

CUSF General Body Meeting  
Towson University, Towson, Maryland

**Minutes**

Friday, September 21, 2012

<b>Attendance:</b>	
<b>Bowie (2)</b>	Joan S. Langdon, Monika Gross
<b>Coppin (2)</b>	Virletta Bryant, Chris Brittan-Powell
<b>Frostburg (3)</b>	Robert Kauffman, Elesha Ruminski, Peter Herzfeld
<b>Salisbury (3)</b>	David Parker, Bobbi Adams, E. Patrick McDermott
<b>Towson (4)</b>	Jay Zimmerman, Martha Siegel, Leonie Brooks, Cheryl Brown, Gerald Jerome
<b>UB (2)</b>	Stephanie Gibson, John Callahan
<b>UMB (5)</b>	Richard Zhao
<b>UMBC (3)</b>	Drew Alfgren, Roy Rada, Joyce Tenney
<b>UMCES (2)</b>	Rose Jagnus
<b>UMCP (6)</b>	William Stuart, Linda Aldoory, Bernard Cooperman, Radu B. Balan, Kenneth Holsum, William Montgomery
<b>UMES (2)</b>	Bill Chapin
<b>UMUC (3)</b>	Betty Jo Mayeske, Margaret Cohen, Joyce Henderson, Joyce Shirazi
<b>Guests:</b>	Joann Boughman (USM), Theo Stone, (UMUC), Nancy Shapiro (USM)

**Future Meeting Dates for 2012-2013:**

October 11, 2012 (Thursday)	FSU, Frostburg State University
November 13, 2012 (Tuesday)	BSU, Bowie State University (with CUSS, USMSC)
December 10, 2012 (Monday)	UB, University of Baltimore
January 23, 2013 (Wednesday)	USM, University System of Maryland
February 18, 2013 (Monday)	UMB, University of Maryland, Baltimore
March 11, 2013 (Monday)	SU, Salisbury University
April 9, 2013 (Tuesday)	TU, Towson University
May 10, 2013 (Friday)	UMCP, University of Maryland College Park
June 14, 2013 (Friday)	UMBC, University of Maryland Baltimore County

**CONVENING THE MEETING - 10:00 AM**

Jay Zimmerman called the meeting to order at 10:00 AM. Members introduced themselves and their institutions. At the end of the introductions, Jay Zimmerman on behalf of the Executive Committee and CUSF, presented Joyce Shirazi with an honorary award for her exemplary service as the previous chair (see Figure 1).

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## WELCOME FROM UMUC - 10:03 AM

Betty Jo Mayeske introduced the Acting Provost and Chief Academic Officer, Dr. Marie Cini. She provided a brief history of UMUC which provided a chronicling of the changes and innovations in higher education. UMUC was founded in 1947 as a continuing education unit of UMCP. It serviced returning veterans from the war. In the 1980s they introduced voice mail lectures. In the 1990s and early 2000s there was a growth in online programs. Today they service 94,000 students. They have 400 full-time faculty and 4,000 adjuncts. She briefly addressed the recent resignation of the President and the implications of the transition to the new interim president. There was a question and answer period. Questions focused on their major contracts, their competition, the no-tenure issue and its affect on morale, and on the use of three year rolling contracts for faculty.

## APPROVAL OF THE MINUTES - 10:34 AM

A motion was made, seconded, and passed to approve the May minutes.

## REPORT FROM USM - 10:35 AM

Jay introduced Joann Boughman, Senior Vice Chancellor of Academic Affairs, who presented the report from USM. In his introduction, Jay noted that among her many accomplishments, she has executive experience and prior familiarity with the USM system. Her most recent position was Chief Executive Officer of the American Society of Human Genetics (ASHG) where she served since 2001. Prior to ASHG she was served as the Vice President of Academic Affairs at the University of Maryland, Baltimore. She joined the USMB community in 1983. In addition, she served on MHEC for ten years and has a working knowledge of this agency.

Joann noted that she has been on the job for five days. Monday, she met with the Segmental Advisory Council which is comprised of USM, private and independents, Maryland Association of Community Colleges (MACC), and St. Mary's and Morgan. The Council sits down together and discusses the issues and relationships between institutions. In addition, they discuss their relationship with MHEC which is responsible for coordinating all of higher education in Maryland. One of the issues they discussed was innovative approaches to *credit accumulation*. On the 3rd of October, there will be a forum sponsored by MHEC on these innovative approaches. Another initiative is that they are seeking *extramural funding* for initiatives like the K-12 Race to the Top.

Next, Joann mentioned the P-20 Council and the discussion on the Partnership for Assessment of Readiness for College and Career which is focusing on addressing readiness of K-12 preparing students for college. She noted that this will not replace any of the existing criteria used by the universities. However, it will give an additional assessment tool other than just a high school diploma.

Another meeting she attended was with MACC and USM. One of the items discussed was *performance based funding*. She noted that this was not pay-for-performance which is a different issue. One of the important positions is that any initiatives in this area will need to be done with new funding. Although the actual mechanisms to define this assessment are far from being defined at this point in time, performance based funding would in some way link funding to the universities based on assessment. Joann noted that several states have tried this approach and the unintentional consequences have been less than desired. Also, she noted that Maryland is conceptually not so far away from a working model on this issue. Regardless, this group will be engaged in this process.

Next, Joann addressed questions from CUSF members. Questions included an expansion on the October 3rd meeting of MHEC, the issue of students receiving credit for prior life experiences, the issue that transfer students from community colleges have a higher success rate (graduation) than students going straight through four year institutions, the issue of awarding college credit in high school where the universities have no control over the quality of instruction, the approval by MHEC of seemingly any program that renders traditional universities uncompetitive, and *academic innovation*. Regarding the issue of community college students being more successful (graduation), it was noted by one of the CUSF members that methodologically this can easily be explained. If equal amounts of students drop out from community colleges and four year schools, the community colleges will have a higher success rate because only the motivated students will have transferred and therefore they will have a higher success rate because the unmotivated students have already dropped out. Regarding the issue of fairness, Joann noted that it is important to “work” the Maryland State Plan. For any program to be approved in Maryland, it must meet two criteria. First, it must fit the mission of the institution, and second, it needs to address the Maryland State Plan. (Secretary’s Note: *The issue of fairness in program approvals by MHEC was addressed later in New Business.*) Due to the constraints of time, there was a brief discussion regarding academic innovation. There is a lot of experimentation regarding new and innovative course redesign, and Maryland can be a leader in using their platforms in this area and increasing outcomes.

## STATE OF SHARED GOVERNANCE REPORT - UMUC - 11:21 AM

Jay noted that CUSF was instituting a new initiative as part of the General Body Meeting. This was the result of several discussions focusing on determining the state of shared governance within the system and advising the Chancellor of this state. The following discussion is from the August 3, 2012 ExecCom Meeting minutes and summarizes for CUSF members the intent of this initiative.

**Shared Governance Annual Report.** During the last academic year there was considerable discussion regarding the evaluation of shared governance on campuses. In part, it arose out of the vote of no confidence of the President at Coppin by the Senate. Although there was much previous discussion regarding evaluation of the presidents, it was concluded that evaluation of the campus presidents by Senate Chairs for CUSF lies outside the scope of the shared governance policy. Regardless, it was concluded that there may be a need for summarizing the state of shared governance on campuses. Different methods were discussed. Although nothing was formally decided in these previous discussions, the discussion included an informal reporting process and linking it with the Senate Chairs meeting in fall or spring.

After a brief discussion on the topic it was suggested that in addition to the Welcome to the Campus presentation by the President, that there be a Welcome to the Campus by the Chair of the Faculty Senate with a report on the state of shared governance on that campus. In addition, the topic could become incorporated into the fall and/or spring Senate Chairs meeting. (August 3, 2012 ExecCom Minutes)

Dr. Theo Stone, Faculty Advisory Council Chair, provided the following report on the state of shared governance at UMUC.

**Background:** Theo summarized shared governance at UMUC as having been a “struggle” before this year. Shared governance has been part of UMUC since 2001, and he noted that UMUC is significantly different from most institutions within the System. The differences include UMUC does not grant tenure, most faculty are adjuncts, and with a world wide faculty, communications and assembly of the faculty has been problematic at best. Theo indicated that 2012 has been one of the most productive years in terms of shared governance and shared leadership. He noted that various members of the Faculty Advisory Council have stepped up and taken on situational leadership throughout the global institution.

**Current State of Shared Governance:** As noted, 2012 has been one of the most productive years for UMUC in terms of shared governance. First, Theo noted that this was the first time the Faculty Advisory Council had access to the mailing list. This has enabled the faculty to communicate (assemble) with other faculty. (Secretary's Note: *The ability to facilitate faculty communications and to have faculty assemblies via email or other suitable electronic methods has been a discussion topic at several meetings during the past year. See the Senate Chair's Meeting minutes of December 6, 2011 and the General Body minutes of January 20, 2012.*) They have used this mailing list to access faculty globally on strategic initiatives. In addition, they have used the list regionally on several initiatives in Europe and stateside. Second, Rich Pauli on the executive committee took the lead on increasing credit hours adjunct faculty were allowed to teach from 15 credits to 18 credits. They had been capped out at 15 credits per academic year. This has made a big difference and helps their course directors and program managers.

Third their undergraduate program underwent a major revision last year (2011). It was known as the "SEGUE Project." One of the issues addressed was condensing the semester down to eight weeks or a quarter system. There were two faculty issues addressed. First, what was its impact on quality, and second, on faculty morale. There is a workgroup that is polling faculty on the morale issue.

Fourth, Theo noted a significant change in governance procedures. Both the Interim President and Provost have been responsible for this change. For the first time in the existence of the shared governance history of ten years the president has met on a regular basis with the FAC leadership and the entire FAC Council. This indicates a major shift.

Fifth, for those faculty who do not have community service as part of their contract, the administration is developing a "pay for service" plan for faculty. They are in the process of negotiating the policy and it should be completed by October 2012.

Sixth, UMUC has been a leader in online learning. They are an online university. In the past, they have had their own home grown learning system, WebTycho. They are in the process of selecting a new learning system and shared governance has been invited to participate in the selection process with two representatives.

Seventh, they have changed their faculty representation on FAC and election procedures. They perceived that there were two under represented faculty groups: adjunct faculty and overseas faculty. They have rearranged their seats on their eighteen seat Council to rectify this situation and the changes will be initiated in 2013.

Eighth, they are moving forward with Meet and Confer which is a very important issue at UMUC. Theo noted the work of David C. Hershfield and Maggie Cohen among others working on behalf of the adjunct faculty with the administration in this area.

In summary, Theo noted that shared governance at UMUC has made significance gains. Both their Interim President and Interim Provost recognize the importance of the shared governance process to the health of the institution.

**Concerns and Issues:** In his presentation, Theo didn't note any issues or concerns concerning shared governance at this time. As indicated, there is currently a climate of cooperation regarding shared governance. Theo noted early in his presentation that the administration has learned that by working with the faculty, it often is beneficial for the administration because the faculty has been involved in the

decision making process and has some ownership for the outcomes.

**Q&A:** Theo was asked several questions by the CUSF membership. First, in response to a question regarding the upcoming search committees, Theo indicated that where appropriate faculty and shared governance are being included in the searches. Next, in response to a question regarding faculty communications and assembly, Theo indicated that he was unaware of any barriers at this time. He reiterated the importance of access to the email list in communicating with the faculty. He noted the cooperative atmosphere. Third, in response to the tenure issue as a barrier to participating in the shared governance process, he indicated that he didn't see the lack of granting tenure as a barrier to participation in shared governance at UMUC at this time. He did suggest that a five to six year revolving contract would be more advantageous than the current three year revolving contract for faculty with high performance ratings would be nice.

#### FACULTY RIGHTS AND BENEFITS COMMITTEE MOTION - 11:47 AM

The USM Statement on Academic Freedom was passed at the May 2012 CUSF meeting. There were two issues identified with the resolution after its passage. First, it was suggested that the Faculty Rights and Benefits Committee write a preamble to the document. The resolution addressing this issue is presented below. Second, there was a question regarding the disposition of the document. As part of the discussion of this motion, *it was the intent of the CUSF membership that this document be distributed to the individual institutions (Senate chairs). It is the intent that this model document be passed in its entirety or adapted by the individual senates for inclusion in the faculty handbook or other appropriate faculty documents.* The motion was moved and seconded.

**MOTION #1214:** Resolution: To accept the preamble to the USM Statement on Academic Freedom document passed at the May meeting (MOTION #1211).  
[Disposition: Motion passed unanimously]

#### GROUP PHOTO - 11:53 AM

See the attached group photo of the CUSF membership in attendance (see Figure 2).

#### LUNCH - 12:05 PM

The five committees met during lunch to determine membership, the chair and issues that need to be addressed.

#### REPORT FROM USM ON MSDE DRAFT REGULATIONS - 1:06 PM

Dr. Nancy Shapiro Associate Vice Chancellor of Academic Affairs was invited to report on the MSDE draft regulations for the Advanced Professional Certification (see attached letter and comments). She noted that System is interested in this issue for two reasons: First, since System universities prepare the majority of teachers, this issue is a System level issue. Second, the proposed change in requirements

significantly affects the quality of teachers. In providing the background of this issue, she noted that teachers are required to obtain a post-graduate endorsement, the Advance Professional Certificate, within ten year after being hired. There are several ways to earn the post-graduate certificate. One of the primary ways is to earn the equivalent of a master's degree in teaching in a discipline. Recently, the Board of Education made a recommendation *that would enable teachers in addition to obtaining a master's degree to obtain their Advanced Professional Certificate if they were rated as "highly effective" for three out of five years by their principal.* In effect, this creates a pathway to APC based solely on the rating of the principal.

Dr. Shapiro indicated some issues and problems with the proposal. First, "highly effective" is currently not defined operationally. Second, since "highly effective" will most likely be defined at the district level, there will be lack of uniformity throughout the State. Third, the proponents of the proposal suggested that there is no evidence that professional development at the master's level increases the quality of teachers. She noted that there is research that does support the proposition. Also, it is incumbent upon higher education to summarize and present this research.

Fourth, the Race to the Top grant received by the State was predicated on tying teacher effectiveness to student performance. The degree of linkage between teacher effectiveness and student performance has not yet been determined. The Chancellor sent the attached letter to the Professional Standards and Teacher Education Board (PSTEB) of the Board of Education (BOE). The PSTEB voted unanimously not to support the proposal. However, the BOE reversed the recommendation of the PSTEB and voted to support the proposal. As of today (9/21), the Maryland Register has not published the new regulations for comment. Dr. Shapiro will be meeting with Chancellor Kirwan and Vice Chancellor PJ Hogan to discuss next steps. She will communicate their suggestions to CUSF in a timely manner so that CUSF can communicate to the campus faculty.

Due to time constraints, the question and answer period was limited.

## CHAIR'S REPORT - 1:30 PM

**Meet and Confer Committee:** Jay gave a brief update on Meet and Confer. Currently, the Meet and Confer process is focusing on organizationally implementing the process on the different campuses. Jay noted that he and Betty Jo Mayeske (UMUC) were serving on the committee.

**AAAC Retreat:** Jay was impressed with the provosts. Most of the provosts were new or interim and therefore they spent time getting to know each other. They spent time focusing on how to actually reach the 55% completion goal in the Strategic Plan. Also, they spent time on the "achievement gap" and the STEM workforce development. He summarized his experience at the retreat as a "very pleasant discussion."



## COMMITTEE REPORTS - 1:38 PM

The committees that met during lunch reported back with their members, chair, and issues.

Faculty Affairs Committee	Academic Affairs Committee	Legislative Affairs Committee	Membership and Rules Committee
<b>Stephanie Gibson (co-chair)</b> <b>Elesha Ruminski (co-chair)</b> Pete Herzfeld Betty Jo Mayeske Joyce Henderson Dave Parker Leonie Brooks Chris Brittan-Powell Maggie Cohen Richard Zhao Bobbi Adams Roy Rada	<b>Bill Stewart (chair)</b> Bernie Cooperman Joyce Tenney Jerry Jerome Rose Jagnus Ken Holum Monica Gross * Guadelupe Garcia * Fadia Shaya * Linda Aldoory *	<b>John Callahan (chair)</b> Bill Montgomery Drew Alfgren Michael Scott Joan Langdon * Donna Harrington * Richard Manski * Radu Balan * Robert Johnson *	<b>Bill Chapin (chair)</b> Jay Zimmerman Robert Kauffman
* These faculty have temporarily been assigned to these committees.			

The Faculty Affairs Committee indicated the following issues: (a) Shared Governance policy -- it must be reviewed and revised. Related issues are communication with and education of other faculty. (b) Tuition Remission issues -- trying to stop and possibly reverse the slide away from it. (c) Meet and Confer -- what's happening? How can we help? (d) Tenure Transfer. In addition, the suggestion was made that everyone review the BOR policy on shared governance.

Academic Affairs Committee is interested in addressing some of the following issues: (a) faculty workload issues, (b) assessment and accountability, and (c) accreditation.

Legislative Affairs Committee is interested in addressing (a) budget issues, (b) MHEC's fairness on program approval process, and (c) Meet and Confer.

The Membership and Rules Committee may need to address reapportionment in 2013.

## OLD BUSINESS - 1:45 PM

**Smoking Policy.** The smoking policy was passed the BOR. System requested feedback on the process. The issue is not if there should be a smoking policy, the issue is one of process. The ExecCom addressed this and recommends the motion below. Essentially, it recommends that faculty, students, and staff should be consulted in making this policy decision as part of the shared governance process.

**MOTION 1215:** CUSF believes that each member school's establishment, or non-establishment, of designated smoking areas, smoking cessation programs, and implementation of penalties for the violation of a school's smoking policy should be done in a system of shared governance in consultation with faculty, staff and students. [Disposition: Passed with one abstention]

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**NEW BUSINESS** - 1:50 PM

The issue of fairness in program approvals by MHEC was addressed (Secretary's Note: *See the fifth item listed under the Report from USM earlier in the day.*) After a brief discussion the following enabling motions was made.

**MOTION 1216:** Move to authorize the ExecCom to investigate and inform the General Body regarding MHEC's performance regarding fairness in program approval. [Disposition: Passed unanimously]

**ADJOURNMENT** - 1:57 PM

Respectfully Submitted,

*Robert B. Kauffman*

Robert B. Kauffman  
Secretary

Attachments:    Figure 1 and Figure 2  
                      Draft on USM Policy of Academic Freedom with Preamble  
                      Comments to MD State BOE and PSTEB Testimony Letter

Approved





Figure 1. The Executive Committee of CUSF presents the past president, Joyce Shirazi, with an honorary award for her exemplary service as



Figure 2. CUSF members for 2012-2013. Photo taken on September 21, 2012 at UMUC.

**Preamble** (Passed CUSF September 21, 2012)

Attacks on academic freedom take place regularly and courts often rule that academic freedom belongs to the institution (i.e., to the administration) and not to the faculty. Nor is it clear that faculty handbooks are legally binding documents. (See the AAUP's Guide on Faculty Handbooks

<http://www.aaup.org/AAUP/pubsres/academe/2009/ND/nb/nbfh.htm>) for state-by-state information.) Additional information on the current status of academic freedom nationwide appears on the website of the national AAUP.

"Defending Academic Freedom in the Age of *Garcetti*," by Joan Del Fattore, published in *Academe* in January/February 2011

<http://www.aaup.org/AAUP/pubsres/academe/2011/JF/Feat/delf.htm>) states the situation very clearly. The Supreme Court *Garcetti* decision in 2006 concluded that "when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline." According to the court, "[r]estricting speech that owes its existence to a public employee's professional responsibilities does not infringe any liberties the employee might have enjoyed as a private citizen." At the time, Justice Souter expressed concern about academic freedom for employees of public colleges and universities. A series of lower-court decisions soon removed any doubt about whether some courts would apply *Garcetti* to professors in public universities.

Because of the *Garcetti* reservation, it is not obvious whether the First Amendment applies to public universities, and, if it does, what it covers. CUSF felt it was critical to faculty governance and reasonable assumptions of academic freedom, to assert that "speech related to scholarship and teaching" include faculty speech on such matters as faculty appointments and promotions, course staffing, and administrative policies and competence.

In order to protect our first amendment rights CUSF has adapted the attached statement on academic freedom. As templates we used statements from AAUP and the following schools: University of Delaware, University of Maine, University of Michigan, and the USM statement already in place.

**Academic Freedom Resolution** (Passed CUSF May 18, 2012)

Academic freedom is the liberty that faculty members must have if they are to practice their scholarly profession in accordance with the norms of that profession. It is based in the institutional structure of this and other universities and is fundamental to their common mission of promoting inquiry and advancing the sum of human knowledge and understanding. It is a condition of employment. Although some aspects of academic freedom are also protected by the First Amendment to the United States Constitution, academic freedom exists, independent of any external protection, as a basic prerequisite for universities to fulfill their mission to our society.

Generally, academic freedom is the freedom to teach, both in and outside the classroom, to conduct research and to engage in other scholarly or creative activities, to publish or otherwise disseminate the results, and to control promotion and tenure standards. Academic freedom also

encompasses the freedom to address, or not address, any matter of institutional policy or action whether or not one is a member of any agency of institutional governance. Faculty have the freedom to address the larger community with regard to any social, political, economic, or other interest. Administrations should not place impediments – technical or otherwise – between faculty; all faculty should have the freedom to connect with their peers.

Academic freedom is most commonly exercised by individual faculty members, but remains a professional prerequisite of faculty members as a group. Academic freedom extends to all faculty whether full time or part time, tenured or non-tenured, adjunct or contingent. Faculty must be free from any censorship, threat, restraint, retaliation, or discipline by the University with regard to the pursuit of truth in the performance of their teaching, research, publishing or service obligation. Faculty also have the right to review and be reviewed by peers and thereby to control the standards and expectations for promotion and tenure.

The policy on shared governance in the University System of Maryland concurs, stating that “[f]aculty and staff who do not hold administrative appointments, and all students, may express their opinions freely on all shared governance matters without retaliation.”

Academic freedom includes the following specific freedoms:

- *freedom of research and publication.* Within the broad standards of accountability established by their profession and their individual disciplines, faculty members must enjoy the fullest possible freedom in their research and in circulating and publishing their results. This freedom follows immediately from the university’s basic commitment to advancing knowledge and understanding. Faculty must control their own scholarship and must be able to determine the content, format, wording, methodology, tone, et cetera, of their own work.
- *freedom to determine standards* Faculty are uniquely qualified to determine the directions and standards of their profession. Such expectations are determined by colleagues in the disciplines, including both faculty working in creative fields and faculty performing traditional research.
- *freedom of teaching.* This freedom is an outgrowth of the previous one. Faculty members must be able not only to disseminate to their students the results of research by themselves and others in their profession, but also to train students to think about these results for themselves, often in an atmosphere of controversy that, so long as it remains in a broad sense educationally relevant, actively assists students in mastering the subject and appreciating its significance.
- *freedom of internal criticism.* Universities promote the common good not through individual decision or bureaucratic calculation, but through broad-based engagement in the scholarly endeavor. Faculty members, because of their education and their institutional knowledge, play an indispensable role as independent participants in university decision making. By virtue of this role, they are entitled to comment on or criticize University policies or decisions, either individually or through institutions of faculty governance.
- *freedom of participation in public debate.* Both within and beyond their areas of expertise, faculty members are generally entitled to participate as citizens in public forums and debates without fear of institutional discipline or restraint, so long as it is clear that they are not acting or speaking for the University. Faculty are not institutional representatives unless specifically authorized as such.

Numerous positive outcomes flow from these freedoms. The historical model for education in the U.S. has been one shared governance where the faculty are major contributors to the operation of the institution. When faculty play a major role in ensuring quality of education the competitive advantage necessary for freedom of thought and creativity is assured. Faculty spend much time and effort bringing their disciplinary perspectives and institutional experience to bear on curricular and other decisions within the academy, and must be allowed to speak freely on these issues. Conversely faculty cannot be made to speak when they do not wish to. (One effect of this – implicitly and explicitly – is that faculty advocate for effective use of taxpayer funding within the institution and system.) They must be assured the ability to function in these roles without fear of retaliation for the expression of their views, whatever they might be.

This policy does not protect plagiarism, abuse, or any illegal activities or speech.

Academic freedom is essential to the fulfillment of the purposes of the University. The parties acknowledge and encourage the continuation of an atmosphere of confidence and freedom while recognizing that the concept of academic freedom is accompanied by a corresponding concept of responsibility to the University and its students. It is of critical importance that any restrictions to academic freedom required – such as those delineated in a particular professional ethics statement or any university standards pertaining to disruptive behavior – be drawn up and implemented with substantial faculty input, in such a way as to minimize infringement of academic freedom. In large part, this goal should be accomplished by ensuring that institutional discipline of faculty members is in proportion to the severity and persistence of misconduct, and by insisting that alleged offenses be handled with appropriate standards of due process, including, wherever possible, the judgment of competent peers. For the rest, however, it must be recognized that contemporary threats to academic freedom are constantly evolving. This University — its faculty, administration, and students alike — must exercise constant vigilance in resisting such threats, whether they arise within the university or from outside



The logo for MICUA (Maryland Independent College and University Association) features the acronym "MICUA" in a white, serif font centered within a solid yellow rectangular background.

Maryland Independent College  
and University Association

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August 2, 2012

Darren R. Hornbeck, Chair  
Professional Standards and Teacher Education Board  
Maryland State Department of Education  
200 West Baltimore Street  
Baltimore, MD 21201

Dear Mr. Hornbeck:

On behalf of Maryland's public and private nonprofit colleges and universities, thank you for the opportunity to comment on the draft regulations issued by the Maryland State Department of Education (MSDE) related to the issuance and renewal of an Advanced Professional Certificate (APC). The draft regulations establish new standards for the issuance and renewal of an APC, which raise questions about rigor, consistency, and validity.

In 2010-2011, MSDE convened a stakeholder workgroup to review teacher certification in Maryland. The workgroup established principles to serve as the basis for six recommendations, including a recommendation to recommit to the importance of rigorous and relevant professional development as a continued requirement for certification and certificate renewal. Furthermore, the workgroup recognized that continuing professional development should focus on results and not inputs, but determined for certification purposes, it is necessary to identify a certain number of renewal credits. The workgroup recommended a minimum of 135 credits for renewal. These continuing professional development credits could be relevant college or university credits or other approved equivalent experiences determined by the local school system. Moreover, the workgroup concluded a committee of stakeholders should be convened to identify the guidelines for determining the equivalency of the continuing education units. Most important, the workgroup did not receive, discuss, or endorse alternative standards for the issuance or renewal of an advanced certificate solely based on a "highly effective teacher" performance rating by a local education agency.

At this time, Maryland has not established a uniform standard for "highly effective teachers." In fact, the standard is defined differently by every local education agency and may vary from one school to the next. Additionally, Maryland has not developed a data system to effectively track teacher performance using student outcomes in a meaningful and appropriate manner. This year, a few local school systems are "piloting" a new teacher evaluation system that includes student growth as one measure of performance.

In short, the standards proposed for an initial APC or renewal certificate are premature, lack rigor, and are untested. Teachers who receive "unsatisfactory" performance evaluations in two of the most recent five years could obtain an APC based on the proposed regulations. Moreover, there is no minimum

requirement for graduate coursework or equivalent professional development credits for the issuance of an initial APC or renewal certificate. Therefore, the proposed guidelines do not adhere to the basic principles endorsed by the workgroup tasked with revising the State's certification system.

The proposed regulations raise many questions. How many teachers are rated highly effective each year? What percentage of teachers in various schools and school systems are rated highly effective? What are the budget implications for the LEAs? Is it in the best interests of the profession and/or the LEAs to lower the standards for advanced certification?

We believe the advanced certificate must be awarded based on rigorous, valid, and uniform standards. The higher education community is not suggesting that the only pathway to the APC is a master's degree. However, we believe that the attainment of an APC should reflect the highest standards of professional performance. The proposed regulations do not meet this standard.

We respectfully urge PSTEB to oppose the regulations as drafted and remand them to MSDE for further development and evaluation. MSDE should work in collaboration with the education community and other relevant stakeholders to develop rigorous standards for advanced certification that recognize and reward excellence. Furthermore, we oppose an outcomes-based performance rating as the sole criteria for certification unless the State establishes minimum and uniform standards to protect the integrity of the certification credential.

Thank you for your consideration of these comments.

Yours truly,



Tina M. Bjarekull  
President  
Maryland Independent College  
and University Association



William E. Kirwan  
Chancellor  
University System of Maryland

Comments to  
**The Maryland State Board of Education**

By

Tina Bjarekull, President

Maryland Independent College & University Association

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Madame President, Superintendent Lowery, members of the Board, thank you for the opportunity to provide comments on an action item before the Board concerning the Advanced Professional Certificate. First, please allow me to introduce myself. Currently, I serve as the President of the Maryland Independent College and University Association (MICUA), which represents Maryland's private, nonprofit colleges and universities. Prior to accepting this position in 2002, I served as the Deputy Superintendent of Finance at the Maryland State Department of Education. Throughout my career, I have worked closely with MSDE in various capacities. I am familiar with the extraordinary work that takes place in these halls. Similarly, I have a deep respect for President Dukes, Superintendent Lowery, and members of this Board for the role you serve in advancing education.

Maryland's independent colleges and universities work closely with MSDE and most local education agencies. Eleven MICUA member institutions offer teacher preparation programs. Each year, several graduates of MICUA colleges and universities win the coveted titles "teachers of the year," which are awarded by the local school systems. This year, eight of the winners were trained at MICUA member institutions. In several years, our graduates have earned the State's top award – "Maryland Teacher of the Year." Last year, a Notre Dame graduate was named "Maryland Teacher of the Year" and a McDaniel graduate was named "National Teacher of the Year." For the past several years, MICUA has served as the sponsor of MSDE's Teachers of Promise Program. It is an honor and a privilege to work with MSDE and the State Board.

Given this history and my appreciation for the work that you do, I hesitate to testify in opposition to a proposal endorsed by MSDE and the State Board. Nevertheless, as drafted, MICUA cannot support the proposed regulations to establish new standards for the issuance and renewal of an Advanced Professional Certificate (APC) based solely on outcomes-based performance ratings. MICUA's concerns are shared by the University System of Maryland and



other members of the education community. Earlier this month, the Professional Standards and Teacher Education Board unanimously voted in opposition to the proposed regulations.

Opponents to the regulations are not suggesting that the only pathway to the APC is a master's degree. However, we believe the attainment of an APC should reflect the highest standards for professional performance. Such a standard must include rigorous and relevant professional development. Furthermore, the standard must be uniform and valid. The State has not established a uniform or mandatory standard for the "highly effective teacher" performance rating. Each local education agency may establish a unique standard, subject to the approval of the State Board. Moreover, Maryland has not developed a data system to effectively track teacher performance using student outcomes in a meaningful and appropriate manner. Several local school systems are piloting a system this year.

Given these concerns, we believe the standards proposed for an initial APC or renewal certificate are premature and unsupportable. We urge MSDE to work in collaboration with the education community and other relevant stakeholders to develop rigorous and appropriate standards that reward excellence.

In closing I want to commend President Dukes and Superintendent Lowery for initiating a conference call last week to discuss this issue with USM Chancellor William "Brit" Kirwan and me. Based on our conversation, I believe the education community can reach a reasonable compromise to meet the requirements of the Race to the Top application while protecting the integrity of the certification credential.

Thank you for the opportunity to share these concerns. Maryland's independent colleges and universities are committed to working with you on this and other issues critical to the State's highly esteemed public education system.