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**UNIVERSITY SYSTEM OF MARYLAND**  
**Office of Government Relations**  
**2018 End of Session Report**  
**April 9, 2018**

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The Maryland General Assembly completed its work for the 2018 Legislative Session and adjourned Sine Die at midnight. Today marks the end of the 2018 Maryland General Assembly session. A total of 3,101 bills were introduced this session. Some 1,269 originated in the Senate and 1,832 originated in the House, including 26 joint resolutions between both chambers.

The University System of Maryland (USM) Office of Government Relations, in conjunction with the state government relations representatives from each USM institution, tracked, offered testimony or sought amendments on more than 160 individual bills that would have had varying impacts on the System, the faculty, staff and students. One of the main responsibilities of the Chancellor's Office is to prepare and advance the annual operating and capital budgets for the 12 institutions and two regional higher education centers that comprise the USM. This process occurred in a spirit of working closely with the USM State Relations Council, and often with our colleagues across all sectors of education. The USM supported the efforts of the executive and legislative branches to focus on the state's economic development structure and incentive programs to strengthen collaborations on technology transfer and commercialization; joined efforts to make college more affordable by keeping the tuition increase at a modest 2%. At the same time, the USM succeeded in resisting several bills that would have imposed onerous new regulations or financially curtailed USM programs.

These efforts do not happen in a silo. The USM Office of Government Relations, State Relations Council and staff from the System Office and campuses collaborated closely this year to share information and updates. For the third straight year the Council of University System Staff, Council of University System Faculty, and USM Student Council participated in a joint advocacy day in Annapolis. Members of the USM Foundation also visited Annapolis to advocate on behalf of the USM. Early in the legislative session, the USM Communications Council helped develop the message and major themes used throughout the presentations and publications. The most recent USM Quick Points of Excellence and the USM Scorecard were distributed to members of the General Assembly.

It's also important to acknowledge and thank the dedicated professional staff of the Department of Legislative Services (DLS) and the Maryland Department of Budget and Management. These individuals provide critical analysis of the performance and function of the USM and often help translate the legislative intentions and objectives of those elected leaders to whom they report.

The End-of-Session report is a snapshot of the major issues the USM faced during the Session and their final resolution.

## **FISCAL YEAR 2019 OPERATING BUDGET**

The Governor proposed and the General Assembly approved state support for the USM to total \$1.39 billion, coming from the General Fund and the Higher Education Investment Fund. This is an increase of \$39 million - or approximately 3 percent - over the FY 2018 revised budget.

As a part of the budget process, the Department of Legislative Services (DLS) recommended a \$5 million cut to the USM's operating budget. The legislature rejected that recommendation. It's a rare occurrence when the USM's budget is not reduced during the legislative process.

Chancellor Caret, the Board of Regents and USM presidents made compelling arguments to maintain the Governor's allocation for mandatory costs. The USM's mandatory costs will increase by over \$100 million in the coming fiscal year, which is driven by new facilities operating costs, renovation, debt service and salary adjustments. The budget committees rejected language restricting funds until the USM reported on the consolidation of the University of Maryland Center for Environmental Science (UMCES).

The main components to the \$39 million increase in state funds relate to: funding for new facilities operating costs, cost of living salary adjustments (COLA) for faculty and staff, Year 2 implementation of SB1052 Maryland Strategic Partnership, Workforce Development Initiative enhancement funding, Maryland Center for Computing Education and other miscellaneous adjustments. The state funding level enables the USM to hold the resident undergraduate tuition rate to a modest 2 percent increase.

Language was adopted restricting \$500,000 for the University of Maryland, College Park (UMCP) until it submits a report that "...includes steps that will be undertaken by UMCP as the administrative unit responsible for Universities at Shady Grove (USG) to lead efforts to strengthen, enhance, and ensure ongoing growth and the long-term viability of USG. UMCP, in consultation with other USM institutions with academic offerings at USG, shall also include in the report a plan to increase academic offerings at USG overall and specifically, academic offerings at the Shady Grove Education Center – Biomedical Sciences and Engineering Building."

The conference committee also adopted language setting a goal for the Department of Budget and Management (DBM) that at least 5% of interagency agreements go to HBCUs.

This year, the budget includes a 2% pay raise beginning January 1, 2019. If fiscal 2018 revenues exceed forecasted levels by at least \$75 million, employees will receive an additional 0.5% increase and a \$500 bonus in April 2019.

## **COMMITTEE NARRATIVE AND BUDGET AMENDMENTS**

*At times, the budget committees wish to express legislative intent or request the University System to perform certain studies or report on particular issues during the interim. This is usually written as “committee narrative” in the chairmen’s report of the budget committees’ action. Committee narrative does not have the effect of law nor does it require agreement to the language on the part of the entire House and Senate. However, both budget committees must agree on the wording. \*\*All language appearing below in this section is exactly as it appears in the original legislation. \*\**

*USM and the affected institutions will respond to committee narrative on the following issues (note: original language from the committee narrative is used in this section):*

### **University of Maryland, College Park (Committee Narrative)**

#### **Report on Bystander Prevention Program:**

The University of Maryland, College Park Campus (UMCP) should submit a report to the budget committees on the potential efficacy of a bystander prevention program. The program may include virtual or augmented reality for the purpose of allowing university researchers to help students understand how they respond to stressful situations and better prepare them to intervene as bystanders in incidents that may negatively affect women, minorities, and persons with disabilities on campus. UMCP should undergo a small-scale pilot program to determine and assess the viability of this program to equip students with the skills needed to intercede in such incidents. The report should be submitted by June 30, 2019.

### **University of Maryland, Eastern Shore (Budget Amendment)**

#### **R30B25.00 University of Maryland Eastern Shore**

#### **Add the following language to the unrestricted fund appropriation:**

“, provided that \$1,400,000 of the appropriation may be used only to match federal funding for the 1890 Extension Program. The University of Maryland Eastern Shore (UMES) shall

submit a report to the budget committees detailing how the funds will be used by August 1, 2018. Funds not used for this purpose will revert to the General Fund.

Further provided that funding for the 1890 Extension Program and Evans-Allen Program and the McIntire-Stennis Program at the Agriculture Experiment Stations shall be separately identified in the UMES budget beginning with the fiscal 2020 budget. Explanation: This language restricts \$1.4 million to be used only to match federal funds for the 1890 Extension Program and requires State funding for the 1890 Extension Program and Evans-Allen Program and the McIntire-Stennis Program at the Agriculture Experiment Stations to be separately identified in the UMES budget beginning with the fiscal 2020 budget.”

**University of System of Maryland, Board of Regents  
(Committee Narrative)**

**Report on University of Maryland Center for Environmental Science:**

The committees request the University System of Maryland (USM) Board of Regents to submit a report on how the consolidation of the University of Maryland Center for Environmental Science (UMCES) with the appropriate USM institution(s) could be accomplished in a manner that advances the research conducted, maintains and elevates the impact of UMCES’ role in the research and protection of Maryland’s environmental resources while also obtaining cost savings. The report should be submitted by December 1, 2018.

**University System of Maryland Office  
(Budget Amendment)**

**R30B36.00 University System of Maryland Office**

**Add the following language to the unrestricted fund appropriation:**

“, provided that if SB 903 or HB 1143 authorizing the merger of the University System of Maryland Office and the Southern Maryland Higher Education Center (SMHEC) are not enacted, \$512,739 may not be expended for any program or purpose and may be transferred to the Maryland Higher Education Commission Educational Grants (R62I00.07) for the operation of SMHEC.”

Explanation: If legislation is not enacted, funds may only be transferred to the Maryland Higher Education Commission Educational Grants to support the operations of SMHEC.

Add the following language to the unrestricted fund appropriation:

Further provided that \$5,000,000 of this appropriation made for the computer science education initiative is contingent on the enactment of SB 300 or HB 350 or HB 281.

Explanation: The language makes \$5 million of the University System of Maryland Office’s general fund appropriation provided to fund the computer science education initiative contingent on enactment of SB 300 or HB 350 or HB 281, which includes establishing the Maryland Center for Computing Education.

**Amendment No.**

**Add the following language to the unrestricted fund appropriation:**

“Further provided that \$500,000 of this appropriation may not be expended until the University System of Maryland Board of Regents submits the revised debt management and fund balance policies and procedures. The policies should be submitted to the budget committees by June 1, 2018. The committees shall have 45 days to review and comment. Funds restricted pending receipt of the policies may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the policies are not submitted.”

Explanation: This language restricts \$0.5 million in general funds in the University System of Maryland Office (USMO) pending the submission of the revised debt management and fund balance policies and procedures.

**Amend the following language to the unrestricted fund appropriation:**

“Further provided that \$2,000,000 of this appropriation made for the purpose of workforce development initiatives at the University System of Maryland Office may not be spent for this purpose and instead may be expended only to reimburse institutions offering programs at the Shady Grove Educational Center – Biomedical Sciences and Engineering Education Building. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled.”

Explanation: This language restricts \$2 million for workforce development initiatives to be used to reimburse institutions offering programs at the Shady Grove Educational Center – Biomedical Sciences and Engineering Education Building

The legislature rejected language in the Budget Reconciliation and Financing Act (BRFA) which would have reduced and delayed the funding for funding guideline attainment (\$4M) and University of Maryland Center for Entrepreneurship and Economic Development (\$2M).

**FY 2019 CAPITAL CONSTRUCTION PROJECTS UNIVERSITY OF MARYLAND, BALTIMORE**

### ***Central Electric Substation and Electrical Infrastructure Upgrades - \$8.5M***

Construct a new electric substation at the northern end of the University of Maryland, Baltimore (UMB) campus and upgrade the existing electrical infrastructure serving the campus. The scope of work includes providing redundancy for the campus by constructing a new electric substation that is fed from a second Baltimore Gas and Electric (BGE) source, new duct banks throughout the campus, new cables, and the upgrading of the existing substation located beneath the University of Maryland Medical Center facility. The scope of work also includes construction of a new facility that will house an electric substation and recycling center. The electric substation and recycling center facility will total approximately 6,200 NASF/16,128 GSF. This work is critical to the UMB schools and programs that are dependent on reliable, uninterrupted electrical service. The project will be phased over many years and includes design, construction, and equipment. The estimated cost of this project totals \$78,952,000. Non-Budgeted Funds reflect UMB institutional funds. The FY 2019 budget includes funding to begin construction of the new facility that includes the campus recycling center and electric substation.

### ***The Maryland Institute for Advanced Molecular Analysis (MIAMA) – \$2.5M***

Design, construct, and equip the Maryland Institute for Advanced Molecular Analysis (MIAMA). The institute, an MPowering initiative between UMB and UMCP will provide researchers access to an cryo-electron microscope and related technologies to help in the develop new pharmaceuticals. In addition, the initiative will be the basis for new company and job creation and provide postdoctoral training to students. The institute will involve researchers at UMB's Schools of Medicine and Pharmacy; UMD's Departments of Chemistry & Biochemistry, Computer Science, Cell Biology & Molecular Genetics; and, at the Universities at Shady Grove, IBBR and NIST.

## **UNIVERSITY OF MARYLAND, COLLEGE PARK**

### ***New Cole Field House – \$22.2M***

Convert and expand the Cole Student Activities Building to create a 254,348 NASF/407,174 GSF academic research and athletic facility. The New Cole Field House will be a hub for innovation and a national model for integrating research, academics, and athletics. It will house a new Center for Sports Medicine, Health, and Human Performance—created in partnership with the UMB School of Medicine—to perform advanced study of the brain and nervous system with a focus on traumatic brain injury. An adjacent orthopedic clinic will translate the research into practice to benefit the entire community. Campus-wide instructional space deficits will be reduced through expanding the Academy for Innovation and Entrepreneurship. The university will also construct a Terrapin Performance Center, which will include a full-size indoor football field and new

training facilities. State funding will support the academic portions of this project. This project leverages \$170,700,000 in private and institutional funding, including \$36,500,000 for the academic and clinical space in the building. The FY 2019 budget includes funding to continue design and construction.

***Brendan Iribe Center for Computer Science and Innovation – \$3.9M***

Construct a new 115,620 NASF/210,730 GSF facility for the Department of Computer Science and the University of Maryland Institute for Advanced Computer Studies (UMIACS). The building will include classrooms, research labs, offices, conference rooms, collaborative classrooms, study space, and a multi-purpose community room. Designed with flexible spaces to maximize efficiency, the building will be adaptable to changing future needs. The new building is needed to support the growth of the University's computer science teaching and research programs and to facilitate the integration of modern teaching and research activities into these programs. This building will support Maryland's and USM's Science, Technology, Engineering, and Math (STEM) initiatives and will be leveraged by \$47,700,000 in private and institutional funding. The FY 2019 budget includes funding to complete construction and equipping of the building.

***A. James Clark Hall - New Bioengineering Building – \$3.6M***

Construct a new 101,301 NASF/184,239 GSF facility to house the Robert E. Fischell Department of Bioengineering, the Robert E. Fischell Institute for Biomedical Devices, and a central animal care facility for research animals. The Department of Bioengineering is growing rapidly and requires additional space to grow. The building will provide the bioengineering program with necessary research space and equipment which it currently lacks, as well as reduce the University's large space deficits in research, class lab, and classroom space. The central animal care facility in this building will meet the needs of the building occupants and also address some of the animal care space deficiencies of other research programs at the University. It will be located in the Northeast District of campus immediately north of the Jeong H. Kim Engineering Building. This project leverages \$21,960,000 in private and institutional funding. The FY 2019 budget includes funding to complete construction and equipping of the building.

***School of Public Policy Building – \$2M***

Construct a 38,355 NASF/69,700 GSF office and classroom building for the School of Public Policy. The new building will provide office, conference, classroom, class lab, and study space, while enabling the School to consolidate its operations into a single location and vacate Van Munching Hall, which is necessary for the School of Business to expand. This project will enable the School of Public Policy to meet its Strategic Plan goals for growth, which includes creating an undergraduate major in Public Policy, becoming a nationwide top-ten public policy program, and infusing a culture of philanthropy across the University through the Do Good Institute. This project leverages \$25,000,000 of private

and institutional funding, as well as additional private funds for operating support. The FY 2019 budget includes funding to continue design and construction.

***Chemistry Building Wing 1 Replacement – \$2.7M***

Construct a replacement for Wing 1 of the Chemistry Building. This project will be implemented in three phases. Phase I, which included Chemistry teaching labs and classrooms, was incorporated into the St. John Learning and Teaching Center project that was completed in summer 2017. Phase II will renovate 14,308 NASF/27,000 GSF of the Chemistry Building, perform minor upgrades to select other spaces, and upgrade the HVAC in the second and third floors of Wing 2 to relocate occupants from Wing 1. Phase III will demolish Wing 1 and replace it with a 55,900 NASF/105,500 GSF facility with state-of-the-art research and teaching labs and support space. Wing 1 was constructed in 1968 and has not had any significant renewal since the original construction. There is no central air conditioning and the heating system functions poorly, resulting in extreme temperature conditions that are not conducive to modern teaching and research. There are outmoded lab configurations, antiquated casework, inadequate fume hood exhaust systems, obsolete and deficient electrical systems, and insufficient environmental controls. This project will correct those deficiencies. Phase II will be funded by the University and is estimated to cost \$ 14,700,000. Phase III will be completed with State funds and is estimated to cost \$99,194,000. The total estimated cost of this project totals \$113,894,000.

**BOWIE STATE UNIVERSITY**

***Communication Arts and Humanities Building (Pre-Authorization)***

Construct a new Communication Arts and Humanities building to accommodate the Departments of Communications, English and Modern Languages, and History and Government. The project includes the demolition of the Martin Luther King, Jr. Building.

The new facility will replace functionally inadequate and poorly configured space in the existing Martin Luther King, Jr. Building. The new building will include multimedia classrooms, specialized laboratories, and media production facilities. The estimated cost of this project totals \$136,000,000.

***Campus-wide Boiler and Chiller Replacement – \$1.5M***

**TOWSON UNIVERSITY**



### ***New Science Facility – \$60.7M***

Construct a new 182,242 NASF/316,000 GSF science facility on a vacant site on York Road to accommodate the College of Science and Mathematics. The new facility will integrate instructional and research space with a flexible building layout. It will replace inadequate and insufficient space in Smith Hall where the Jess and Mildred Fisher College of Science and Mathematics is currently housed. The building systems within Smith Hall have reached the end of their useful lives, and the instructional areas do not provide appropriate flexibility for modern science curriculum. Additionally, Smith Hall does not have sufficient space to accommodate enrollment growth in the College of Science and Mathematics. The new science building will support current and projected enrollment growth of the College of Science and Mathematics. This project includes approximately 9,000 NASF/16,000 GSF that will be constructed as shell space to be fitted out by the University. This project, excluding the shell space that will be completed with approximately \$4,000,000 in non-State funds, will leverage \$17,000,000 in private and University funds. The FY 2019 budget includes funding to continue construction.

### ***Athletic Field Improvements – \$3M***

Fund improvements to the women's athletic practice facilities. The project includes enhancing existing fields, stadium seating and storage buildings.

## **FROSTBURG STATE UNIVERSITY**

### ***Education and Health Sciences Center – \$2M***

Construct a new 57,115 NASF/100,009 GSF facility for the College of Education, the Exercise and Sports Science program, Health Professions, Nursing program, and campus Health Center. The new building will include modern classrooms, laboratories, offices, and support space. The proposed occupants are currently located in four campus buildings that are too small and do not have adequate academic and support space. The lack of modern instructional space makes it difficult to deliver instruction efficiently and to offer new academic programs, and it limits enrollment growth. The FY 2019 budget includes funding for design.

## **COPPIN STATE UNIVERSITY**

### ***Percy Julian Building Renovation for the College of Business – \$1.6M***

Renovate the 30,410 NASF/52,190 GSF Percy Julian Science and Art Building and construct a 4,690 NASF/12,200 GSF addition for the College of Business and the School of Graduate Studies. The building will include classrooms, class labs, and offices. The Julian Science and Arts Building was vacated when the new Science and Technology Center opened in 2015. The project will address critical needs of the university's graduate

education mission and the College of Business by modernizing instructional and support spaces. The project will also make the building comply with current accessibility and building codes. The FY 2019 budget includes funding for design.

## **UNIVERSITY OF MARYLAND, BALTIMORE COUNTY**

### ***Interdisciplinary Life Sciences Building – \$62.8M***

Construct a new 71,533 NASF/133,267 GSF building for interdisciplinary Science, Technology, Engineering, and Mathematics (STEM) learning and life sciences research. The facility will include active learning classrooms, multi-disciplinary teaching labs, and technology-equipped seminar rooms to address classroom space shortages and to support course redesign. The new teaching facilities will enhance student learning and allow for more courses to be offered, leading to increased degree production in high-need areas of STEM programs. Flexible and modular research laboratories will address research space shortages that limit support of existing research programs and allow the creation of crossdisciplinary research teams focused on scientific discoveries that advance the State's biotechnology industry. The integration of interdisciplinary life science research and STEM instruction will enhance undergraduate education and help the university compete for extramural research funding. The FY 2019 budget includes funding for construction and equipment.

### ***Utility Upgrades and Site Improvements– \$1.36M***

Replace critically deteriorated utility system components, provide additional utility system capacity to support current and future buildings, and respond to State environmental regulations. The scope includes the replacement of primary electrical distribution systems, high temperature hot water distribution lines, chilled water distribution lines, and water lines/valves; replacement, upgrade, and/or addition of stormwater management best practices to prevent pollution of downstream watersheds; and the upgrade and expansion of the campus's fiber optic network distribution system to create the redundancy and capacity necessary to provide reliable and efficient data and telecommunication services to the campus community. The campus is experiencing frequent electrical and water failures. The condition of the existing infrastructure presents risks to health and safety. The FY 2019 budget includes funding to begin design.

### ***Stadium and Athletic Facility Improvements – \$4M***

Provide funds to design, construct, and capital equip various athletic facility improvements.

## **UNIVERSITY SYSTEM OF MARYLAND OFFICE**

### ***System-Wide Facilities Renewal (Statewide) - \$17 Million***

Reducing the backlog of deferred maintenance is a high priority for USM institutions and these funds are a critical piece of an overall approach the USM Board of Regents are taking to address the problem of deferred maintenance. The board's program encourages increases in operating expenditure for facilities renewal toward an annual spending target equal to 2 percent of the replacement value of campus facilities, as well as a high proportion of renovation and replacement projects in the capital improvement program.

### ***Shady Grove Educational Center - Biomedical Sciences and Engineering Building – \$23.1M***

Construct a new 136,472 NASF/228,805 GSF Biomedical Sciences and Engineering Education Facility at the Universities at Shady Grove in Rockville. The new building is needed to provide specialized laboratory space to support new academic programs such as biotechnology, engineering, and dentistry. The building will also provide additional space for existing programs that have experienced enrollment growth such as nursing and pharmacy. The building will include classrooms, laboratories, clinical training spaces, faculty and staff offices, and academic support spaces that do not currently exist on campus. The new facility will support growth in science, technology, engineering, and mathematics disciplines as well as local workforce needs. The FY 2019 budget includes the balance of funding for construction and equipment.

## **FINAL STATUS OF LEGISLATION**

### **ACADEMIC & STUDENT AFFAIRS**

#### **House Bill 281**

#### **Education - Computer Science - Curriculum and Professional Development**

USM Position: Support

Final Status: Passed

House Bill 281 establishes the Maryland Center for Computing Education (MCCE) and requires the Center to develop plans and professional development and programs. It also establishes the Computing Education and Professional Development Fund to support the activities of the Center and provide grants. The USM Office of Academic and Students Affairs, campuses of the USM (especially UMBC and UMCP) have been working over the past three years with a collaborative group of computer science educators and non-profit organizations to enhance the professional development of teachers in computer science. The group includes the Maryland State Department of Education, Code.Org, Code-in-the-Schools, and the

Computer Science Teacher Association (CSTA) as well as community colleges and local school districts in Maryland. Similarly, **House Bill 350, the Achieving Computer Science Collaborations for Employing Students Statewide (ACCESS) Act of 2018** also establishes a Maryland Center for Computing Education MCCE in the USM to provide professional development, administer a grant program; and set diversity goals. To ensure Maryland's P-12 students have access to computer science courses in elementary, middle and high schools, and to enhance the preparation of students who may wish to focus on computer science in colleges, the state needs much better prepared elementary and secondary education teachers.

### **House Bill 368**

#### **Hazing-Required Reporting and Education**

USM Position: Information

Final Status: Did not Pass

House Bill 368 requires the governing boards of institutions of higher education to submit a written policy on hazing to the Maryland Higher Education Commission (MHEC) and report the number of hazing incidents as well as the outcomes of each individual incident. In addition, the bill requires each institution to provide educational programming to students. Institutions work closely with the university community and campus and local law enforcement to identify, investigate and prosecute instances of hazing. Hazing is unlawful in Maryland and unlawful behavior on or off USM campuses will be addressed. In many cases the efforts of several USM institutions to prevent hazing have been recognized as a model programs for others to emulate as a best practice. While the USM does not have an umbrella hazing policy, addressing hazing takes a coordinated and thoughtful response rooted on campus under the leadership of each president.

### **House Bill 511**

#### **Public Institutions of Higher Education - Hate-Bias Incident Prevention**

USM Position: Oppose

Final Status: Did not Pass

House Bill 511 requires public institutions of higher education to develop and implement a plan for a program to prevent hate-bias incidents; a process for reporting campus-based hate crimes; a program to provide mandatory instruction to incoming students on the awareness, prevention, and reporting of hate-bias incidents. The bill also requires a response protocol and hate-bias incident reporting and disclosure.

Hate incidents including violence, threats and harassment have no place on a college campus or at any institution. The Board of Regents, Chancellor Caret and, most importantly, the System presidents have made it clear that efforts to eliminate hate-bias incidents on-campus or off-campus remain a critical priority. These incidents are insidious at best - and at worst - they can be deadly. The Board and Chancellor remain committed to

providing the support that each president deems necessary to rid their campuses of this revived and growing moral and societal scourge.

Education and awareness efforts have been ramped-up at our USM institutions. Each campus has a unique mission, demographic and geography. The educational program mandate for incoming students in House Bill 511 may overlook the need for continuous dialogue, the reinforcement of positive messages, and the recognition that changing campus climate is a process. USM presidents are working to create a culture of respect and tolerance and those strategies are as diverse as our institutions.

USM institutions are governed by the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Also known as the “Clery Act,” it is a federal statute requiring colleges and universities participating in federal financial aid programs to maintain and disclose campus crime statistics and security information. It is the policy of all USM institutions to encourage victims and/or witnesses to report crimes to the police and/or to a designated campus security authorities (CSA). The federal law requires each institution to maintain a complete publicly-available list of CSAs in their Annual Clery Report. For the purposes of Clery, CSAs are required to document certain reportable crimes and non-criminal, hate-motivated incidents and the location(s) of the occurrence. Reporting hate violence, and procedures for responding to hate-bias incidents, is required of all USM institutions under current federal law.

In lieu of specific legislation the budget conferees agreed on adding committee narrative stating:

***Report on Hate-bias Plans: The committees are interested in the programs of higher education institutions to prevent hate-bias incidents. Therefore, each public and independent four-year institution and community college should submit a description of its program to prevent hate-bias incidents, or a plan, including a timeframe for implementing a program, to the Maryland Higher Education Commission (MHEC) by September 1, 2018. The program or plan should include an incident response protocol and a process to track incidents. MHEC should submit a report to the budget committees summarizing institutions’ programs and plans by December 15, 2018. Information Request Report on hate-bias plans Author MHEC Due Date December 15, 2018***

### **House Bill 603**

**(Senate Bill 1033)**

### **Public Senior Higher Education Institutions – Disciplinary Proceedings**

USM Position: Oppose

Final Status: Did not Pass

House Bill 603 establishes the right to an attorney or non-attorney advocate for a student or an officially recognized student organization during disciplinary proceedings at public four-year institutions of higher education.

The student conduct process is an internal administrative process and not a criminal or civil proceeding. House Bill 603 superimposes an overly legalistic framework for managing student conduct issues and may burden institutions by establishing legal mandates not germane to conduct processes in institutions of higher education.

The USM is particularly concerned that the bill requires institutions to allow for opening and closing statements and the cross-examination of witnesses. These should not be required in student conduct processes and especially in sexual misconduct cases. The dynamics of a student conduct proceeding in a university setting are not the same as those of a courtroom. The student conduct process is not intended to be adversarial. Strict adherence to the conventions of courtroom advocacy would not be in the best interest of students in an educational environment. Currently, USM institution policies permit both parties to be accompanied by an adviser of their choice, who can be an attorney. The attorney may advise the student throughout the adjudicative process. Further, each decision is subject to appropriate legal sufficiency review by legal counsel before it is issued.

### **House Bill 663**

#### **Higher Education – Academic Forgiveness Policy**

USM Position: Oppose

Final Status: Did not Pass

House Bill 663 requires USM institutions to develop and implement an academic forgiveness policy to disregard an applicant's unsatisfactory or failing grades earned at prior institution more than seven years before an individual applies for admission.

USM institutions support the spirit of this bill, and our institutions already have processes that account for previous academic work, including academic failure, in their admissions processes. However, there are nuances to our processes, and they vary from institution to institution, depending on the mission and usual acceptance process that is institution specific. The USM expressed concern about simple and complete disregard for previous failure, rather than engagement of the student to improve, that may run counter to existing support processes. The accountability for previous academic challenge or success will also vary depending on the level of the courses taken and completed.

USM institutions take into serious account previous academic work, and each has forgiveness policies or standards they use when considering students' academic histories. For example, University of Maryland University College and University of Maryland Eastern Shore both have mechanisms under which they can invoke forgiveness after a 5year period of separation for many students. Other USM institutions have academic clemency or forgiveness policies and procedures also.

**Senate Bill 607/House Bill 913****Higher Education – Sexual Assault Disciplinary Proceedings**

USM Position: Oppose

Final Status: Passed

House Bill 913/Senate Bill 607 requires higher education institutions to submit to MHEC by August 1, 2019 a revised sexual assault policy that includes certain disciplinary proceedings provisions. Among these provisions, institutions must: describe a list of rights for students involved in a sexual assault investigation, provide timely written notice of certain rights, and provide student participation in specific ways during the investigation process. The bill's provisions also require institutions to provide students with notice of legal services and supportive resources and to use the same standard of proof used by the institution for other code of conduct violations. Among the bill's provisions and the extensive list of student rights, the bill prohibits an institution from considering certain evidence and prohibits the use of mediation to resolve complaints, except under a certain condition.

House Bill 913/ Senate Bill 607 also permits an attorney for all students involved in the investigation process, unless the student knowingly and voluntarily chooses not to have counsel. A student may select and retain an attorney anytime prior to the conclusion of the formal title IX proceedings. The required attorneys (reasonable cost and fees) are to be paid for by MHEC and provided by MHEC within a certain period of time. The bill states how MHEC will develop its list of attorneys. A conservative revised fiscal note estimate for this bill is \$412,000 beginning in FY 2020. House Bill 913 requires higher education institutions to establish a new disciplinary proceedings policy and process for resolving student allegations of sexual assault. Among the bill's provisions, it creates an extensive list of "rights" for a student who alleges a violation of sexual assault, prohibits an institution from considering certain evidence and making certain findings, sets a new standard for determining the outcome of an investigation, restricts the use of mediation to resolve complaints, expands the grounds for appeal, and establishes the conditions for the presence of an attorney, their role and associated cost for legal counsel.

House Bill 913 also authorizes the presence and participation of attorneys in certain circumstances. Currently, USM policies allow each student complainant and respondent to be accompanied during the investigation process and related proceedings with an advisor of their choice. This advisor could be anyone, including an attorney, and every student involved has this right to be accompanied by an attorney. The attorney's role, however, is limited to a non-speaking role. This limitation is common practice for good reason – to prevent intimidation and attacking questions presented to the parties or witnesses involved. We already know from current experience that inclusion of attorneys (even as non-speaking advocates) has also lengthened the time to achieve the final

disposition of many cases. An attorney may be provided by the Commission at any point in the Title IX process, but students are also required to knowingly and voluntarily waive their right to an attorney which creates contradictory language.

Perhaps most critically, the criminal justice related language and provisions of HB 913 would, in effect, convert the administrative processes of the universities into on-campus courts of law. Universities were never meant to serve in this capacity. The federal law, Title IX of the Education Amendments of 1972, is in place to prohibit sex and genderbased discrimination in educational programs; it is a civil rights law enforced by the U.S. Department of Education; it is not a criminal justice law. The enforcement of nondiscriminatory practices by universities is not intended to replace the pursuit of a criminal complaint, investigation or proceeding. Rather, the universities present an alternative, administrative process, to resolving complaints where equal access to the same educational benefit is challenged. Our universities have taken the enforcement of Title IX very seriously. We have worked to ensure that the educational environment is not considered hostile and that each student, when a complaint is raised, has an equitable way to resolve that complaint.

### **House Bill 713**

**(Senate Bill 1027)**

### **Higher Education – Transfer Student Education Records**

USM Position: Oppose

Final Status: Did not Pass

House Bill 713 requires an institution of higher education, before deciding whether to accept and enroll a transfer student, to request and obtain the education records of the student regarding any disciplinary actions taken against the student by any institution in which the student was previously enrolled. If a student's education record indicates a disciplinary action for a violation of a sexual assault policy, the institution must impose individualized conditions on the admission and enrollment of the student to prevent the student from violating the institution's sexual assault policy. The bill contradicts the recent legislative override of the Governor's veto of 2017's "ban the box" law. If USM institutions are prohibited from asking about criminal records, it is antithetical to require those same institutions to obtain conduct records and consider the records before accepting or enrolling a student.

Moreover, this requirement is onerous and expensive. Of USM's 175,000 currently enrolled students, nearly two-thirds (or more than 110,000) are transfer students. The number of applicants is significantly larger. The workload required of our admissions offices to request hundreds of thousands of records, review those that were returned (even if a fraction) would be difficult. An estimate from UMBC suggests that the annual cost to implement this process would be \$275,000. This process would also significantly delay the acceptance, admissions, and enrollment processes for many students, causing delay in the progress of students accepted.



The bill states that the receiving institution “shall” impose individualized conditions if a transfer student has a record of a violation of a sexual assault policy. This is problematic in many ways. The USM Policy on Sexual Misconduct includes many different types of sexual misconduct, rather than only sexual assault, and the bill confuses that terminology. Additionally, the conditions listed that may be imposed include “counseling”. Counseling cannot be made mandatory. Counseling centers may lose their accreditation if counseling is mandatory.

Also, a prohibition on alcohol abuse is unenforceable. Our campuses have alcohol use policies, and each has conduct processes to deal with recognized violations of these policies, but a legislative mandate to “prohibit alcohol abuse” by any individual is simply unenforceable.

### **House Bill 823**

#### **Public School Teachers – Preparation**

USM Position: Support

Final Status: Did not Pass

House Bill 823 requires county boards of education to offer a Teacher Academy of Maryland (TAM) Program authorizes county boards to partner with neighboring counties. The bill also requires that a supervising teacher meet certain requirements and that State Department of Education (MSDE) develop a digital recruitment platform aimed at encouraging individuals to enter the teaching profession. The bill has three key elements that enhance the teacher pipeline in Maryland and help our institutions of higher education use reliable dashboard data to update their programs and support their efforts to place more Maryland trained teachers in Maryland schools.

The first part of the bill addresses expanding access to the Teacher Academies of Maryland (TAM) to students in all counties in the state. The TAMs are a creative and unique approach to taking the “long view” of building a pipeline of highly qualified teachers in Maryland.

Second, support of the digital recruitment platform aimed at encouraging individuals to enter the teaching profession is a key component. A state-run platform, that would guide interested candidates with a few “clicks” to educator preparation programs in Maryland would be a welcome recruiting tool for all the education programs in the state.

The third part addresses an issue that has been frustrating the teacher education programs for many years. It is surprisingly difficult to get reliable data in the form of “dashboards” to determine exactly how many of the Maryland certified teachers who are prepared in Maryland higher education institutions teach in Maryland schools. We would be very interested in knowing how many stay in the state, and

how many stay in the profession. The proposal to have MSDE and MHEC collaborate to collect and analyze these data is welcomed by the USM educator preparation programs.

### **House Bill 1404**

#### **Institutions of Postsecondary Education - Provision of Information Relating to the Cost of Higher Education** USM Position: Opposed

Final Status: Did not Pass

House Bill 1404 mandates that the institution make a myriad of disclosures before a prospective student signs an enrollment agreement, completes registration, or makes a financial commitment to an institution of postsecondary education.

The USM believed that House Bill 1404 creates an unmanageable administrative burden for institutions that will also create additional enrollment barriers for students. The bill mirrors established mandates by the U.S. Department of Education. Duplicating this effort will overwhelm students and parents with too much conflicting and redundant information. Institutions are already committed to providing prospective students with accurate information about projected costs and their aid offers in a clear and uncomplicated format. Current law requires institutions to provide the Financial Aid Shopping Sheet data to prospective students who apply for aid. With feedback from financial aid directors systemwide the Shopping Sheet fulfills the students and family's informational needs.

The existing Federal Shopping Sheet requirement provides information on:

- \* Estimated Cost of Attendance
- \* Grants and Scholarships to pay for college
- \* Net Costs
- \* Work Options (Federal Work-Study)
- \* Loan Options (Federal Direct Subsidized Loan, Federal Direct Unsubsidized loan)
- \* Family Contribution (Parent Loans, Non-Federal Private Education Loan)
- \* Graduation Rate
- \* Repayment Rate
- \* Median Borrowing

However, House Bill 1404 would require not only the Shopping Sheet data, but also the hand delivery, mailing, emailing, or online platform delivery of the following information:

- \* Cost of Attendance
- \* Additional Cost of Attendance
- \* Financial Assistance (Institutional, State, Federal, Federal Loans, and Private Loans (Including Interest Rate and Loan Fees))
- \* Family Contribution
- \* Additional Grants and/or Scholarships
- \* Prospective Total Debt and Monthly Loan Payments \* Graduation Rates
- \* Expected Average Salary for recent graduates of the institution, disaggregated by program
- \* Estimation of regional, post-graduation expenses, including personal financial obligations such as rent, mortgage payments, car payments, child care expenses, and utilities

The additional data requirements in House Bill 1404 underestimate the complexities in the financial aid process as it pertains to private loans, salary data, prospective loan debt and post-graduation expenses. Students apply for private loans directly through private lending institutions. Lenders do not provide institutions any data on private loan interest rates or loan fees. Also, institutions do not have detailed data on the salaries or post-graduation expenses of recent graduates.

Each year, prospective new fall students must choose which school they want to attend by the national May 1st decision deadline. This would interfere with that deadline by preventing students from submitting enrollment contracts at Maryland schools until they have received all the data mandated by House Bill 1404. This bill would be a tremendous barrier to enrollment at Maryland schools because many students apply for aid late, or choose not to apply for aid, and schools can't calculate their Cost of Attendance without an aid application because they don't know which housing status to use.

The requirement that all cost of education information be personalized to the student is the driver of such a high estimated cost as an entirely new information technology system would be required to tailor individual prices that include items such as "information disclosed to the student." Support staff to operate it and facilitate student communication would also be required.

The costliness of implementation is multiplied by the level of detail that needs to be generated and the timing of that information – before a student enrolls. The large gap between admitted student totals and enrolled student totals promises a significant increase in effort that goes far beyond the capacity of existing staffing levels.

There are other operational issues, such as the timing of the aid package 'promised' to each prospective student, that would add undesirably high volatility to expenses

in this area. The bill also obligates the institution to estimate how much debt the student will be in at graduation and to estimate what their living expenses will be once they graduate as well as what they might be earning.

In lieu of legislation the committees adopted narrative requesting a report on the cost of higher education produced by the Maryland Higher Education Commission.

### **Senate Bill 1049**

Higher Education – Endowed University System of Maryland Scholarship

USM Position: Opposed

Final Status: Did not Pass

Senate Bill 1049 establishes the Endowed University System of Maryland (USM) Scholarship Program and authorizes the Board of Regents to transfer up to \$50,000,000 from the non-State supported fund balance to a quasi-endowment fund. As written, there is a question as to whether the auditors would allow the USM to classify the fund proposed in Senate Bill 104 as a quasi-endowment, due to the restrictions that the bill imposes on the fund and its use. A quasi-endowment, by definition, is a fund established at the discretion and action of a governing board. Moreover, with USM interest earnings being transferred to the MHEC Office of Student Financial Assistance to disburse – instead of supporting our own institutional aid – there is no guarantee funding would be available strictly to USM students.

The USM has two policies. One deals with the investment strategy, and another that determines how much is used for donor specified purposes, like scholarships. The policy determining how much is used annually for donor/state-specified purposes is called the Policy on Endowment Fund Spending Rule. Generally, financial aid is a state-supported activity that rests on state-supported resources. Self-support activity resources are needed to satisfy the spending and investment needs of those activities. Dorms, dining or parking fees are expected by parents and students and even purchasers of university system revenue bonds that the resources raised will be used for the activities to which they relate. The use of auxiliary fees to fund a quasi-endowment to support financial aid would send a negative signal to all of those who depend upon auxiliary fees to fund auxiliary activities expected to operate entirely on the revenues raised for those purposes.

### **House Bill 936**

**Financial Aid Reductions - Notice**

Position: Oppose

Final Status: Did not Pass

House Bill 936 requires public senior and private nonprofit higher education institutions (within 30 days of a student's acceptance and before reducing a student's institutional gift aid) to provide notice of whether additional gift aid may result in a reduction of

institutional gift aid and how much additional gift aid the student may accept before the institutional gift aid will be reduced.

By law, institutions are already required to notify students when financial aid awards are adjusted. House Bill 936 could adversely impact students receiving aid. Implementation of the 30-day notification rule restricts an institution's ability to provide counseling to students should other resources be needed. Students often seek such help while pursuing other resources to pay for college; however, House Bill 936 hinders a student's ability to receive other types of aid if/when time expires on receipt of late aid disbursements because of the 30-day notification rule. When aid is adjusted, loans and work-study are the first to be changed. Given the federal and state award systems at USM institutions, House Bill 936 will create an additional administrative burden and unintended consequences.

Financial aid officers disclose the impact of additional aid received after packaging on a student's current aid package early in the aid process in many ways. USM institutions use federal entrance counseling, award letters, financial aid guides, the university catalogs and online content are just several ways this information is already communicated to students. The continued addition of student communications (at times redundant to federal rules) is particularly burdensome given that the financial aid departments at some USM institutions do not have a centralized, communication system. These institutions will be limited in their ability to track communications, determine open rates, record communications in student files, track actions taken in the email, etc.

### **House Bill 1143**

#### **Southern Maryland – University System of Maryland Partnership Act of 2018**

USM Position: Support

Final Status: Passed

House Bill 1143 creates a partnership to support new educational opportunities for students and the workforce in Southern Maryland, further drive STEM-related research and development, particularly in the growing field of unmanned autonomous systems, and promote greater economic innovation and diversification across the region. House Bill 1143 seeks to leverage SMHEC's historic role as an important source of educational programming in Southern Maryland with the USM's growing regional presence in areas that go well beyond its instructional mission to include basic and advanced research, testing, and, increasingly technology transfer and commercialization. It formalizes the working partnership that SMHEC and USM have developed since 2013, enabling both the Center and the USM to undertake in a more cohesive and strategic way the expansion of current programs, the addition of new programs, and the creation of services to support students both inside and outside the classroom.

The partnership model that the USM and SMHEC have jointly worked to create, envisions an expanded regional higher education center that responds more fully to the needs of the Southern Maryland region, incorporating the strengths of the current institutional partners

operating at SMHEC with the best of the USM, including the best operating practices gleaned from the administration of SMHEC and the USM's existing regional centers. While the Southern Maryland Center historically has been focused on providing graduate-level instruction and professional training, the merger will allow the USM and SMHEC to more easily broaden the mix of education and training programs offered there, with an expanded range of workforce-oriented programs that include, as appropriate, undergraduate as well as graduate programs. These programs will be responsive to the education and training needs of the region and are likely to include additional programs in K-12 education, information technology and computer science, health care, and business, as well as other fields.

The partnership set out in HB 1143 to leverage the USM's strength as the state's primary provider of undergraduate, graduate, and professional education with SMHEC's historic role as a key provider of advanced graduate and professional development training to better serve the emerging technology and training needs of this vital region. The new operational model that will result from the merger will allow a more rapid expansion of the array of education and training programs and related support services currently offered at SMHEC, including more undergraduate 2+2 and graduate programs specifically tailored to the needs of the region, including computer and information sciences, business, K-12 teacher training, and health care training – all areas we have identified as high demand, high need for the region's workforce.

#### **Senate Bill 479**

#### **(House Bill 940)**

#### **High School Credit for College Courses**

USM Position: Support with Amendment

Final Status: Did not Pass

Senate Bill 479 requires a county board of education to award elective credit to a high school student who successfully completes a college course or a course recognized for credit by an institution of postsecondary education.

USM supports the premise of Senate Bill 479 as a way of both scaling effective dual enrollment programs across the state, and clarifying the understandings between higher education institutions and local school districts about how to best communicate the opportunities afforded to students interested in enrolling in dual credit courses and programs. We also appreciate the sponsor's openness to clarifying amendments.

USM's ongoing collaborations with local school districts and community colleges will be strengthened and enhanced with the passage of this legislation. In 2009 the USM, in collaboration with Bowie State University (BSU), UMCP, Prince Georges' Community College (PGCC) and Prince George's Public Schools (PGCPS) received a five-year National Science Foundation (NSF) grant to test two models of dual

enrollment – a university-residence based model at BSU and an in-high school model run by PGCC based in various PGCCPS high schools. Three important findings were drawn from the study:

- Students who enroll in dual enrollment courses are more likely to apply to college and less likely to be placed in remedial courses.
- Underrepresented minorities recruited and enrolled in dual enrollment courses attend college and select science majors at a higher rate than those students not enrolled in dual enrollment courses.
- The PGCC model, which included enrolling students in classes offered on the PGCC campus and in their local public schools was a much less costly, more efficient and more effective model than the university-residential model piloted at Bowie State University.

In retrospect, with the passage of the College and Career Readiness and College Completion Act of 2013, the state officially took the position that dual enrollment and early college courses were to be encouraged in Maryland public schools.

#### **Senate Bill 532**

**(House Bill 420)**

#### **Higher Education - Financial Aid - In-State Students (The Jill Wrigley Memorial Scholarship Expansion Act)**

USM Position: Support

Final Status: Passed

Senate Bill 532 expands eligibility for the Delegate Howard P. Rawlings Educational Excellence Award (EEA) and the Part-time Grant programs to include individuals who are eligible for in-state tuition under the Maryland DREAM Act. Currently, students at institutions of higher education that qualify for the Maryland DREAM Act continue to face barriers in their pursuit of a college degree due to financial hardships. DREAM Act eligible students who call Maryland home must be graduates of Maryland high schools and have attended Maryland community colleges before enrolling in a public four-year institution and are not eligible to apply for federally backed student loans.

#### **Senate Bill 615**

#### **Higher Education - Cyber Warrior Diversity Program - Established**

USM Position: Support with Amendment

Final Status: Passed

Senate Bill 615 establishes the Cyber Warrior Diversity Program (CWDP) at Baltimore City Community College (BCCC), Bowie State University (BSU), Coppin State University (CSU), Morgan State University (MSU) and the University of Maryland – Eastern Shore

(UMES) to train students in computer networking and cybersecurity, including training to achieve specified CompTIA (Computing Technology Industry Association) certifications. Beginning in fiscal year 2020, and each fiscal year thereafter, the Governor must include a general fund appropriation in the annual State operating budget to support workforce diversity efforts in the State of Maryland.

The institutions that comprise the USM support and deliver a myriad of “cybersecurity” degree programs at every level – including BSU, CSU and UMES’s Cyber Warrior Diversity Programs. Over the past three years, we have produced over 10,000 degrees in programs related to cybersecurity from 22 cybersecurity offerings at USM. Precluding hundreds of computer science certificate and degree programs – to the benefit of the two institutions – would have powerful negative effect on the strides Maryland has made in this burgeoning field. The fiscal analysis notes: “Over the past three years, MHEC has reviewed 23 new academic program proposals with the words “computer networking” or “cybersecurity” in the title. As written the bill would have put long-standing, fully approved and accredited programs could be in jeopardy.

The USM is supportive of and appreciates the individuals and agencies that brought the Cyber Warrior Diversity Program to life. The USM requested an amendment that deleted language making these programs exclusive to three institutions.

### **Senate Bill 1021**

#### **Community Colleges - Baccalaureate Degrees - Prohibition**

USM Position: Support

Final Status: Did not Pass

Senate Bill 1021 prohibits community colleges from awarding baccalaureate degrees. The higher education landscape in Maryland has served constituents well, with the 16 community colleges providing a broad array of programs including associate’s degrees, as well as many certificate programs and general education opportunities. Approximately two thirds of the 170,000+ students within the USM are transfer students, and half of those are transfers from the community colleges.

These opportunities fit within the Education Article 10-210, which states that community colleges shall provide lower-level undergraduate courses for students who aspire to continue their education at senior institutions.

The current structure of higher education in the state of Maryland provides access and choice for students as well as addressing the many workforce needs of the state. Altering the mission of the community colleges would create real issues with the current funding formulas in higher education. We also believe that expanding the scope of programs at community colleges to include baccalaureate degrees would result in higher costs at community colleges, for both the students and taxpayers.



The USM supports the Articulation System (ARTSYS) which provides the platform for students who wish to transfer any courses from one institution to another, including any community college courses to our 4-year institutions. While always a challenge to remain current, ARTSYS fills an individual student's needs. Our USM institutions have over 600 program-based articulation agreements with community colleges creating 2+2 pathways for students. In addition, there are two statewide articulation agreements, one in education (the AAT degree) and engineering (the ASE degree).

The structured higher education system in Maryland has been working to meet the needs of the students and the communities across the state. Changing the balance by permitting mission creep by allowing community colleges to grant bachelor's degrees would not be in the best interest of the state.

**House Bill 800 (Crossfield with Senate Bill 934) State Board of Dental Examiners - Licensure - Faculty Members at the University of Maryland School of Dentistry**

UMB Position: Support

Final Status: Passed

House Bill 800 authorizes a dentist who is a faculty member at the University of Maryland School of Dentistry (UMSOD) and who was trained at a foreign dental school to apply to the State Board of Dental Examiners for a general license to practice dentistry if the faculty member meets specified criteria.

Under this new law, the State Board of Dental Examiners must qualify the faculty member to take an examination offered by the American Board of Dental Examiners, Inc. (ADEX) if the faculty member:

- completes training in a dental specialty recognized by the board;
- is board certified in a dental specialty recognized by the board;
- is a full-time faculty member at UMSOD and has completed at least seven consecutive years as a full-time faculty member at the time of application; and
- submits a written letter of support from UMSOD.

The faculty member may apply for a general license to practice dentistry if the faculty member receives a passing ADEX score. If the faculty member violates specified laws and regulations, an issued general license must be surrendered.

There are currently a large number of unfilled budgeted faculty positions nationwide, and recruitment into these academic positions is becoming increasingly challenging. The University of Maryland School of Dentistry has experienced the same difficulties for at least the last decade. Passage of this legislation will allow the University of Maryland School of Dentistry to enhance faculty recruitment opportunities. One major obstacle in attracting quality internationally trained faculty has been the inability to obtain full dental licensure for these individuals. This legislation will allow international graduate faculty to participate in the faculty practice and be in full compliance with Federal requirements when billing for services.

### **House Bill 904 Weapon Free Higher Education Zones**

USM Position: Favorable

Final Status: Did not Pass

House Bill 904 prohibits the carrying or possession of firearms on the property of public institutions of higher education. While campus safety and security is a complex and multi-layered issue, one thing is clear – the unauthorized possession of a deadly weapon at any USM institution is prohibited and violators are subject to disciplinary action.

Several years ago, the USM Board of Regents established the Campus Safety and Security Workgroup. The goal of this Workgroup was threefold:

- Identify “best practices” that can be implemented at USM institutions across the state to enhance the safety and security of our campuses, be they urban, suburban, or rural;
- Ensure that steps taken do not diminish the atmosphere of openness and accessibility our campuses enjoy as community-based institutions of higher education nor encroach upon the rights of students, faculty and staff;
- Establish an official, ongoing mechanism to support, monitor, coordinate, and update campus safety and security initiatives system-wide.

The USM supported this bill because it retains the ability of the institution to set policies for the authorization of firearm possession. The USM is a diverse system that includes several different types of institutions. We have research

institutions and comprehensive universities located in urban areas, suburban neighborhoods, and rural communities. We have large and small campuses. We have significant student populations and commuter-based campuses. In addition, given that campus safety and security is an ongoing, ever changing issue, USM presidents need to incorporate flexibility into whatever recommendations we make.

## **ADMINISTRATION AND FINANCE**

### **Senate Bill 502**

### **House Bill 871)**

### **University System of Maryland – Board of Regents and Quasi-Endowment Funds**

USM Position: Support

Final Status: Passed

In 2017 the A. James & Alice B. Clark Foundation made an unprecedented investment of \$219,500,000 to UMD, for the purpose of, among other initiatives, increasing college access and affordability through need-based scholarships. The Clark Challenge for Maryland Promise is an ambitious plan to create a scholarship fund of up to \$100,000,000 to support Maryland students at the UMCP campus and students transferring from community college with financial need-based scholarships. This bill authorizes the Board of Regents of the USM to make a one-time transfer of no more than \$25.0 million from the non-State-supported fund balance to a quasi-endowment fund. This quasi-endowment may be used only to match the Clark Challenge for Maryland Promise.

### **House Bill 451**

### **(Senate Bill 655)**

### **State Personnel – Collective Bargaining – State Institutions of Higher Education**

USM Position: Opposed

Final Status: Passed with Amendments

House Bill 451 amends certain aspects of the collective bargaining process as it applies to higher education institutions, including making it an unfair labor practice for an institution to fail to meet an established negotiation deadline unless the institution and the union agree otherwise.

Although amendments have been offered that spreads responsibility, the bill still contains ambiguous requiring “if applicable” the Board of Regents (BOR) to designate a representative to participate as a party in collective bargaining on behalf of the

institutions. The law already requires the president to designate someone; this added requirement/language is unnecessary, duplicative, and therefore troublesome and creates an ambiguity (See 3-501 (a) (1) (ii) 2 on page 5.)

The assumption is that both the president and the BOR would designate the same individual. We believe the unions presume this means that a member of the BOR, or at least a person separate from the president's designee, would have to participate in bargaining. This would be unworkable and is also unnecessary and undercuts the BOR's role as the entity that must ratify all agreements.

The USM believes still that this bill would, perhaps unintentionally, create a disincentive to reach timely agreements with the institution's 26 current bargaining units.

In practice, the bargaining process can take more time than anticipated by either side, and either side might be reasonably viewed as contributing to the delay. House Bill 451 does not consider this reality and punishes only one of the parties involved. Current law has established that a refusal to bargain in good faith by *either* party constitutes an unfair labor practice.

### **House Bill 1237**

#### **Procurement – Disposition of Personal Property**

USM Position: Support with Amendment

Final Status: Passed

House Bill 1237 alters a provision of the State Finance and Procurement Article to remove the requirement that the USM, as well as Morgan State University and St. Mary's College of Maryland, submit dispositions of personal property for review and approval by the Board of Public Works. There was an error in the way the bill was drafted and we support an amendment to the bill that would also make changes to the Education Article, Section 12-104 (g). This change would add the word "real" to clarify that only real property dispositions for the USM require the approval of the Board of Public Works. This is consistent with the language in the Education Article regarding Morgan State University and St. Mary's College of Maryland which already specified that only real property dispositions require the approval of the Board of Public Works.

These statutory changes would allow the USM to dispose of personal property consistent with Board of Regents Policy on Disposal of Surplus Personal Property. The Board of Regents have delegated to the presidents of our institutions, or their designee, the ability to declare personal property surplus if it is no longer necessary for the efficient operation of the institution. The policy further requires the disposal of surplus property dispose of the property in one of six authorized manners: 1) by trading it; 2) by auctioning it; 3) by selling it in a manner that fosters competition; 4) by transferring it; 5) by dismantling it for recovery of parts; or 6) if no value can be realized, by destroying it.

The USM sought technical changes to the State Finance and Procurement Article as well as the Education Article through an amendment to the bill to clarify that only real property dispositions require the approval of the Board of Public Works. These changes will codify the current practices of the USM as prescribed by the Board of Regents.

### **House Bill 199**

### **(Senate Bill 560)**

### **Higher Education – Collective Bargaining – Graduate Assistants**

USM Position: Oppose

Final Status: Did not Pass

House Bill 199 authorizes graduate assistants at the USM to collectively bargain. Since 2009, the USM has worked to improve the status of the USM's approximately 5700 graduate assistants (based on a recent survey of all institutions), including the establishment of a "Meet and Confer" process that gives these students (and adjunct faculty) the opportunity to engage a labor representative to represent them in discussions with campus administrators. The USM adopted a Policy on Graduate Assistantships, which addressed the following issues:

- Due process protection and grievance rights;
- Participation in the shared governance process;
- Stipends comparable to those at peer institutions; and
- Clarification of the university's expectations re duties and time commitments; for example, a full-time assistantship requires the student to work an average of 20 hours per week.

Current Maryland collective bargaining law includes USM employees generally. The statute expressly excludes from collective bargaining "a student employee, including a teaching assistant or a comparable position, fellow, or post-doctoral intern." The USM remains comfortable with the existing law because:

- Currently, in addition to a monetary stipend, most USM graduate assistants receive a tuition-free education, fully subsidized state health care, and stipend increases in each year of a contract.

- The “Meet and Confer” process provides graduate assistants with many of the perceived benefits that collective bargaining offers, including the right to engage a labor organization to assist them in this process.
- Repealing the law would create a confusing maze of litigation and legal expense over which “groups” or “class” of graduate students may be allowed to organize.
- The cost of negotiation, and potential for productivity slowdowns for students, outweighs any perceived benefit.
- Unionization neglects the disparity in the needs of graduate assistants and the diversity and cultures of fellow graduate students.
- USM graduate assistants enjoy rights concerning workload, grievance procedure, personal leave, professional evaluation, and discipline.

There is a concept and ongoing process within the USM known as “shared governance.” This is a very important process that has served the USM higher education community well for many years. Shared governance is a collaborative working relationship which provides the necessary follow through to address issues and concerns. USM is a diverse system with 12 degree-granting institutions and 2 Regional Higher Education Centers located throughout the State of Maryland. Issues ranging from salaries, stipends, housing, cost of living, and recruiting competition vary in a system this large.

### **House Bill 163**

#### **University of Maryland University College - Collective Bargaining - Adjunct Faculty**

USM Position: Oppose

Final Status: Did not Pass

UMUC has a highly centralized and standardized curriculum: syllabi, learning outcomes, textbooks/content, assessment methods, etc. are not dictated by individual faculty. This approach ensures quality and consistency in a curriculum delivered by 5,000 adjunct faculty in 24 countries. Furthermore, that curriculum is closely linked to workforce needs and is being transformed into a project-based learning model, in which classroom assignments mirror the projects that graduates will be expected to complete on the job. Additionally, this model provides UMUC and the state with an agility in responding to emerging workforce needs that is rare in higher education.

Because of this workforce emphasis, UMUC seeks to hire faculty who are also practitioners able to bring workplace experience into the classroom—something

that is highly valued by working adults. This is a model that has also been reviewed and approved by the Middle States Commission on Higher Education.

House Bill 163 would make “working conditions” part of the collective bargaining process. Working conditions may be interpreted as including, for example, individual faculty autonomy to teach following a traditional, decentralized model. The Board of Regents believes that issues related to academics are the province of the Regents and should never be subject to collective bargaining. Regarding compensation, every other year UMUC surveys the adjunct pay and benefits of similar institutions to ensure that its pay and benefits remain competitive. It is not clear, then, what problem this legislation intends to solve, even as it risks changing UMUC’s unique and highly valued academic model.

USM policies specifically address adjunct faculty, including provisions related to faculty compensation, grievance and disciplinary procedures, appropriate access to office and meeting space, equipment and other supports, and effective participation in shared governance with periodic opportunities for elected adjunct faculty representatives to meet and discuss issues of concern with regular faculty and administration.

### **House Bill 1017**

#### **State Personnel - Collective Bargaining – Exclusive Representative Access to New Employee Program**

USM Position: Oppose

Final Status: Passed

House Bill 1017 adds a new requirement that within thirty days of a new employee’s date of hire, USM institutions must provide the union representatives with the employee’s work email address. This is in addition to many items that are already required, such as the new employee’s name, work and home phone numbers, and home and work addresses.

In addition, every 120 days (instead of the current 180 days), the bargaining representatives may request a list of all bargaining unit employee members’ employee home and work data. This must be provided to the union in a searchable and analyzable electronic format.

Many institutions have provided this data to bargaining representatives in accordance with current law, but this bill expands the amount of data and the increases the frequency for its distribution. This will create even more of a burden on institution HR offices.

This bill will also permit the bargaining representative to provide this employee data to a third party. This will provide an avenue for third parties to use this data

for inappropriate purposes. However, this bill does provide a safeguard: Upon written request from an employee, union representatives may be compelled to withhold further communication with that employee.

Also, House Bill 1017 requires that institutions provide 20 minutes for union representatives to collectively address all new employees in attendance during a new employee program. Some institutions are already allowing this to occur, but this bill mandates that it be done. Also, matters relating to the time and manner of access to new employee programs are now permitted to be collectively bargained.

## **HEALTH, WELLNESS AND CAMPUS CLIMATE**

### **Senate Bill 139**

#### **Higher Education - Heroin and Opioid Addiction and Prevention Policies – Exceptions and Revisions**

USM Position: Support

Final Status: Passed

Senate Bill 139 clarifies the law requiring each institution of higher education in Maryland to establish a policy that addresses heroin and opioid addiction and prevention, including awareness information for incoming students, obtaining and storing naloxone, and campus police training.

Last year the General Assembly recognized the impracticality of requiring the storage of naloxone on USM institutions that do not have residential housing, health centers or police on campus. The intent was to identify the most captive audiences for this important message and that is most effectively done at campuses with residential housing. Therefore, the law exempts institutions such as the University of Maryland Center for Environmental Science and the University of Maryland University College from these requirements.

However, last year's bill still required these institutions to provide training on naloxone even though they were exempt from storing it on campus. This bill corrects that discrepancy by exempting these two institutions from the naloxone training requirement. Given the addictive nature of heroin and opioids, the best way to prevent addiction is to increase awareness of the inherent risks involved in using these substances. The USM wants to be a part of that effort in the most effective ways possible. These institutions will still provide students with educational materials regarding heroin and opioid addiction and prevention.

### **House Bill 1238**

#### **Higher Education – Sexual Assault Response Training – Requirements and Grant Program**

USM Position: Support with Amendments

Final Status: Did not Pass



House Bill 1238 requires each institution of higher education, beginning this year – fall 2018, to provide annual survivor-centered and trauma-informed sexual assault response training to employees, contractors, and students. Additionally, House Bill 1238 requires each institution to provide 8 hours annually of survivor-centered and trauma-informed sexual assault response training to Title IX coordinators, investigators, adjudicators and campus police. With the USM's 12 unique member institutions with ranging student demographics, campus locations, and educational delivery from classroom to online – the method, frequency and type of training that we offer to our campus communities is also very diverse. We understand the positive impact of sexual assault training, and we also know well the considerations that are necessary when designing a training program to meet the needs of our diverse institutions. The USM has concerns about the approach of HB 1238, which seeks to establish a one-size fits all method that does not reflect the differences among the USM institutions. We would seek to amend the bill to allow for this diversity among the institutions.

House Bill 1238 emphasizes the importance of certain types of training, namely survivor-centered and trauma-informed training. The principal model for sexual assault response on most college campuses is to designate a small number of people who are highly-trained. This group of trained individuals serve as the point of contact for victims, respondents, campus community members reporting sexual assault incidents, and individuals in need of assistance. This specially trained group are primarily campus Title IX coordinators and deputies, investigators, adjudicators, law enforcement officials, rape crisis center personnel and licensed mental health counselors. The training that they receive covers a range of topics, inclusive of the effects of trauma, various types of sexual assault and misconduct, and the need to be responsive to victims, as well as respondents.

We are concerned that the bill's reference to "survivor-centered" training may run afoul of the U.S. Dept. of Education, Office of Civil Rights' (OCR) Title IX guidance to institutions that investigations should be impartial to both complainant and respondent, and that training materials, investigative and decision-making approaches should not apply generalizations that may violate Title IX of the Education Act Amendments of 1972. This awareness is particularly critical for those who adjudicate sexual misconduct matters and who must be fair and unbiased.

HB 1238 also mandates who should receive the training. The bill provides that "training must be provided to individuals that may be involved in a student report of an alleged incident." While the bill language suggests that the recipients of the mandated training are a selective group, the bill's language in effect has broad impact and would require that every member of each USM institution receive the annual training.

## **House Bill 1457**

## **Higher Education – Students with a Chronic Health Condition – Reporting Requirements**

USM Position: Oppose

Final Status: Did not Pass

House Bill 1457 would require institutions of higher education, on or before July 1, 2019 (and each year thereafter) to submit a report to MHEC on undergraduate and graduate students with chronic health conditions.

USM institutions do not have the right or capability to ask every student about their medical status (beyond vaccination history or other information that would directly create potential public health risks) or otherwise compel students to submit a health history. USM institutions would only be privy to knowledge of a "chronic health condition" when a student visits a health center and chooses to disclose that information. In our offices of disability services, students self-identify in order to request specific academic accommodations and services and are deemed eligible for such services upon submission of appropriate documentation of a disabling and functionally limiting condition. However, reporting that information to outside agencies could compromise the privacy of the student.

Conceivably, there could be hundreds of different conditions within the umbrella of "chronic health conditions" even though USM health directors and disability services offices don't categorize all of these diagnoses using that terminology. For example, would the bill anticipate including the thousands of students currently taking medication or seeking long-term counseling for anxiety or depression? Most of these students are under the care of their own health care providers and have not identified themselves to our health centers or disability services. Additionally, a "chronic health condition" is protected information. USM institutions would not be able to share identified information with other agencies, such as MHEC. There is no feasible way to connect information on those students and their "participation in student life", "participation in other campus services", or "internships, work on campus, work study, clubs, sports" without compromising privacy.

House Bill 1457 also requests periodic information that links chronic health conditions with the completion of class assignments, incompletes, withdrawals, graduation rates, grades, financial aid, and various services received. Compilation of those data would require involvement of multiple student information systems, again requiring sharing of personally identifiable health and academic information. Although the bill calls for institutions to use the de-identifier protocol required by the Health Insurance Portability and Accountability Act (HIPPA), USM institutions do not believe they can protect an individual student's identity given the sheer number of identifiers called for in the bill. Moreover, the bill gives no guidance on the collection, storage and security maintenance of health records. If this information is coming from across multiple offices across campus, and has to be

both Federal Education Rights and Privacy Act and HIPAA protected, the chain of custody for data maintenance/security becomes weaker.

Considering significant concerns about students' rights to privacy, institutions not having the right or capability to ask every student about their chronic health conditions, and the other aforementioned issues, we urge an unfavorable report.

#### **Senate Bill 969**

##### **(House Bill 1111)**

#### **Public Institutions of Higher Education - Access of Students to Emergency Contraception**

USM Position: Oppose

Final Status: Did not Pass

Senate Bill 969 would require public institutions of higher education with student health centers to provide emergency contraception "at all times" or to make emergency contraceptives available by other means.

The USM believes that reasonable options exist currently to obtain emergency contraception and getting contraception care in general. In fact, some USM institutions provide health services in brick-and-mortar setting (during regular business hours) including emergency contraception; contraceptive counseling; and referrals for contraceptive counseling if the type of contraception is not offered by health service. Also, emergency contraception can be purchased in advance of unprotected sex and stored safely in an individual's possession.

Senate Bill 969 would be a challenge for institutional health service providers whose office and clinics aren't staffed 24-hours day. And while the idea of using a vending machine to deliver emergency contraception has been mentioned in conversation we fear it is a less-than-private option for those seeking this medication.

## **ECONOMIC DEVELOPMENT**

#### **Senate Bill 966**

##### **Regional Institution Strategic Enterprise (RISE) Zone Expansion**

USM Position: Support

Final Status: Did not Pass

The Maryland Regional Institution Enterprise (RISE) Zone was originally adopted to help fuel development and community investment near Maryland's anchor institutions. SB 966 strategically targets and proposes to accommodate the retention, growth and attraction of technology startups and related-businesses resulting from R&D activities and technology transferred out of the subject institutions. To date, there has been varying interest on the

part of local jurisdictions to apply for RISE Zone approval because the financial burden of the applicable real property tax credits rest solely on the local jurisdiction. The time has come for the State of Maryland to revisit its commitment to the RISE Program and assist local jurisdictions with facilitating the startup, growth, attraction and retention of companies to RISE zones throughout Maryland.

The USM, meanwhile has placed a high priority on venture creation, tech commercialization and provision of the physical space or ecosystem to assure these startups and related businesses can collaborate, receive mentorship, investment support and ultimately grow and help to attract and retain new companies and entrepreneurs. The USM has been particularly success in facilitating the creation of new businesses, having help to launch 589 new firms since 2011. The pace of USM intellectual-property (IP) based startup growth has increased as well, with USM reporting 26 such startups in 2016 according to the Association of University Technology Managers (AUTM). Invention disclosure activity and new patent filing activity too has increased, further driving the strategic need for innovation focused, physical ecosystems on and/or in close physical proximity to USM campuses throughout Maryland. This initiative has been referred to within the USM and more broadly throughout the country as “place making.”

There are a number of successful “place making” models from which to draw upon and after close review of competing States’ programming, Maryland should allow for the award of State income tax credits tied to the respective revenue growth of qualified technology startups and/or related small businesses located in RISE Zones. This assures the credit is directed to the companies themselves, the program can be better managed and more easily tracked.

Senate Bill 966 achieves the following:

- Current RISE benefits target the developer/landlord; SB 966 provides direct benefit to the startup small business/tenant
- Utilizes of a proven model – Pennsylvania has had great success with their program
- Engages the State of MD in the launch, growth and retention of tech startups /companies in RISE zone, assistance that’s absent currently.
- SB 966 is strategic in focus and easier for MD Commerce to administer and track success
- SB 966 is budget friendly and much more meaningful to applicants; other bills cap program cost but offers little value to applicant and therefore limits prospective interest and targeted effect of legislation.
- SB 966 would not jeopardize any outstanding TIF agreement that might apply to an existing RISE zone (such as in West and East Baltimore).

**Senate Bill 675**  
**(Crossfiled with House Bill 732)**

## Humane Adoption of Companion Animals Used in Research Act of 2018

USM Position: Support w/Amendments

Final Status: Passed

The bill requires a research facility located in the State, in which dogs or cats are used for scientific research purposes, to take reasonable steps to provide for the adoption of a dog or cat that is determined by the research facility to be no longer needed for scientific research purposes and is determined by an attending veterinarian to be suitable for adoption by (1) establishing a private placement process to provide for the adoption of a dog or cat; (2) establishing a list of animal rescue organizations that are approved by the research facility and are willing to take a dog or cat from the research facility; and (3) offering the dog or cat to the organizations identified in the list if the research facility is unable to place the dog or cat through its private placement process.

While animal-based research is necessary for the development of lifesaving and life altering treatments for people and animals, Johns Hopkins and UMB hold firm to the belief that as research facilities, they have an ethical and moral responsibility to provide quality, compassionate and humane treatment of all their animals. They also recognize that their responsibility to these animals does not end when a research project concludes.

UMB and JHU requested an amendment that would allow research institutions to continue their established private placement process for the adoption of cats and dogs. UMB and JHU also requested an amendment that would eliminate the requirement to report research and adoption data to the Maryland Department of Agriculture. While legislation has passed in six states around the adoption of research cats and dogs, none of these laws have included state-reporting requirements. SB675's state reporting and oversight would set Maryland apart from the rest of the country. JHU and UMB were concerned that unless amended, SB675 will suggest to researchers and funders that Maryland is, at the very least, less supportive of biomedical research than competing states with significant biomedical research. The committee agreed to both of these amendments.

### **House Bill 1804**

#### **Health – Medical Research Funding**

USM Position: Support

Final Status: Passed

This bill establishes the Academic Health Center Immunotherapy Research Fund to provide matching grants to “statewide academic health centers” for immunotherapy research. The Secretary of Health must administer the fund. The Governor must include an appropriation of \$2.5 million in the fiscal 2020 budget to provide a grant to the University of Maryland School of Medicine for the purpose of immunotherapy

research; that grant may not require a matching fund and may not supplant the funds of the University of Maryland School of Medicine.

The fund may be used only for immunotherapy research. To qualify for a grant from the fund a statewide academic health center must dedicate funding from other sources. The amount of a grant awarded from the fund may not exceed the amount of funding dedicated by the statewide academic health center.

The fund consists of money appropriated in the State budget to the fund and any other money from any other source accepted for the benefit of the fund. Money expended from the fund is supplemental to and is not intended to take the place of funding that otherwise would be appropriated to a statewide academic health center.

The University of Maryland School of Medicine has begun developing a team of leading scientists in this developing field. Specifically, UMSOM is focused on the growing area of immune therapeutics for cancer treatment and organ transplantation, and auto immune diseases. The grant proposed in House Bill 1804 will also allow the University of Maryland School of Medicine to extend its immunotherapy research enterprise into our world-renowned Institute of Human Virology (IHV). The IHV is the first research institute in the United States to link basic science, population studies and clinical trials in an effort to develop new vaccines and treatments, and to ultimately find a cure for HIV and AIDS. This grant funding will directly support the newly formed Division of Immunotherapy at the Institute of Human Virology.