Commission's decision whether, and in what amount, to provide reimbursement under this chapter is final and not subject to further review.



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph. D.
Secretary

MEMORANDUM

DATE: May 22, 2019
TO: Commissioners, Maryland Higher Education Commission
FROM: Geoff Newman, Assistant Secretary, Finance and Administration
Mary Logan, Program Manager – Student Loan Debt Relief Tax Credit
RE: Amendments to the Student Loan Debt Relief Tax Credit Regulations – Removal of the Notarization Requirement

Enclosed for your review are proposed amendments to the regulations governing the Student Loan Debt Relief Tax Credit. The proposed amendments would remove the current requirement that applicants for the credit have their applications notarized.

The notarization requirement is unnecessary, as the applicants already sign their applications under penalty of perjury. Furthermore, removing the notarization requirement will better allow MHEC to convert the application process from a paper process to an entirely electronic process.

RECOMMENDATION:

It is recommended that the Commission:

- (1) Approves for publication in the Maryland Register the enclosed regulations regarding the student loan tax credit; and
- (2) Authorizes its Assistant Attorneys General to make non-substantive edits to the proposed regulations if necessary to conform to the stylistic requirements of the Joint Administrative, Executive, and Legislative Review Committee or the Division of State Documents.

COMAR 13B.08.17.04

.04 Applying to the Commission for Certification of a Tax Credit.

A. A qualified taxpayer requesting that the Commission certify a tax credit shall apply to the Commission as provided in this regulation.

B. A qualified taxpayer shall submit a signed application, on a form prepared by the Commission in accordance with § C of this regulation, for a Student Loan Debt Relief Tax Credit by September 15 of the tax year in which the taxpayer seeks to apply a Student Loan Debt Relief Tax Credit to the taxpayer's income tax return.

C. The Student Loan Debt Relief Tax Credit application shall require a qualified taxpayer to submit, in a form prescribed by the Secretary, information required by the Secretary to determine the taxpayer's eligibility for certification, including but not limited to:

(1) The qualified taxpayer's full legal name, date of birth, gender, residency address, email address, phone number, and social security number;

(2) The name of the institution or institutions attended and dates of attendance attributable to the qualified taxpayer's student loan debt;

(3) A statement attesting that the qualified taxpayer has:

(a) Incurred at least \$20,000 in student loan debt; and

(b) At least \$5,000 in outstanding student loan debt at the time the application is submitted;

(4) For each student loan debt that contributes to the amount of student loan debt attested to pursuant to § C(3) of this regulation the:

(a) Name, address, and phone number of the entity that provided the student loan debt;

(b) Account numbers associated with the student loan debt;

(c) Full names of all persons legally responsible for repaying the student loan debt;

(d) Original amount of the student loan debt;

(e) Total amount of debt that the qualified taxpayer has incurred under the student loan debt; and

(f) Total amount of the student loan debt currently outstanding at the time the Student Loan Debt Relief Tax Credit application is submitted;

(5) Information that the Secretary deems necessary in order to allow the Commission to determine the qualified taxpayer's debt burden;

(6) Information that the Secretary deems necessary in order to allow the Commission to determine the qualified taxpayer's income;

| (7) A signed ~~and notarized~~ statement by the qualified taxpayer under penalty of perjury attesting that the information submitted in the application is true and correct to the knowledge and belief of the qualified taxpayer;

| (8) A signed ~~and notarized~~ statement by the qualified taxpayer authorizing a lender or educational institution to release personal academic or financial information as may be requested by the Commission in processing the qualified taxpayer's application; and

| (9) A signed ~~and notarized~~ statement of assurance by the qualified taxpayer that the individual shall use any credit approved by the Commission and accepted by the Comptroller for the repayment of the individual's student loan debt as soon as practicable and not later than 2 years after the taxable year in which the credit is claimed.

D. By December 15 of the year in which a qualified taxpayer has submitted an application under § B of this regulation, the Commission shall certify to the individual the amount of any tax credit approved by the Commission as provided in Regulation .05 of this chapter.

Credits

Adopted Aug. 28, 2017. Amended Nov. 19, 2018.

Complete through Maryland Register Vol. 46, Issue 7, dated March 29, 2019.

COMAR 13B.08.17.04, MD ADC 13B.08.17.04



MHEC
Creating a state of achievement

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph. D.
Secretary

MEMORANDUM

DATE: May 22, 2019

TO: Maryland Higher Education Commissioners

FROM: Donna Thomas, Director, and Office of Student Financial Assistance

SUBJECT: Proposed Approval of Amendments to COMAR Program Regulations—
Maryland Community College Promise Scholarship

The purpose of this memorandum is to request approval to publish proposed amendments to the Maryland Community College Promise Scholarship Program COMAR regulations 13b.08.21.00.

The Commission previously approved the final adoption of the Maryland Community College Promise Scholarship on February 19, 2019, however clarifying amendments have been made to the regulations as follows:

- *Deadline dates for the application process for the 2019-2020 application cycle and for the subsequent year(s);*
- *Removed the requirement that the applicant completes a separate application for consideration of the scholarship;*
- *Added the deadline date of March 1 for the FAFSA and MSFAA to be filed for consideration of the scholarship;*
- *Added a category for consideration of a late award for an applicant to be placed on the waiting list;*
- *Clarified that MHEC will verify the accuracy of adjusted gross income levels, only for a percentage of applicants who are ineligible to receive federal aid and complete the separate application; and*
- *Clarified that an applicant who is eligible for in-state tuition under Education Article 15-106.8, documentation of untaxed income will not be accepted in lieu of a tax return.*

RECOMMENDATION: It is recommended that the Commission approve for publication in the Maryland Register the enclosed proposed amendments to the regulations dated May 22, 2019 for the Maryland Community College Promise Scholarship Program, and authorize MHEC's attorneys to approve non-substantive revisions as necessary to conform the proposed regulations to the stylistic and formatting requirements of AELR and of the Division of State Documents.

Title 13B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 08 FINANCIAL AID

Chapter 19 Maryland Community College Promise Scholarships

Authority: Education Article, §§11-105(u), 18-204(c), 18-3401, Annotated Code of Maryland

.01 Program Administration.

There is a Maryland Community College Promise Scholarships Program, which is administered by the Office of Student Financial Assistance pursuant to Education Article, Title 18, Subtitle 34, Annotated Code of Maryland.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Annual adjusted gross income" means the total of the combined adjusted gross income of the applicant and the applicant's parents, or the applicant and the applicant's spouse if the applicant is married, as reported on the federal or State income tax return for the most recent tax year.

(2) "Certificate" means a credit-bearing certificate program approved by the Commission under Education Article, §11-206, Annotated Code of Maryland.

(3) "Commission" means the Maryland Higher Education Commission.

(4) "Community college" means a community college of the State and includes Baltimore City Community College.

(5) "Director" means the executive director of the Office.

(6) (a) "Extenuating circumstances" mean a documented, extraordinary event or condition that prevents a recipient from fulfilling a scholarship requirement.

(b) "Extenuating circumstances" may include, but are not limited to, the following events or conditions, to the extent that the event or condition prevents the recipient from fulfilling a scholarship requirement:

(i) Disability;

(ii) Serious illness of the student;

(iii) Pregnancy or adoption;

(iv) Extreme financial hardship of the students or student's immediate family;

(v) Fulfillment of military service; or

(vi) Serious illness or death of an immediate family member.

(7) "FAFSA" means the Free Application for Federal Student Aid.

(8) "Federal verification" means the process prescribed by the U.S. Department of Education to verify that information provided on the FAFSA is accurate.

(9) "Full-time enrollment" means enrollment in at least 12 credits per semester at a community college.

(10) "Institutional Student Information Report" or "ISIR" means an electronic record produced by the Central Processing System of the U.S. Department of Education that provides institutions with processed application and correction information.

(11) "MDCAPS" means the Maryland College Aid Processing System maintained by the Office.

(12) "Non-loan aid" means any student financial aid scholarship or grant applied to the student's tuition and fee charges, excluding Title IV federal work-study.

(13) "Office" means the Office of Student Financial Assistance within the Commission.

(14) "Satisfactory academic progress" means the academic standards established by the community college to determine whether a student may continue to receive student financial aid.

(15) "Secretary" means the Secretary of Higher Education.

(16) "Semester" means the fall or spring semester of a community college.

(17) "Scholarship" means a Maryland Community College Promise Scholarship.

(18) "Tuition" means the basic instructional charge for courses offered at a community college, including any fees for registration, application, administration, laboratory work, and other mandatory fees.

(19) “V1” means a group of students identified as verification group 1 or VI by the U.S. Department of Education for purposes of financial aid eligibility verification.

(20) “V5” means a group of students identified as verification group 5 or V5 by the U.S. Department of Education for purposes of financial aid eligibility verification.

(21) “Vocational certificate” means a credit-bearing certificate or credit-bearing license program that prepares an individual to work in a career field.

(22) “Most recent tax year” means the prior-prior federal or State tax year. For example, the “most recent tax year” for the 2019-2020 academic year would be 2017.

.03 Student Eligibility for Initial Applications.

A. Subject to the State budget, the Office annually shall determine a student’s eligibility to receive a scholarship.

B. An applicant is eligible for a scholarship if the applicant:

(1) Within 2 years after graduating from a high school, or within 2 years of successfully completing a GED in the State, is enrolled in a community college as a candidate for a vocational certificate, a certificate, or an associate degree;

(2) Enrolls in at least 12 credits per semester at the community college while receiving the scholarship;

(3) Is eligible for in-state tuition, as determined by the community college in accordance with Education Article, Title 15, Annotated Code of Maryland;

(4) Earned an unweighted overall high school grade point average of at least 2.3 on a 4.0 scale or its equivalent, or successfully completed a GED examination in the State on or before the July 31 prior to the start of the Fall semester;

(5) For the most recent tax year, had an annual adjusted gross income of not more than:

(a) \$100,000 if the applicant is single or resides in a single-parent household; or

(b) \$150,000 if the applicant is married or resides in a two-parent household;

(6) Has not earned a bachelor’s degree or an associate degree;

(7) Has not been awarded another educational grant or scholarship that covers the applicant’s full cost of attendance at the community college; and

(8) By March 1, files a FAFSA or separate State application, prescribed by the Office, and submits any required supporting documentation to the Office, as described under regulation.05.

.04 Student Eligibility for Renewal Applications.

A. Subject to the State budget, an applicant shall be eligible to renew a scholarship for a subsequent year if the applicant:

(1) Files a FAFSA or separate application by March 1;

(2) Continues to meet the income requirements under regulation .03;

(3) Continues to enroll and complete at least 12 credits per semester;

(4) Maintains a cumulative grade point average of at least 2.5 on a 4.0 scale or its equivalent for the award period or, failing to do so, provides to the Office evidence, deemed satisfactory by the Director, of extenuating circumstances as described in regulation.14;

(5) Makes satisfactory progress, as determined by the community college, toward a vocational certificate, a certificate, or an associate degree; and

(6) Continues to be eligible for in-state tuition.

B. Subject to paragraph C, a recipient may receive a scholarship only for the shorter of:

(1) A total of 3 years; or

(2) The date that the individual is awarded an associate degree.

C. The Office may extend the duration of an award for up to 1 additional year if, pursuant to regulation .15, the applicant provides to the Office evidence, deemed satisfactory by the Director, of extenuating circumstances that prevent the recipient from continuous enrollment.

.05 Application Process.

A. A student shall apply annually and shall submit all supporting documentation requested by the Office:

(1) For the 2019-2020 award year only, by a deadline established by the Office; and

(2) Beginning with the 2020-2021 award year and each year thereafter:

(a) By June 15, for initial applications; and

(b) By May 1, for renewal applications.

B. Form of Application.

(1) Initial applicants shall submit the FAFSA or, if the applicant is ineligible to receive federal Title IV financial aid, but qualifies for in-state tuition under Education Article, §15-106.8, Annotated Code, an alternate application form prescribed by the Office by March 1.

(2) Renewal applicants shall submit the FAFSA or, if the applicant is ineligible to receive federal Title IV financial aid, but qualifies for in-state tuition under Education Article, §15-106.8, Annotated Code, an alternate application form prescribed by the Office by March 1.

C. Time of Submission. Supporting documentation received by the Office after the deadlines described in §A are untimely and shall not be considered.

D. If the Office requests supporting documentation from the applicant in order to determine the applicant's eligibility:

(1) The Office shall notify the applicant to submit such information;

(2) The applicant shall submit all information to the Office by the deadline described in A; and

(3) Information received by the Office after the deadline shall not be considered.

E. Upon the request of an applicant, the community college shall assist the applicant to submit a FAFSA or any other application for State or federal student financial aid.

.06 Amount of Scholarship.

A. An annual scholarship shall not exceed \$5,000, or actual tuition, whichever is less.

B. The minimum a scholarship award amount shall not be less than \$100 per semester and \$200 for the academic year.

C. Any student financial aid, other than a loan, shall be credited to the recipient's tuition before the calculation of the scholarship amount.

.07 Distribution of Awards.

A. Initial scholarships shall be provided to recipients based upon greatest demonstrated financial need.

B. Priority for scholarships in subsequent years shall be given to prior year recipients who remain eligible under this chapter.

C. Eligible recipients shall be awarded after the community college completes the certification of award roster annually pursuant to regulation .12.

.08 Waiting List.

A. An eligible applicant who does not receive an award shall be notified and placed on a waiting list.

B. The Office shall consider students on the waiting list for late scholarship awards if funds become available after awards have been made.

C. Notwithstanding any other provision of this chapter, consideration for a late award shall be given, in the following descending order, to students:

(1) Whose institution reported the applicant's non-loan aid after the deadline established by the Office;

(2) Who enrolled in the summer semester to maintain the GPA requirement;

(3) Who applied on time and were eligible for an award but were not awarded due to lack of funds; and

(4) Whose actual tuition and fee expenses increased as a result of the student adding additional credits after initial registration.

D. If funds become available after commencement of the fall semester and are sufficient to issue late awards, the Office shall require the institution to verify the eligibility of students before making late awards.

.09 Verification of Eligibility.

A. Verification by the Office of Initial Applicants.

(1) Annually, the Office shall verify the eligibility requirements for all applicants.

(2) Annually, the Office shall verify the accuracy of adjusted gross income levels and accuracy of demonstrated need for a percentage of applicants who are ineligible to receive federal aid and complete the separate application prescribed by the Office.

(3) An applicant selected by the Office for verification that is ineligible to receive federal aid and has filed a State or federal tax return shall verify the following:

- (a) Adjusted Gross Income;
 - (b) Income tax paid;
 - (c) Untaxed portions of IRA distributions;
 - (d) IRA deductions and payments;
 - (e) Tax-exempt interest income;
 - (f) Education credits;
 - (g) Number of household members; and
 - (h) Number of household members enrolled in an institution of higher education.
- (4) For an applicant who is eligible for in-state tuition under Education Article 15-106.8, documentation of untaxed income will not be accepted in lieu of a tax return.
- (5) The Office shall verify initial applicants have earned a cumulative 2.3 high school GPA, or successfully completed the GED examination, prior to the application deadline under regulation .04A.;
- (6) The Office shall verify that initial applicants graduated from a high school, or earned a GED in Maryland, within the last two years; and
- (7) The Office annually shall verify the accuracy of adjusted gross income and demonstrated need for a percentage of renewal recipients, randomly selected, who are not federally selected and who are not eligible to receive federal aid but eligible for in-state tuition, as described in A.

B. Institutional verification.

- (1) An institution annually shall perform federal verification for any scholarship recipient federally selected for verification under the V1 and V5 verification groups, as defined by the U.S. Department of Education.
- (2) The Office will identify all scholarship recipients who are federally selected for federal verification under the V1 and V5 verification groups and transmit the information on a roster to the institution.
- (3) The federal verification performed by the institution for a student who has filed a federal tax return shall include verification of:
- (a) Adjusted gross income;
 - (b) Federal income tax paid;
 - (c) Untaxed portions of IRA distributions;
 - (d) Untaxed portions of pensions;
 - (e) IRA deductions and payments;
 - (f) Tax-exempt interest income;
 - (g) Education credits;
 - (h) Number of household members;
 - (i) Number of household members enrolled in an institution of higher education; and
 - (j) Transaction number of the Institutional Student Information Report used.
- (4) The federal verification performed by the institution for a student who has not filed a federal income tax return, but who has filed a FAFSA, shall include verification of:
- (a) Income earned from work;
 - (b) Number of household members; and
 - (c) Number of household members enrolled in an institution of higher education
- (5) Institutions shall provide updated and verified data to the Office by the deadline established by the Office.
- (6) Information verified by the institutions shall be used to update the recipients' records.

C. Scholarship awards for recipients with corrections shall be recalculated and adjusted or canceled as specified in this chapter.

D. Institutions annually shall report on a roster in MDCAPS each recipient's cumulative GPA.

E. Institutions shall report on a semester basis on a roster in MDCAPS the number of credits each recipient completed.

F. Institutions annually shall verify that each recipient is eligible for in-state tuition under Education Article, Title 15, Annotated Code.

.10 Award Notification and Acceptance.

A. A recipient shall be notified by the Office of the award in writing, which may include electronic mail.

B. A recipient shall login to MDCAPS in order to accept an award, except that, in extenuating circumstances as determined by the Director, a student may accept an award by providing written acceptance to the Office.

C. An award recipient who fails to accept the award within 6 weeks of the date that the Office sent notice under §A shall become ineligible for the award.

.11 Full-time Enrollment and Credit Completion Requirements.

A. Except as provided in regulation .17, a recipient who fails to continuously enroll full-time and complete at least 12 credits per semester becomes ineligible for the scholarship.

B. A recipient who becomes ineligible for the scholarship may reapply in the subsequent year if the recipient graduated from high school or successfully passed the GED examination in Maryland within 2 years prior to the re-application, and continues to meet all other eligibility requirements under this chapter.

C. The institution shall report through MDCAPS, on a semester basis, whether the recipient is enrolled full-time and the number of credits completed.

D. The institution shall report the number of credits in MDCAPS:

- (1) By January 30, for fall credit completion information; and
- (2) By June 1, for spring credit completion information.

.12 Certification of Award Eligibility.

A. The Office shall create a certification of award roster for each institution, and the institution shall complete the certification by the date established by the Office.

B. The certification of award roster shall contain the name of each applicant who has been identified by the Office as potentially eligible for the scholarship and whose tuition and fees are unmet by non-loan aid awards, verified by the community college, and who meets all requirements as described under regulation .03 and .04 by the established deadlines.

C. To determine an applicant's unmet tuition and fees, a community college annually shall report in MDCAPS all types of non-loan aid the applicant is receiving and the annual tuition and fee expenses based on the applicants fall enrollment status.

D. After the community college reports all non-loan aid for each applicant, the institution shall electronically transmit the roster to the Office through MDCAPS.

E. Once the Office receives the roster from the community college by the deadline established by the Office:

- (1) Initial applicants shall be ranked based upon greatest demonstrated financial need; and
- (2) Priority shall be given to eligible prior year recipients.

F. A community college may report an applicant's non-loan aid after the deadline established by the Office only if the applicant satisfied all enrollment requirements at the community college on or before the deadline established by the Office. The Office shall rank the applicant and, as applicable, award the applicant or place the applicant on the waiting list.

G. A community college shall report in MDCAPS all non-loan aid the recipient is awarded, regardless of whether the non-loan aid has been disbursed for the semester.

H. A community college shall report to the Office all subsequent ISIR transactions that change a recipient's eligibility.

I. The Office will make annual awards prior to the start of the Fall semester.

.13 Payment of Awards.

A. The Office shall make an award payment to the institution for each semester that the eligible recipient is granted the award.

B. The community college shall certify to the Office, and request payment for all recipients, on a semester basis, on or before:

- (1) December 15, for the fall semester; and
- (2) May 15, for the spring semester.

C. A community college that fails to certify and request payment for all recipients on a semester basis under §B may not certify recipients for the subsequent semester.

D. Each semester, community colleges shall review billing rosters provided by the Office to certify, by a deadline determined by the Office that each recipient continues to:

- (1) Be enrolled as a full-time student in a credit bearing certificate, credit bearing vocational certificate, or associate degree program;
- (2) Be eligible for in-state tuition; and
- (3) Meet satisfactory academic progress.

E. In order for funds to be disbursed to the community college, the community college at which the student is enrolled shall maintain the student's FAFSA information on file. The Office will maintain the applications of students eligible for in-state tuition but ineligible for federal aid, and of students who are not selected for federal aid.

.14 Summer Enrollment.

A. A recipient who fails to maintain the cumulative grade point average of at least 2.5 at the end of the Spring semester may enroll in the Summer semester to meet the GPA requirement.

B. A recipient who enrolls for the summer semester and meets the GPA requirement at the end of the semester may be awarded under regulation .08.

C. A recipient who enrolls for the summer semester may not utilize the scholarship award for the summer semester.

.15 Allowable Interruptions of Study.

A. The Office may extend the duration of an award for an allowable interruption of study of 1 year or less, at the discretion of the Office, if the recipient provides to the Office documentation of extenuating circumstances that prevent the recipient from maintaining continuous enrollment at the community college.

B. The Office shall review the student's documentation of extenuating circumstances and the Director shall render a decision within 30 days of receipt.

C. All documentation shall be submitted to the Office by the established deadline, or the extension shall be denied.

D. A recipient approved by the Office for an extension shall, after the extension expires, resume full-time enrollment, complete at least 12 credits per semester, and meet the GPA requirements under this chapter.

.16 Minimum GPA Appeal Criteria.

A. A recipient who fails to maintain a cumulative grade point average of at least 2.5 may appeal a scholarship denial to the Office.

B. A recipient appealing under §A shall provide documentation to the Office of the extenuating circumstances that prevented the recipient from meeting the GPA requirement.

C. A recipient may appeal on the grounds of not maintaining the required GPA only once.

D. The Office shall review the student's documentation of extenuating circumstances and render a decision within 30 days of receipt.

.17 Full-time Enrollment Appeal Criteria.

A. A recipient enrolled for at least 6 credits, but less than 12 credits per semester, may appeal a scholarship denial to the Office on the basis that:

(1) The recipient is participating in a specific course or activity (such as an internship or practicum) that is required by the institution to complete the academic program; or

(2) The recipient has a documented disability that prevents full-time enrollment.

B. A recipient appealing under §A shall appeal to the Office on a semester basis and shall submit the following:

(1) Documentation from the recipient's department chair at the community college that describes and confirms the program's requirements for the applicable semester, along with a catalog description of the program and courses and activities involved; or

(2) Documentation from the Disability Support Services or similar office that confirms that the individual is a student with a disability who has an approved accommodation and is unable to enroll full time due to the disability.

.18 Scholarship Conditions and Service Requirement.

A. Full-Time Employment. For purposes of this regulation, "full-time employment" means employment for at least 35 hours per week.

B. Use of Scholarship. A scholarship shall be used solely for tuition at a community college.

C. As a precondition of accepting the scholarship award, a recipient shall provide a promissory note and shall enter into a written agreement with the Commission, in the form and manner prescribed by the Office, requiring the recipient to:

- (1) Complete the associate degree, certificate, or vocational certificate;
 - (2) Use an address in the State on the recipient's State income tax return;
 - (3) Commence full-time employment in the State within 1 year after completion of the vocational certificate, certificate, or associate degree;
 - (4) Continue to use an address in the State on the recipient's State income tax return for at least 1 year for each year that the scholarship was awarded; and
 - (5) Maintain full-time employment in the State for at least 1 year for each year that the scholarship was awarded.
- D. If a recipient holds the scholarship award in addition to other State scholarship awards requiring a service obligation, the obligations shall be served consecutively.

.19 Conversion of Scholarship to Loan.

- A. Except as provided in § C, if the recipient breaches the terms or conditions of the agreement or note under regulation .18, the scholarship shall convert to a student loan payable to the State.
- B. Interest on the loan shall be charged at a rate equal to the interest rate established by the United States Department of Education on the first day of July of each year for the Federal Stafford Loan.
- C. Interest may not accrue prior to notification to the Office of a recipient's graduation or termination from an institution of higher education.
- D. At the discretion of the Office, repayment may be prorated if the recipient partially fulfills the recipient's obligation.
- E. Except as otherwise provided in this regulation, repayment shall be made to the State within 6 years after the repayment period begins, and shall follow a repayment schedule established by the Office.

.20 Deferment of the Service Obligation and Repayment.

- A. A recipient may request that the service obligation be deferred during the time the recipient is:
- (1) Enrolled full-time (12 or more credits per semester) or part-time (6-11 credits per semester) in a credit-bearing course of study at any post-secondary institution;
 - (2) On a temporary leave of absence, approved by the employer in the required employment field, for a period not to exceed 12 months;
 - (3) Temporarily disabled, as determined by a licensed physician, in a manner that substantially impairs the recipient's ability to perform the service obligation, for a period not to exceed 3 years;
 - (4) Unable to maintain employment, for a period not to exceed 12 months, because the recipient must care for a spouse or child who is disabled;
 - (5) Assigned military duty outside of the State, not to exceed 3 years without filing an appeal; or
 - (6) Married to a spouse assigned military duty outside of the State, not to exceed 3 years without filing an appeal.
- B. A recipient's deferment request shall include supporting documentation satisfactory to the Office, which shall consist of the following, as appropriate:
- (1) Certification by the institution's registrar that the recipient has returned to a full-time or part-time course of study at a post-secondary institution in the State;
 - (2) Certification by the employer that the recipient is on a temporary approved leave of absence;
 - (3) A sworn affidavit by a licensed physician that the recipient is temporarily disabled in a manner that substantially impairs the recipient's ability to perform the service obligation;
 - (4) A sworn affidavit by a licensed physician that the recipient is unable to maintain employment because the recipient must care for a spouse or child who is disabled; or
 - (5) A copy of military orders.
- C. The Office shall review all documentation and determine if the deferment conditions have been met and, if so, determine the deferment period.
- D. During the period of an approved deferment, a recipient is not required to make scholarship repayments, and interest does not accrue.
- E. The Office shall, on a case-by-case basis, review appeals from individuals assigned military duty outside the State, and from the spouses of individuals assigned military duty outside the State, that exceed the 3-year deferral limit. Appeals shall be in writing and shall include a copy of the military orders. The Director shall determine if an appeal is granted.

.21 Waiver of the Service Obligation and Repayment.

- A. The Office shall waive a recipient's service and repayment obligations if it determines:

(1) On the basis of a sworn affidavit of 2 licensed physicians, that the recipient is permanently unable to fulfill the service obligation, on a full-time or part-time basis, because of a permanent impairment; or

(2) On the basis of a death certificate, or other evidence of death that is conclusive under State law that the recipient has died.

.22 Determinations of the Office

A decision of the Office under this chapter, including decisions regarding whether to grant an award, extension, waiver, or appeal, is final and not subject to additional review or appeal.



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph. D.
Secretary

MEMORANDUM

TO: Maryland Higher Education Commissioners

FROM: Emily A. A. Dow, Ph.D., Assistant Secretary for Academic Affairs

DATE: May 22, 2019

SUBJECT: Proposed Approval of Bylaws of the MHEC Faculty Advisory Council

The Faculty Advisory Council is established in Education Article §11–106. At the May 14, 2019, meeting, the Faculty Advisory Council voted to adopt the changes attached and requests the approval of adoption of these bylaws by the Maryland Higher Education Commission. The changes presented provide a reorganization of representation that would allow 1 representative from each campus to serve on the Faculty Advisory Council. Additional changes include revisions to the duties of officers and voting procedures.

RECOMMENDATION: It is recommended that the Commission approve the adoption of the proposed bylaws of the Maryland Higher Education Faculty Advisory Council.

PENDING CHANGES AS OF APRIL 16, 2019

ARTICLE I – NAME

The name of this Council is the **Faculty Advisory Council to the Maryland Higher Education Commission**. The Council is established in accordance with Section 11-106 of the Annotated Code of Maryland.

ARTICLE II – FUNCTIONS OF THE FACULTY ADVISORY COUNCIL

The Council Shall:

- A. Advise the Commission and the Secretary of Higher Education in the development and implementation of policies affecting higher education in Maryland;
- B. Advise the Commission and the Secretary of Higher Education on matters of concern to faculty in Maryland
- C. The Commission shall provide in a timely manner the information and materials necessary for the Council to carry out its advisory function

ARTICLE III -- OFFICERS

Officers of the Council shall be the Chair, Vice Chair, and Recording Secretary. Officers shall be elected annually in May. The term of office is one year. Their duties shall be as follows:

- A. The Chair:
 - a. To convene Council meetings,
 - b. To conduct all meetings of the Council,
 - c. To work closely with the office of the Secretary of Higher Education to facilitate a meaningful advisement role for the Council,
 - d. To represent the opinions of the Council to the Commission and the Secretary of Higher Education,
 - e. To designate Council representatives to attend meetings of Commission committees or task forces.
 - f. To designate a Webmaster who shall maintain the official FAC website, linked to the official MHEC site, and containing, at a minimum, the following:
 - i. Current membership list and contact information
 - ii. Approved minutes of all meetings
 - iii. Meeting agendas
 - iv. Materials relevant to current Council activity
- B. The ~~Vice~~ Chair Elect:
 - a. To assume the duties of the Chair in his or her absence during their term as Chair Elect
 - b. To assist the Chair in the fulfillment of his or her duties

PENDING CHANGES AS OF APRIL 16, 2019

- b-c. To assume the position of Chair after serving as Chair Elect in the year immediately following. Should the Chair Elect be unable to continue in the following year as the Chair, an election will be held to fill the position as soon as possible.
- C. The Recording Secretary:
- a. Maintain attendance records
 - b. Record, and distribute minutes of each meeting
 - c. Provide revised electronic copies to the Webmaster for posting on the FAC website

ARTICLE IV -- OTHER COMMITTEES

The Council may establish any other committees or task forces that are necessary to carry out Council responsibilities. Each committee shall be chaired by a Council member. Faculty not on the Council may serve as member of such committees or task forces.

ARTICLE V -- MEMBERSHIP

Members shall serve terms of three (3) years provided employment is maintained. New members shall take office in June of each year. Terms shall be staggered so that each year the Council will have a turn-over of approximately one-third. The president- or designee of the institution or his/her designee, in collaboration with the faculty government(s), shall make a recommendation to the Secretary of Higher Education on the representative selection. The official list of active members shall be maintained by the Maryland Higher Education Commission.

- A. ~~The Council shall be composed of representation of one full-time faculty member (as defined in COMAR 13B.02.02.03) from each MHEC authorized-to-operate Higher Education institution that has its headquarters and primary campus in Maryland and is not a "Private Career School" as defined by MHEC. If an administrator or staff member of an institution is appointed to the FAC, but they do not have faculty status according to their contracts, then they cannot be a member of the FAC.~~ twenty-one (21) full time faculty members who shall be appointed by the commission in accord with the following system:

The University System of Maryland

There shall be nine (9) members representing the University System of Maryland

When a vacancy occurs for the University System of Maryland, the Secretary of Higher Education shall request the Chancellor of the System to submit a nominee selected by the appropriate faculty group as indicated below. The Chair of the Council of University System Faculty (CUSF) for the University System of Maryland and other current members of this Council who represent the University System of Maryland shall encourage faculty bodies on the affected campuses to select nominees in a timely manner.

PENDING CHANGES AS OF APRIL 16, 2019

~~The remainder of an unfulfilled term shall be completed by a representative of the campus or organization of the last incumbent and shall be selected by the faculty senate or equivalent body of that campus or organization~~

~~Membership shall be comprised of one (1) representative from each of the following units:~~

~~University of Maryland, College Park (UMCP)~~

~~ii. University of Maryland, Baltimore (UMB)~~

~~iii. University of Maryland Baltimore County (UMBC)~~

~~iv. Bowie State University (BSU) and the University of Maryland, Eastern Shore (UMES)~~

~~v. Frostburg State University (FSU) and Salisbury University (SU)~~

~~vi. Towson University (TU)~~

~~vii. Coppin State University (CSU) and the University of Baltimore (UB)~~

~~viii. University of Maryland University College (UMUC) and the University of Maryland Center for Environmental Studies (UMCES)~~

~~ix. A representative of the Council of University System Faculty (CUSF)~~

~~Community Colleges~~

~~There shall be six (6) members representing the community colleges.~~

~~When a vacancy occurs for the community colleges, the Secretary shall request the Executive Director of the Maryland Association of Community Colleges (MACC) to submit a nominee elected by the members of the community college faculties whom the incumbent represented~~

~~If only one name is submitted from the community colleges in one of the groups shown below, that individual shall be the group's nominee~~

~~ii. If more than one name is submitted from the community colleges in one of the groups shown below, one or two members of the Executive Committee whose terms are not affected by the current election will be appointed to assist the MACC staff in distributing election information and ballots to the affected campuses and tallying the results.~~

~~The remainder of an unfulfilled term shall be completed by a representative of the campus of the last incumbent and shall be selected by the faculty senate or equivalent body of that campus~~

PENDING CHANGES AS OF APRIL 16, 2019

~~Membership shall be comprised of two (2) representatives each of the following three groups of community colleges. No two members shall be from the same institution.~~

~~The Baltimore metropolitan area, comprising Baltimore City Community College, The Community College of Baltimore County, and Anne Arundel Community College.~~

~~ii. The Washington, D.C. metropolitan area, comprising Montgomery College, Prince George's Community College, and Howard Community College.~~

~~iii. The non-metropolitan area community colleges, comprising Allegany, Carroll, Cecil, Charles (College of Southern Maryland), Chesapeake, Frederick, Garrett, Hagerstown, Harford, and Wor-Wic community colleges.~~

Independent Colleges and Universities

~~There shall be four (4) members representing the Independent Colleges and Universities. No two members shall be from the same institution.~~

~~When a vacancy occurs, the Secretary shall request the president of the Maryland Independent Colleges and Universities Association to submit a nominee selected by the faculty of one of the Association's member institutions.~~

~~Membership shall rotate among the independent colleges and universities in a manner established by the Association~~

~~The remainder of an unfulfilled term shall be completed by a representative selected by the faculty of one of the Association's member institutions and nominated by the president of the Maryland Independent Colleges and Universities Association.~~

Morgan State University

~~There shall be one (1) member representing Morgan State University~~

~~When a vacancy occurs, the Secretary shall request the president of Morgan State University to submit a nominee selected by the Morgan State University Council~~

~~The remainder of an unfulfilled term shall be completed by a representative selected by the Morgan State University Council~~

St. Mary's College of Maryland

~~There shall be one (1) member representing St. Mary's College of Maryland~~

~~When a vacancy occurs, the Secretary shall request the president of St. Mary's College to submit a nominee selected by the St. Mary's College Faculty Senate~~

PENDING CHANGES AS OF APRIL 16, 2019

The remainder of an unfulfilled term shall be completed by a representative selected by the St. Mary's College Faculty Senate

~~B.A.~~ Part-time and full-time temporary

- a. There shall be four (4) members representing part-time faculty members. One faculty member shall be employed by the University System of Maryland, one employed by an institution that is a member of the Maryland Independent Colleges and Universities Association, and two employed by Maryland Community Colleges.
- b. When a vacancy exists the Secretary shall request nominations from the Chancellor of the University System of Maryland, the Executive Director of the Maryland Independent Colleges and Universities Association, and the Executive Director of the Maryland Association of Community Colleges. If one or more segments are unable to fill a vacancy that position may be filled by one of the remaining segments.

~~C.B.~~ For-profit Colleges and Universities and Private Career Schools

- a. For-profit colleges and universities:
 - i. There shall be one (1) member representing the for-profit colleges and universities
 - ii. When a vacancy occurs, the Secretary of Higher Education shall request the CEOs of the State's For-profit colleges and universities to submit nominees. In the event that there are multiple nominations the Secretary of Higher Education will select the representative.
 - iii. The remainder of an unfulfilled term shall be completed by a representative selected in accordance with procedures established above.
- b. Private career schools:
 - i. There shall be one (1) member representing the private career schools
 - ii. When a vacancy occurs, the Secretary of Higher Education shall request the president of the Maryland Association of Private Career Schools to submit a nominee in accordance with procedures established by the Association.
 - iii. The remainder of an unfulfilled term shall be completed by a representative selected in accordance with procedures established by the Association

ARTICLE VI -- MEETINGS

~~Regularly scheduled monthly meetings shall be held.~~ The meetings of the FAC shall be held at least four times a year. The quorum for a meeting shall consist of eleven (11) members. Any action of a majority of a quorum shall be an act of the Council. However, in absence of a quorum, those present may take action on provisional basis, which measures may be raised for consideration by any member at the next meeting of the Council.

PENDING CHANGES AS OF APRIL 16, 2019

Attendance at all meetings is expected. Upon the absence of an FAC representative at three consecutive regular meetings of the Faculty Advisory Council, the FAC Recording Secretary shall notify the FAC representative for an explanation and to determine if the Representative in question should be replaced on the Council for the remainder of his/her term. Subsequently, the MHEC Liaison to the FAC will be notified and, if appropriate, a replacement shall be selected according to the appointment process currently in place for each higher education segment outlined in the FAC-MHEC By-Laws. The Replacement Representative shall serve the remainder of the three-year term as specified therein.

Only members present [physically or virtually](#) shall be permitted to vote. There will be no provision for absentee or proxy voting. ~~In the event that quorum is not attained, the meeting and voting will still occur, however, all votes taken will be subject to objection by member institutions that are not present. An email of the votes will be sent to all representatives, and in the event that sufficient objections are submitted that the vote would be affected, the vote will be retaken at the next FAC meeting. Objections must be submitted within two business days of the distribution of the votes.~~

The agenda shall be determined by the Chair and shall be distributed to members one week prior to the date of the meeting.

Minutes shall be kept of all Council meetings. Once approved, minutes will be posted on the Council website.

ARTICLE VII -- AMENDMENTS

The by-laws may be amended by a majority of the membership. Any proposed amendment to the by-laws must be voted on for adoption at a regular meeting subsequent to the one where it was introduced. The by-laws will be automatically amended to reflect changes in institutional names.

Amendment History

Amendment 1: Article V: Membership (approved 17 September 2013, effective this date):

- A. *The Council shall be composed of **twenty-one (21)** full-time faculty members who shall be appointed by the Commission in accord with the following system...*

*The “system” referred to shall remain as written in the current by-laws, with one exception: the University of Maryland Biotechnology Institute – UMBI—will be deleted from Article V, part A, paragraph 1 (University System of Maryland), section *d.viii*.

Amendment 2: Article VI: Meetings -- Attendance (approved 17 September 2013, effective this date): Attendance at all meetings is expected. Upon the absence of an FAC

PENDING CHANGES AS OF APRIL 16, 2019

representative at three consecutive regular meetings of the Faculty Advisory Council, the FAC Recording Secretary shall notify the FAC representative for an explanation and to determine if the Representative in question should be replaced on the Council for the remainder of his/her term. Subsequently, the MHEC Liaison to the -FAC will be notified and, if appropriate, a replacement shall be selected according to the appointment process currently in place for each higher education segment outlined in the ***FAC-MHEC By-Laws***: “Article V- Membership. The Replacement Representative shall serve the remainder of the three-year term as specified therein.



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph. D.
Secretary

MEMORANDUM

TO: Maryland Higher Education Commissioners

FROM: Emily A. A. Dow, Ph.D., Assistant Secretary for Academic Affairs

DATE: May 22, 2019

SUBJECT: Proposed Approval of Bylaws of the MHEC Student Advisory Council

The Student Advisory Council is established in Education Article §11–106. At the May 11, 2019, the 2019-2020 Student Advisory Council voted to adopt the changes attached and requests the approval of adoption of these bylaws by the Maryland Higher Education Commission. The changes presented provide clarification on representation, duties of officers, and elections. There are several non-substantive grammatical changes as well.

RECOMMENDATION: It is recommended that the Commission approve the adoption of the proposed bylaws of the Maryland Higher Education Student Advisory Council.

**STUDENT ADVISORY COUNCIL
MARYLAND HIGHER EDUCATION COMMISSION
BYLAWS**

Preamble

The Maryland Higher Education Commission Student Advisory Council is established in accordance with §11-106 of the Education Article of the Annotated Code of Maryland in order to advise [the Maryland Higher Education Commission](#) of the concerns, perspectives, and experiences of students of institutions of higher education in Maryland.

Article I – Name

The name of this organization shall be the Student Advisory Council to the Maryland Higher Education Commission (~~MHEC~~[the Commission](#)), hereafter referred to as the SAC.

Article II – Functions

- (A) The SAC was created, pursuant to a legislative directive, for the purpose of reviewing such matters as are referred by the Commission or the Secretary of Higher Education for their consideration and advice.
- ~~(B)~~ The SAC may make recommendations to the Commission on matters of statewide importance that affect their constituencies.
- ~~(C)~~
- ~~(B)~~ ~~The SAC shall operate for the course of one academic year beginning with the first meeting in the fall and ending September first of the following year.~~
- ~~(D)~~~~(C)~~ [The SAC will prepare a report at the end of each academic year to the Commission that summarizes the discussions and work of the SAC and may provide recommended goals for the incoming SAC representatives.](#)

Article III – Representation

- (A) Each Maryland institution of higher education, which is authorized by the ~~MHEC~~[Commission](#) to operate in the state of Maryland, will have one representative to the SAC. The president of the institution, in collaboration with the student government(s), shall make ~~the representative selection~~[a recommendation to the Secretary of Higher Education for appointment or reappointment each academic year, following an application process determined by the SAC or by reappointment of the current representative.](#)
- (B) Only the representative from that institution will be allowed to vote. No absentee votes will be allowed.
- ~~(C)~~ [Representatives shall be appointed by the Secretary of Higher Education](#) for the

term of one academic year and may be reappointed ~~by their institutions~~ for a following year.

~~(C)~~(D) Students from a private career school (with authority to operate in Maryland) are welcomed to attend. The SAC Advisor will notify leadership of applicable schools of SAC meeting dates and locations.

Article IV – Executive Committee

(A) The Executive Committee is responsible for providing coordination and direction of SAC activities and discussion, and will serve as the official voice of the SAC.

(B) The Executive Committee shall have the power to create standing and ad hoc committees as it deems necessary ~~to the proper function to the proper functioning of the SAC and shall delegate the authority to such committees as is necessary for their operation according to their purpose.~~

Article V – Officers and Duties

Section 1.

The officers of the Executive Committee of the SAC shall be the Executive Chairperson, Vice Chairperson, three Segment Chairpersons, and Secretary. The advisor and student commissioner shall serve as ex-officio, non-voting members.

Section 2. Executive Chairperson. The Executive Chairperson is expected to:

(A) Supervise the activities and operation of the SAC.

(B) Call and preside at all meetings of the SAC.

(C) Prepare and distribute the agenda and meeting materials prior to all meetings.

(D) ~~Shall vote~~ Vote only in case of a tie.

~~(E) Shall appoint a parliamentarian as necessary.~~

~~(F) May have been involved in the SAC for at least one year, immediately preceding the term of office.~~

~~(G)~~(E) Maintain regular contact with the advisor.

~~(H)~~(F) Maintain regular contact with representatives to ensure the ready flow of information from the ~~MHEC~~ Commission to the institutions.

~~(I)~~(G) Attend the Commission meetings and present reports from the SAC when appropriate.

Section 3. Vice Chairperson. The Vice Chairperson is expected to:

- (A) Assume the duties of the Executive Chairperson during their absence.
- (B) Assist the Executive Chairperson in the supervision and operation of the SAC.
- (C) Coordinate ~~nominations~~ the committee to recommend of the Student Commissioner ~~memberer~~.
- (D) Perform ~~such~~ additional duties as that the Executive Chairperson or advisor may request.

Section 4. Secretary. The Secretary is expected to:

- (A) Maintain the minutes of each meeting of the SAC.
- (B) Be a custodian of records of the SAC, and maintain a list of names, addresses, phone numbers, and e-mail addresses of the representatives.
- (C) Keep at all times the current copy of the SAC bylaws at the meetings.
- (D) Be Responsible for all communication and outreach of the SAC.
- (E) Perform additional duties that the Executive Chairperson or advisor may request. ~~Perform other duties as may be assigned by the Chairperson or advisor.~~

Section 5. Segment Chairs. The Segment Chairs are expected to:

- (A) ~~Should e~~Cordinate for the SAC the activities of their respective constituencies:
 - (1) Four-Year Public Institutions
 - (2) Four-Year Independent Colleges and Universities
 - (3) Two-Year Colleges
 - (4) Graduate Students
- (B) ~~Will b~~Be responsible, along with constituencies, for coordinating and producing responses on certain topics referred by the Commission.

Article VI – Elections

- (A) Election of officers will be held at the ~~first~~ second meeting of the SAC each academic year.
- (B) The Student Commissioner will plan and execute the election of the new officers. The Student Commissioner, with the assistance of the advisor, will tally the votes and announce the new officers immediately after the balloting.
- (C) Segment Chairs will be elected by their respective constituencies.

(D) Voting will be by secret ballot.

(E) New officers will be determined by a simple majority and will serve for a one-year term beginning at the time of vote until the next vote ~~with the first meeting of the SAC and ending September 1 of the following year.~~

Article VII – Meetings/Attendance

Section 1. Meetings

The meetings of the SAC shall be held at least four times a each academic year. The meeting dates shall be designated by the Secretary of Higher Education, in consultation with the SAC.

Section 2. Attendance

(A) Attendance is defined as a presence at a particular event, function, or meeting, through physically being in the room or calling-in over the phone or online.

(B) Attendance at all meetings is expected. Upon the absence of a representative at two consecutive meetings, the Advisor shall contact the institution to discuss the student's attendance or possible replacement.

~~(B)~~(C) In the event that an elected person does not attend two consecutive meetings, the SAC may consider a new vote for that position for the remainder of the term.

Section 3. Quorum

(A) Quorum is attained by the attendance of the Executive Chair or ~~[his/her]~~ THEIR their designee and a yearly predetermined number of members' institutions. The predetermined quorum for members will be 20% of the total attendance at the first meeting of the council each academic year.

(B) In the event that quorum is not ~~attained~~ attained, the meeting and voting will still occur, ~~however~~ However, all votes taken will be subject to objection by member institutions that are not present. An email of the votes will be sent to all representatives, and in the event that sufficient objections are submitted that the vote would be affected, the vote will be retaken at the next SAC meeting. Objections must be submitted within two business days of the distribution of the votes.

(C) All meetings shall be conducted according to Robert's Rules of Order.

Article VIII – Sundry Provisions

Section 1. Advisor

~~(A)~~ The advisory shall be appointed by the Secretary of Higher Education from the staff of

the Maryland Higher Education Commission.

~~(B)~~

~~(C)~~(A) Shall represent the MHEC between students and the Commission. The advisor shall be the liaison between the Commission and SAC.

~~(D)~~(B) The advisor shall Provide provide guidance to the SAC with regard to administrative procedures and limitations to which the SAC is subject.

~~(E)~~(C) The advisor shall Provide provide other support and guidance as needed.

Section 2. Student Commissioner

(A) The Student Commissioner is defined by §11-102 of the Education Article of the Annotated Code of Maryland.

(B) Each institution will have the opportunity to nominate a candidate to be the student member of the Commission.

(C) The Vice Chairperson shall establish a committee to review nominations and ~~select the interview top~~ candidates ~~for interviews.~~ The committee will recommend up to three names to the Secretary of Higher Education. The Secretary may consider these recommendations in making the final recommendation to the Governor.

~~(D) The SAC will interview each candidate selected by the committee to review and recommend up to three names to the Secretary of Higher Education. The Secretary may consider these recommendations in making the final recommendation to the Governor.~~

~~(E)~~(D) Duties of the Student Commissioner are as follows:

- (1) Serve as the voting student member of the Commission and have all powers given to the student from the Maryland General Assembly.
- (2) Inform the Executive Committee of the actions of the Commission.
- (3) Serve on the Executive Committee as an ex-officio member.
- (4) Plan and executive the election of the SAC officers at the first meeting.

Article IX – Amendments Procedure

(A) To amend these bylaws, the following criteria must be met:

- (1) Any proposed amendment will be presented in a written form at least one meeting prior to the one which a vote is taken.
- (2) The proposed amendment must be sent to each member in print form with notice of the called meeting.

(3) The proposed amendment must receive a two-thirds majority of the representatives to be included in the bylaws.

(B) Any amendments must also be approved by the Secretary of Higher Education and the Commission.

Article X – Enactment

These bylaws shall become effective immediately upon the approval by the Commission.

| *Bylaws approved by the Commission on DATE.*



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor
Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph. D.
Secretary

MEMORANDUM

DATE: May 22, 2019

TO: Maryland Higher Education Commissioners

FROM: Chief John Jerome, Chairman, Maryland Fire-Rescue Education and Training Commission

STAFF: Alexia Van Orden

SUBJECT: Proposed Approval of Bylaws of the Maryland Fire-Rescue Education Training Commission

The Maryland Fire-Rescue Education Training Commission (MFRETC) is a division of the Maryland Higher Education Commission (MHEC). MFRETC is designed to be the state-level coordinating agency for the education and training of Maryland's fire, rescue, and emergency services personnel.

The MFRETC has developed bylaws governing its organization and activities. These bylaws additionally establish rules governing the conduct of meetings and member responsibilities. They have been developed to be closely aligned with the MHEC bylaws and reviewed for legal sufficiency by agency counsel.

At the March 22, 2019 meeting of the MFRETC, members voted unanimously to adopt the bylaws as approved by counsel. As a division of the MHEC, the MFRETC would like to request approval of adoption of these bylaws by the Maryland Higher Education Commission.

RECOMMENDATION: It is recommended that the Commission approve the adoption of the proposed bylaws of the Maryland Fire-Rescue Education Training Commission.

Bylaws of the Maryland Fire-Rescue Education Training Commission

PREAMBLE

Pursuant to the powers vested in the Maryland Fire Rescue Education Training Commission as provided by law, the following are hereby adopted and declared as the Bylaws of the Maryland Fire Rescue Education Training Commission.

ARTICLE I NAME, PURPOSE, AND POWERS

Section 1. Name and Purpose

- A. The Maryland Fire-Rescue Education Training Commission (hereafter “the Commission”) is the body established by law to cooperate with and assist schools in coordinating and improving all emergency services education and training activities. The duties of the Commission are set forth in § 11-503 of the Education Article of the Annotated Code of Maryland.

- B. The Commission is within the Maryland Higher Education Commission (MHEC).

Section 2. Powers

The Commission shall perform the duties and exercise the powers specified in §§ 11-501 – 11-503 of the Education Article of the Annotated Code of Maryland and any regulations adopted thereunder.

ARTICLE II OFFICERS AND MEMBERS OF THE COMMISSION AND THEIR SELECTION

Section 1. Commission Officers, Members and Their Terms

- A. The Commission consists of 13 members appointed by the Governor with the advice and consent of the Senate. Each member serves for a term of four (4) years and until a successor is appointed and qualified. (Educ. § 11-502).

- B. The officers of the Commission shall be the Chair and the Vice Chair.

Section 2. Selection of Commission Officers

- A. The Governor shall designate one of the members of the Commission as the Chair of the Commission. The Chair serves at the pleasure of the Governor.

- B. The Vice Chair shall be elected annually by majority vote at a Commission meeting. A vacancy in the office of Vice Chair shall be filled by majority vote at a Commission meeting. An officer elected to fill a vacancy shall serve for the remainder of the predecessor’s term or until a successor is selected.

**ARTICLE III
DUTIES OF OFFICERS**

Section 1. The Commission Chair

- A. The Chair shall represent the Commission before all public bodies or designate another member to perform that function; shall preside at all meetings of the Commission; shall direct the work of the Commission and the Commission's standing and ad hoc committees in order to assure that the Commission's statutory responsibilities are discharged; and shall perform such other duties as prescribed in these Bylaws or assigned by the Commission consistent with the law.

Section 2. The Commission Vice Chair

- A. The Vice Chair shall, at the request of or in the absence of the Chair, perform all the duties of the Chair and, while so doing, have and exercise all the authority and powers of the Chair; and shall perform such other duties as may from time to time be assigned by the Commission consistent with the law.

**ARTICLE IV
COMMISSION MEETINGS**

Section 1. Regular Commission Meetings

- A. The Commission shall hold no less than six regular meetings during each calendar year.
- B. The Chair shall propose the time and location for the required regular meetings for each calendar year for adoption by the Commission.
- C. Notice of time and place for each Commission meeting shall be given in writing to each Commission member as soon as practicable and no less than five days in advance of such meeting.

A meeting agenda shall be provided to each Commission member and made public in advance of each meeting. The agenda shall be prepared by MHEC in consultation with the Chair.

Section 2. Special Commission Meetings

- A. A special meeting may be called at any time by the Chair or upon request of any six voting members of the Commission. The convening of a special meeting shall be contingent upon satisfaction of the notice requirements in Article IV, Section 1.C of these Bylaws, unless those requirements are waived by a majority of the members of the Commission then serving on the Commission. The waiver may be approved by telephone or other electronic modes of communication.

Section 3. Location and Notice of Commission Meetings

- A. The Chair, in consultation with the Commission members, shall determine the location of each regular or special Commission meeting.
- B. At the discretion of the Chair, a regular or special meeting may be conducted in whole or in part by telephone or by other interactive modes of communication.

- C. In the event that a majority of the members of the Commission then serving on the Commission waive the notice requirements, notice of the waiver and the special meeting shall be immediately provided to each member of the Commission by telephone or other electronic modes of communication and confirmed in writing.

Section 4. Conduct of Commission Meetings

- A. A quorum consists of seven members, one of whom shall be the Chair or Vice Chair.
- B. All Commission meetings shall be conducted in accordance with the Maryland Open Meetings Act, §§ 3-201 through 206 of the General Provisions Article of the Maryland Annotated Code.
- C. Voting on all matters before the Commission shall be by voice vote unless otherwise directed by the Chair. In all cases where a vote is taken, the yeas, nays and abstentions shall be separately recorded, with the exception of a unanimous vote, which may be recorded as such.
- D. Individuals desiring to address the Commission at a regular or special meeting may request that opportunity by submitting a written request to the Chair no later than seventy-two hours prior to the meeting. The request shall be acted upon by the Chair, who may at his or her discretion deny it, grant it, or grant it subject to limitations on the scope of time of presentation. No individual or group shall be entitled to address the Commission unless the subject of the presentation is deemed relevant by the Chair and the duration of the presentation does not exceed limits imposed by the Chair. The restrictions in this paragraph do not prevent the Chair, at his or her discretion, from recognizing persons for comment during a Commission meeting.

Section 5. Records of the Proceedings of the Commission

- A. Minutes of each Commission meeting shall be signed by the Chair of the Commission and distributed to each Commission member before or at the next regular Commission meeting. Minutes may be amended by vote of the Commission at the next regular Commission meeting.
- B. Minutes shall be maintained in a form accessible to the public in the principal offices of the Commission.

**ARTICLE V
COMMISSION COMMITTEES**

Section 1. Standing Committees, Ad Hoc Committees, and Commission Liaisons

- A. The Commission may establish and designate standing committees, ad hoc committees, and Commission liaisons. The Chair shall be an ex officio member of all committees, and an ex officio liaison to all Commission stakeholder groups. Only members of the Commission shall be entitled to serve as voting members of standing committees, ad hoc committees, or as Commission liaisons.
- B. Upon appointment by the Governor or as soon thereafter as practicable, the Chair shall appoint members to each of the standing committees and shall designate the chair and vice chair of each. In making such appointments, the Chair of the Commission shall determine the number of members on each standing committee, with no committee consisting of fewer than three (3) members. A member of a committee shall serve until a successor is selected. In case of a vacancy on a standing committee, the Chair of the Commission shall appoint a new member for the unexpired term.

- C. Each committee member and Commission liaison shall serve at the pleasure of the Chair of the Commission. Members of the Commission may serve as members of standing committees and Commission liaisons for consecutive terms without limitation.
- D. The standing committees, ad hoc committees, and Commission liaisons shall be determined by the Chair of the Commission, in consultation with Commission members.
- E. The responsibilities of each standing committee, ad hoc committee, and Commission liaisons shall be determined by the Chair, in consultation with Commission members. Those responsibilities shall be designated to ensure the Commission effectively and efficiently performs its statutory responsibilities.
- F. The ad hoc or standing committee chair shall, in conjunction with the other committee members, recommend committee responsibilities to the Chair of the Commission, ensure that committee responsibilities are accomplished and provide a committee report at regular meetings and as requested by the Chair of the Commission. The committee Vice Chair shall assist the committee Chair with their duties, and assume the duties of the committee Chair in their absence.
- G. The Chair of the Commission shall designate a Primary Liaison for each established Commission liaison function. The Chair of the Commission may also designate a Secondary Liaison for each established Commission liaison function. The Primary Liaison shall make every effort to attend meetings and functions of the group to which they serve as a liaison, and shall provide a report to the Commission at regular meetings and as requested by the Chair of the Commission. The Secondary Liaison shall assist the Primary Liaison with their duties, and shall assume the duties of the Primary Liaison in their absence by attending meetings and functions of the group to which they serve as a liaison, and providing a report to the Commission at regular meetings and as requested by the Chair of the Commission.
- H. The Commission shall maintain a list of standing committees, ad hoc committees, and Commission liaisons and their respective responsibilities. The list shall be made accessible to Commission members.

Section 8. Location and Notice of Standing Committee and Ad Hoc Committee Meetings

- A. A meeting shall be called by the Committee Chair, who shall, to the maximum extent possible under the circumstances, consult with and notify the Chair of the Commission regarding the date, time, and location of the meeting.
- B. Notice of the time and place for each committee meeting shall be given in writing to each committee member no less than five days in advance of such meeting, unless that requirement is waived by unanimous vote of the members of the committee. The Committee Chair shall give such other notice as may be appropriate.
- C. The notice shall include a meeting agenda. The agenda shall be prepared by the Committee Chair with support from MHEC staff.
- D. Conducting electronic or audio conference call standing or ad hoc committee meetings may be used at the discretion of the committee chair and consistent with the Open Meetings Act.

Section 9. Conduct of Standing Committee and Ad Hoc Committee Meetings

- A. A majority of the voting members of a committee shall constitute a quorum for the conduct of committee business. The chair of a committee may invite other commission members to the meetings of a committee and, in the absence of a quorum of a committee such commission members may be empowered by the chair of a committee to vote on a particular matter before a committee and otherwise constitute a quorum for the conduct of committee business.
- B. All committee meetings shall be conducted in accordance with the Maryland Open Meetings Act, §§ 3-201 through 206 of the General Provisions Article of the Maryland Annotated Code.
- C. Voting on all matters before the committee shall be by voice vote unless otherwise directed by the chair of the committee. In all cases where a vote is taken, the yeas, nays, and abstentions shall be separately recorded, with the exception of a unanimous vote which may be recorded as such.
- D. The transactions of every public committee meeting shall be memorialized, in summary form, and the minutes thereof shall be included in the record of the next regular meeting of the Commission.

Section 10. Records of the Proceedings of Standing Committee and Ad Hoc Committee Meetings

- A. Minutes of each committee meeting shall be approved and signed by the chair of the committee and distributed to each committee member before or at the committee’s next meeting. Minutes may be amended by vote of the committee at its next meeting. Minutes shall be maintained in a form accessible to the public in the principal offices of the Commission.

**ARTICLE VI
AMENDMENTS TO THE BYLAWS**

Section 1. Amendments

- A. These Bylaws may be amended by a majority of the voting members of the Commission at any meeting of the Commission, subject to the approval of MHEC; provided, however, that no proposed amendment shall be acted upon unless the written text of the amendment is sent to the Chair of the Commission and each member of the Commission at least fourteen days prior to the vote.

**ARTICLE VII
REPEAL OF PRIOR PROVISIONS**

Section 1. The Chair

- A. These Bylaws supersede and replace any bylaws adopted prior to May 22, 2019, by the Commission or its predecessors and any regulations or policies of the Commission or its predecessors to the extent inconsistent with any provision contained these Bylaws.



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph. D.
Secretary

Maryland Higher Education Commission 2019 Meeting Dates

The Maryland Higher Education Commission (MHEC) is Maryland's higher education coordinating board responsible for the management of statewide financial aid programs and the establishment of statewide policies for public and private colleges and career schools to support students' postsecondary pursuits.

Meeting Dates and Locations

| | |
|-------------------|--|
| January 23, 2019 | June 26, 2019 |
| February 27, 2019 | September 25, 2019 9:30am to 3:30pm |
| March 27, 2019 | October 23, 2019 |
| April 24, 2019 | November 20, 2019 *Please note date change* |
| May 22, 2019 | December 11, 2019 *Please note date change* |

All Commission Meetings will be held on the 4th Wednesday of Each Month from 1:00pm to 4:00pm at the Maryland Higher Education Commission in the 7th Floor Board Room located at 6 N. Liberty Street, Baltimore, MD 21201 unless otherwise noted.

Dates and Times Subject to Change

<http://www.mhec.maryland.gov/About/Pages/Meetings.aspx>