

**Maryland Higher Education Commission**  
Meeting Minutes

July 27, 2022  
1:00 p.m.

The Maryland Higher Education Commission (MHEC) met on Wednesday, July 27, 2022 via video teleconference (Google Meet).

**Commission members present:**

Mary Pat Seurkamp, Ph.D., Chair	James E. Coleman
Charles McDaniels, Jr., Vice Chair	Judge Barbara Kerr Howe
Vivian S. Boyd, Ph.D.	James B. Sellinger, Sr.
Lewis R. Brown, Ed.D.	Sade Davis, Student Commissioner

**Commissions members absent:**

Senchal D. Barrolle, Esq.	Ray Serrano, Ph.D.
Karen B. Salmon, Ph.D.	Craig A. Williams, Ph.D.

**Staff members present:**

James D. Fielder, Ph.D.	Emily A. A. Dow, Ph.D.
Rhonda Wardlaw	Lee Towers
Soma Kedia	Trish Gordon McCown
Victoria Johnson	Geoffrey Newman
Jacqueline Cade	Bryson Barksdale
Glenda Abney	Jennifer Katz

**Call to Order**

The meeting was called to order by **Chair Seurkamp** at approximately 1:02 p.m. A meeting quorum was established with eight (8) out of twelve (12) members present.

**Chair's Remarks**

**Chair Seurkamp** thanked everyone for attending today's meeting and welcomed Student Commissioner Sadé Davis who is a student at Prince George's Community College. **Commissioner Davis** remarked that it was an honor for her to serve as Student Commissioner. She is currently studying Health Science and would like to pursue a career in Public Health. **Chair Seurkamp** then gave a brief overview of the meeting agenda.

**Secretary's Remarks**

**Secretary Fielder** remarked that Commissioner Davis is one of the first community college students to serve on the Commission and will be able to offer a unique perspective. MHEC continues to hire employees for the new academic program review unit (resulting from the HBCU coalition settlement). Additionally, MHEC has met with the 4 Maryland HBCUs to discuss their new academic program requests.

### **Election of Commission Vice Chair**

**Chair Seurkamp** asked for nominations for the position of Vice Chair. **Commissioner Boyd** nominated Commissioner McDaniels to serve as Vice Chair of the Commission, and **Commissioner Howe** seconded the nomination. The nomination was approved unanimously.

**Chair Seurkamp** shared with everyone that Vice Chair McDaniels will remain as Chair of the Diversity, Equity, and Inclusion Committee.

### **Public Comments**

There were no public comments.

### **Commission Minutes Approval**

**Commissioner Howe** motioned to approve the June 22, 2022 meeting minutes. **Commissioner Coleman** seconded the motion, and the motion was approved unanimously.

### **Commissioner Committee Updates**

**Education Policy Committee: Commissioner Boyd** reported that there had not been much activity in the Committee recently. She noted that with the departure of former Student Commissioner Adekoya, she hoped that another Commissioner will join the Committee.

**Outreach, Grants, and Financial Assistance Committee: Commissioner Coleman** informed the Commission that the Committee will have its next meeting in August. He also wished to welcome Commissioner Davis and returning employee, Mr. Kendall Cook, as MHEC's new Outreach Specialist.

**Finance and Operations Committee:** Mr. Geoffrey Newman (Assistant Secretary for Finance and Administration) reported that MHEC continues to fill the new academic program review unit, as well as other vacancies. Our staff are also busily closing out the old fiscal year and opening up the new fiscal year.

**Diversity, Equity, and Inclusion Committee: Vice Chair McDaniels** reported that the Committee did not meet in July. The Committee is currently developing goals for the remainder of the year and will meet again in September.

### **Department of Finance and Administration – Approval of Proposed Amendment to COMAR – Community Colleges Student Residency Policy – Action Item**

**Chair Seurkamp** recognized Mr. Newman who presented this item. In 2022, the State enacted § 15-106.11 of the Education Article, Annotated Code of Maryland. The new statutory provision exempts returned Peace Corps volunteers who are domiciled in the State from paying nonresident tuition at a public institution of higher education in the State and establishes that returned Peace Corps volunteer students shall be included as in-State residents for the computation of State aid to community colleges.

The proposed regulatory amendment reflects that returned Peace Corps volunteer students, as defined in State law, shall be included as in-State residents for the computation of State aid to community colleges. These amendments have been approved for legality by MHEC's Assistant Attorneys General as required by the Maryland Administrative Procedure Act.

Upon approval by the Commission, the proposed regulations and regulatory amendments are submitted to the legislature's Joint Committee on Administrative, Executive, and Legislative Review (AELR), after which they are submitted to the Division of State Documents (DSD) for publication in the Maryland Register. After a public comment period, they may be brought back before the Commission for final adoption.

Mr. Newman recommended that the Commission: (1) approves for publication in the Maryland Register the proposed regulatory amendment to the computation of State aid to community colleges; and (2) authorizes its Assistant Attorneys General to make non-substantive edits to the proposed regulation to conform to the stylistic and formatting requirements of AELR and DSD.

**Commissioner Coleman** made a motion for approval and **Commissioner Howe** seconded the motion. The motion was approved unanimously.

### **Department of Academic Affairs – Final Adoption of New Regulations and Amendments to COMAR – Transfer Between Public Institutions of Higher Education – Action Item**

**Chair Seurkamp** recognized Dr. Dow who presented this item. On March 23, 2022, the Commission approved for publication in the Maryland Register proposed new regulations and regulatory amendments regarding the transfer of students between public institutions of higher education in the State. A draft version of these regulations had been presented to the Commissioners at the February 23, 2022 Commission meeting, in order to obtain feedback from Commissioners and community stakeholders prior to publication. The regulations repeal all 9 existing MHEC regulations governing transfer and articulation agreements, replace them with 15 new regulations, and amend 5 other existing regulations.

The proposed regulations were published in the Maryland Register on May 6, 2022. The public comment period for the regulations ended on June 6, 2022. Public comments were received. Staff carefully reviewed each public comment and held follow-up meetings with a few of the commenters. Two non-substantive changes have resulted from these comments and discussions. Changes to proposed regulations may be made in the process of final adoption if they are certified as non-substantive by an agency's legal counsel.

The comments also led to the discussion of an additional, substantial issue regarding the transferability equivalency standard and the transfer evaluation process that has been informally raised by institutions over the past year. On the premise that the transferability of a course should apply to all students across the board, regardless of academic program, these regulations draw a distinction between the transferability of completed courses and the awarding of credit for completed courses. Adding additional provisions to provide more detail regarding this paradigm shift is necessary to balance the needs of transfer students and ensure equity between transfer and non-transfer students while maintaining effective procedures that do not add time-consuming or redundant processes.

However, because this issue requires extensive changes and additional stakeholder input, the best course of action is to address this issue in future regulatory amendments. Therefore, the proposed regulations are ready for the Commission's final adoption, with the non-substantive changes in the text. These new regulations and regulatory amendments will become effective 10 days after notice of the final adoption is published in the Maryland Register.

Dr. Dow recommended that the Commission approve for final adoption the proposed regulations, including the non-substantive changes indicated in the text, regarding transfer between public institutions of higher education in the State.

**Commissioner Boyd** made a motion for approval and **Commissioner Sellinger** seconded the motion. **Chair Seurkamp** asked some clarifying questions. Additionally, **Chair Seurkamp** asked when the new issue regarding the transferability equivalency standard and the transfer evaluation process will be addressed and resolved. Dr. Dow replied that she hopes to reconvene the group (who provided input on these regulations) in about a month's time. The Commissioners present voted unanimously to approve these regulations.

### **Review Meeting – Proposal of Morgan State University for a Bachelor of Science in Cybersecurity Intelligence Management**

**Chair Seurkamp** gave an overview of the review meeting. Morgan State University (MSU) proposed a new Bachelor of Science degree program in Cybersecurity Intelligence Management, which the Secretary subsequently approved. The University of Maryland Global Campus (UMGC) later requested the Commission to review and overturn the Secretary's decision. The Secretary will have 30 minutes to present the rationale for his decision and to answer the Commissioners' questions. Likewise, UMGC will have 30 minutes to present their appeal and to answer questions. MSU will present last and have 10 minutes.

**Secretary Fielder** requested that the Commission affirm his decision to approve the proposed program. He explained that after MHEC received UMGC's initial objection to MSU's proposal, MHEC conducted meetings with both the proposing and objecting institutions in an unsuccessful attempt to resolve differences and encourage collaboration. Subsequently, MSU's program was approved, and UMGC requested the review meeting. **Secretary Fielder** noted that there were 3 primary reasons for his decision.

First, the market demand currently outstrips supply. The State has a substantial and growing need for cybersecurity management professionals. Despite the fact that there are already 5 schools in Maryland that offer a similar program, the total output of graduates is still not enough to meet the current and projected need.

Dr. Dow explained the second reason, which is that the academic content of MSU's proposed program differs markedly from UMGC's. For example, MSU requires students in their program to take a significant number of traditional business courses, which are not required by UMGC's program. The overlap in academic content is minimal. There are only 5 courses that have similar descriptions between the two programs.

**Secretary Fielder** explained that the third reason is that the two institutions have unique and distinct missions. Each has a differing role in public higher education in the State and each attracts a different student population. UMGC is an open university serving non-traditional students, while MSU is designated as the State's preeminent public urban research university with a mission of instruction, research, and service.

**Commissioner Boyd** asked what the major differences were among the 5 schools' programs mentioned earlier. **Secretary Fielder** explained that all 5 programs fall under the same CIP (Classification of Instructional Programs) code of 11.1003, Computer and Information Systems Security. Dr. Dow added that, in particular, the two programs under consideration focus more on the management of cybersecurity systems.

The President of the University of Maryland Global Campus (UMGC), Dr. Gregory Fowler, introduced Ms. Blakely Pomietto, Senior Vice President and Chief Academic Officer, who shared a PowerPoint presentation. Ms. Pomietto requested that the Commission reverse the Secretary's decision to approve MSU's Cybersecurity Intelligence Management program or support a reconsideration of UMGC's proposed B.S. program in Cloud Computing Systems. MSU's program would cause demonstrable harm to UMGC due to unreasonable program duplication. The approval of MSU's program is inconsistent with and contradicts recent decisions made by the Secretary and his application of the governing regulations.

Ms. Pomietto shared the following seven (7) points:

- 1) Significant overlap between programs in modality, program description, learning outcomes, curriculum, course content, and requirements.
- 2) UMGC's program has additional capacity to grow.
- 3) Both programs focus exclusively on the non-technical administrative, policy, and management aspects of cybersecurity.
- 4) Both programs are available fully online and in various face-to-face modalities.
- 5) UMGC's program can handle market demand and projected growth in non-technical cybersecurity jobs.
- 6) Both universities comply with COMAR requirements for admission and graduation, but UMGC is an open-admission institution by mission and state mandate.
- 7) Morgan's program duplicates both the modality and curriculum of UMGC's existing program, offers a similar tuition rate, and is offered in proximity to where 22% of UMGC's CMP (Cybersecurity Management and Policy) students live. Further, UMGC

offers CMP courses in a hybrid format in multiple locations within a 50-mile radius of Morgan State University.

Ms. Pomietto pointed out that the Secretary's rationale failed to appropriately apply the evidentiary standards for harmful duplication established in COMAR 13B.02.03.09 and referenced in the Secretary's October 2020 guidance regarding objections for academic program review. In fact, UMGC's program teaches business principles in the context of cybersecurity, and it has the capacity to grow.

**Commissioner McDaniels** asked how UMGC proposes to meet market demand if the number of degrees they are awarding are declining each year (as shown in the Secretary's statement). Dr. Douglas Harrison, Vice President and Dean of the School of Cybersecurity and Information Technology, replied that with the constant changes in the economy, workforce demand, and the industry, students find that they can often achieve their career goals without having to complete a full degree. However, UMGC's program is designed to stay current and be relevant. Students can always return to complete their degrees. **Commissioner Boyd** asked for other examples of demonstrable harm. Ms. Pomietto answered that the greatest harm would be to their enrollment. Other clarifying questions were asked of UMGC.

In UMGC's closing remarks, Ms. Pomietto referenced MHEC's decision in 2021 to deny UMGC's proposal for a B.S. degree in Cloud Computing Systems (that received an objection from Morgan State University). This was similar to the current situation. However, MHEC's decisions are inconsistent; they should apply the same rationale equitably to all institutions, regardless of type.

In MHEC's rebuttal, **Secretary Fielder** remarked that each decision is made separately, depending on the economic conditions and other circumstances at the time. MHEC has an obligation to support the academic programs of HBIs (Historically Black Institutions).

The President of Morgan State University, Dr. David Wilson, asked the Commission to uphold the Secretary's decision. He remarked that the proposed program was in alignment with their mission. Morgan takes the issue of program duplication very seriously. Before proposing a program, MSU takes care to ensure they are not duplicating a program that already exists.

Dr. Sanjay Bapna, the Chair of the Department of Information Science and Systems, spoke about some of the business courses that Morgan's students are required to take in their program, such as Accounting I & II and International Business. UMGC's program does not require these courses.

**Chair Seurkamp** made a motion to enter into a closed session to perform an administrative function and receive legal advice. **Commissioner Howe** seconded the motion, and the motion was approved unanimously.

### **Adjournment**

The meeting adjourned at approximately 2:33 p.m.