

Maryland Higher Education Commission
Meeting Minutes

August 24, 2022
1:00 p.m.

The Maryland Higher Education Commission (MHEC) met on Wednesday, August 24, 2022 via video teleconference (Google Meet).

Commission members present:

Mary Pat Seurkamp, Ph.D., Chair	James B. Sellinger, Sr.
Charles McDaniels, Jr., Vice Chair	Ray Serrano, Ph.D.
Vivian S. Boyd, Ph.D.	Craig A. Williams, Ph.D.
James E. Coleman	Sade Davis, Student Commissioner

Commission members absent:

Senchal D. Barrolle, Esq.	Judge Barbara Kerr Howe
Lewis R. Brown, Ed.D.	Karen B. Salmon, Ph.D.

Staff members present:

James D. Fielder, Ph.D.	Emily Dow, Ph.D.
Rhonda Wardlaw	Lee Towers
Soma Kedia	Trish Gordon McCown
Shayla Hunter	Geoffrey Newman
Jacqueline Cade	Bryson Barksdale
Glenda Abney	Jennifer Katz
Yuxin Lin, Ph.D.	Tatyana Tate
Aubrey Bascombe	Alexia Van Orden

Call to Order

The meeting was called to order by **Chair Seurkamp** at approximately 1:04 p.m. A meeting quorum was established with eight (8) out of twelve (12) members present.

Chair's Remarks

Chair Seurkamp welcomed and thanked everyone for attending today's meeting. She gave a brief overview of the meeting agenda and reminded Commissioners that the next Commission meeting will start at an earlier time (10:00 a.m.) and include annual budget presentations from the higher education segments.

Secretary's Remarks

Secretary Fielder reported that MHEC is currently working on a response to the NCHEMS (National Center for Higher Education Management Systems) report released recently. (The report was one of the requirements that resulted from the HBCU coalition settlement.) MHEC also recently hired Mr. Al Dorsett who will be the Director of the Office of Student Financial Assistance.

Public Comments

There were no public comments.

Commission Minutes Approval

Commissioner Boyd motioned to approve the July 27, 2022 meeting minutes. **Commissioner Coleman** seconded the motion, and the motion was approved unanimously.

Commissioner Committee Updates

Education Policy Committee: Commissioner Boyd did not have any updates to share.

Outreach, Grants, and Financial Assistance Committee: Commissioner Coleman did not have any updates to share.

Finance and Operations Committee: Mr. Geoffrey Newman (Assistant Secretary for Finance and Administration) reported that the agency is currently closing out the previous fiscal year and preparing the budget for FY 2024. Additionally, MHEC continues to fill vacancies in the agency.

Diversity, Equity, and Inclusion Committee: Vice Chair McDaniels reported that the Committee did not meet in August, but will meet in September. They look forward to inviting DEI staff from some of the institutions to their meetings later this year to learn about their work.

Department of Finance and Administration – Approval of Proposed Amendments to COMAR 13B.07.02.03 – Community Colleges Student Residency Policy – Action Item

Chair Seurkamp recognized Mr. Newman who presented this item. On July 27, 2022, the Commission approved for publication in the Maryland Register a proposed regulatory amendment to the computation of State aid to community colleges based on newly enacted § 15-106.11 of the Education Article, Annotated Code of Maryland, which 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.

Prior to publication in the Maryland Register, the proposed amendment has been revised to contain language establishing that the returned Peace Corps volunteers must be domiciled in the

State in order to be exempted from paying nonresident tuition at a public institution of higher education in the State and to 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, 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 Serrano** made a motion for approval, and **Commissioner Coleman** seconded the motion. The motion was approved unanimously.

Department of Academic Affairs – Approval of Proposed COMAR Amendments – Maryland Instructor Certification Review Board Regulations – Action Item

Chair Seurkamp recognized Dr. Emily Dow, Assistant Secretary for Academic Affairs, who asked Ms. Alexia Van Orden, Staff Liaison to the Maryland Fire-Rescue Education Training Commission, to present this item. The proposed amendments revise the regulations of the Maryland Instructor Certification Review Board (MICRB) to change certain emergency services instructor certification standards.

MICRB is responsible for establishing a process for certifying emergency services instructors in accordance with standards established by the Maryland Higher Education Commission through the Maryland Fire-Rescue Education Training Commission. Certification granted by the Maryland Instructor Certification Review Board provides emergency services personnel throughout the state with competent instructors qualified to provide instruction and training in one or more emergency services disciplines.

Ms. Van Orden recommended that the Maryland Higher Education Commission approves for publication the proposed amendments to the Maryland Instructor Certification Review Board regulations, 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. **Commissioner Boyd** made a motion for approval, and **Commissioner Serrano** seconded the motion. The motion was approved unanimously.

Department of Academic Affairs – Report on Institutions of Higher Education Program Review: Secretary Actions for Quarter 4 (October 1, 2021 – December 31, 2021) – Information Item

Chair Seurkamp recognized Ms. Trish Gordon McCown, Director of Academic Affairs, who provided an overview of the Secretary's actions concerning one program objection, new degree programs, new certificate programs, new areas of concentration, substantial modifications, non-substantial modifications, withdrawn proposals, one institutional program partnership/engagement, one online registration institution, and Academic Common Market certifications.

Department of Academic Affairs – Report on Private Career Schools: Secretary Actions for Quarter 4 (October 1, 2021 – December 31, 2021) – Information Item

Chair Seurkamp recognized Ms. McCown who provided an overview of the Secretary's actions concerning the approval of a new school, a new program, the approval of changes of location, other business approval, certificate renewals, one school approval withdrawn, Workforce Development Sequence Scholarships, and Training Provider Questionnaires.

Department of Academic Affairs – Report on VA Education Benefits: MD SAA Actions for Quarter 4 (October 1, 2021 – December 31, 2021) – Information Item

Chair Seurkamp recognized Ms. McCown who provided an overview of the Secretary's actions concerning program approval actions, other approval actions, facility visits, technical assistance, and liaison activities.

Review Meeting – Proposals of Frostburg State University for a Bachelor of Science in Nursing – Pre-licensure and a Bachelor of Science in Nursing – LPN to BSN

Chair Seurkamp welcomed guests from Frostburg State University (FSU) and Allegany College of Maryland (ACM). This review meeting concerns proposals by FSU for a new Bachelor of Science degree in Nursing – Pre-licensure program and a new Bachelor of Science degree in Nursing – LPN to BSN program, both of which were approved by the Secretary. ACM who objected to these two programs requested a review of the Secretary's decisions by the Commission. Both ACM and the Secretary will each have 30 minutes to present their arguments, including time for answering questions and rebuttal, and FSU will have 10 minutes.

Secretary Fielder requested that his decision to approve the two proposed programs be affirmed by the Commission. He presented four (4) primary reasons for his decision, which are supported by COMAR 13B.02.03.09:

1. The degree level offered at ACM is different from the degree level offered at FSU. Although both degrees prepare students for the RN examination, the existing nursing degree at ACM is a 70-credit associate's degree; the proposed degrees at FSU are 121-credit bachelor's degrees.
2. Market demand for registered nurses greatly exceeds supply. The State has a substantial nursing shortage and a critical need for registered nurses.
3. The academic content of FSU's proposed program differs from ACM's. As a bachelor's degree, FSU's proposed programs include many courses that are not included in the ASN.

4. 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.

Chair Seurkamp recognized President Cynthia Bambara of Allegany College of Maryland who thanked the Commission for the opportunity to present their request. She introduced Dr. Kurt Hoffman, ACM's Senior Vice President of Instructional and Student Affairs, who shared a PowerPoint presentation to outline their concerns. He noted that the Secretary compared an ASN to a BSN, but failed to consider the fact that the proposed FSU program is duplicative of the existing Collaborative Program between ACM and FSU (formalized by an MOU signed in 2016).

The proposed program and the Collaborative Program both involve the same content, competencies, objectives, the same degree, and the same CIP and HEGIS codes. Although market demand does outstrip supply, this cannot be the sole criteria, nor should it override the transition of enrollment from one institution to another and the saturation of experiential learning placement sites.

ACM concedes to Secretary Fielder's rationale in his July 28, 2022 decision to approve the new Bachelor of Science degree in Nursing – LPN to BSN program, as it is online, part-time, largely involves out-of-the-area students, and is not supported by an executed memorandum of understanding (MOU).

In conclusion, ACM contends that FSU's program is duplicative and will result in demonstrable harm. It is duplicative of the Collaborative Program and would functionally end it. The proposed program creates competition for students, faculty and clinical sites. It impacts their enrollment and affects the institution's financial stability. Moreover, the two institutions are only 12 miles apart. In the 2016 MOU for the Collaborative Program, FSU President Ronald Nowaczyk agreed to limit the enrollment to students outside of ACM's service area. He and the previous president of FSU were aware of the impact this would have on ACM. Dr. Hoffman requested the Commission to reverse the Secretary's recommendation to approve Frostburg State University's pre-licensure BSN proposal.

Some clarifying questions were asked by several Commissioners about the programs.

Chair Seurkamp recognized Frostburg State University President Ronald Nowaczyk who asked the Commission to support Secretary Fielder's decisions concerning their two proposed programs. Their programs lead to a Bachelor of Science in Nursing (BSN) degree, not an Associate of Science in Nursing (ASN) degree, which is what ACM offers. Western Maryland is the only part of the state that does not offer a 4-year, on-campus, residential BSN program.

Provost Traki Taylor continued FSU's presentation, emphasizing the fact that their programs offer a "seamless pathway" to a BSN degree. Students can enjoy a traditional, 4-year, residential experience at Frostburg. The current Collaborative Program requires students to take their general education requirements at FSU, complete their ASN at ACM, and then finish the program at FSU. Thus, students are dually enrolled and must travel back and forth between both

campuses. As there is no public transportation in that part of the state, this can be problematic for some students.

Commissioner Coleman asked what percentage of their students come from other parts of the state. Dr. Nowaczyk replied that 10% are from out of the state, 30% are from western Maryland, and 60% are from other parts of the state. **Commissioner Coleman** further asked how many are transfers from the community college. Dr. Nowaczyk answered that about one-third of them are transfers. **Commissioner Serrano** asked about the residential requirement. Dr. Nowaczyk responded that students must live on campus for 2 years, or 4 semesters. **Commissioner Boyd** asked about any challenges in hiring faculty. Dr. Nowaczyk answered that both schools may share part-time faculty. Dr. Taylor added that they did not generally have problems hiring faculty. The Chair of the Nursing Department, Dr. Kara Platt, shared that when they hired two new faculty members recently, there was a good pool of applicants from which to choose. There were other clarifying questions asked.

Dr. Hoffman with ACM presented their rebuttal. He emphasized their argument that FSU's 4-year program duplicates the Collaborative Program (between ACM and FSU). Allegany also has campus life; there is residential housing on the campus. He would also like to see some hard data regarding the hardships (particularly related to transportation) experienced by students. As to retention rates, it is about 50% for FSU students and 70% for ACM students. In-state tuition at ACM for 2 years is \$12,500, whereas it is \$25,000 for out-of-state students. Dr. Bambara added that for 30 credits, for in-county students, it is \$6,974 at FSU, and \$3,870 at ACM. Dr. Hoffman urged MHEC to follow up later on the impact of FSU's program to ACM's program, as about 40% of their degree-seeking students study Nursing.

Secretary Fielder offered his rebuttal. He asked what ACM's present enrollment was. Dr. Hoffman responded that it was currently 200. **Secretary Fielder** also asked for clarification regarding ACM's statement on FSU's proposed new Bachelor of Science in Nursing degree – LPN to BSN program. Is ACM withdrawing its objection? Dr. Bambara replied that ACM no longer contests the Secretary's approval of this program; ACM understands the Secretary's rationale, as stated in the July 28, 2022 letter. **Secretary Fielder** remarked that it appeared the Collaborative Program was not active at the time that they were considering FSU's proposed program. Dr. Hoffman confirmed that the program is active and that 26% of their students are in it. He also noted that the group who oversees the Collaborative Program still meets. Dr. Platt with FSU reported that, in her experience, fewer students were choosing the Collaborative Program, as they wanted to eliminate the step of enrolling in both institutions.

Commissioner Serrano inquired about the communication between ACM and FSU when the latter's 4-year program was created. Dr. Nowaczyk with FSU informed the Commissioners that ACM's representative serves on FSU's external advisory committee who would have discussed the proposed program.

Adjournment

Chair Seurkamp made a motion to move into a closed session to consult with counsel to obtain legal advice regarding the review of the Secretary's decision to approve Frostburg State

University's proposed program. **Commissioner Sellinger** seconded the motion. The motion was approved unanimously. The meeting adjourned at approximately 2:32 p.m.