



UNIVERSITY SYSTEM
of **MARYLAND**

Bowie State University

Coppin State University

Frostburg State University

Salisbury University

Towson University

University of Baltimore

University of Maryland, Baltimore

University of Maryland,
Baltimore County

University of Maryland Center
for Environmental Science

University of Maryland,
College Park

University of Maryland
Eastern Shore

University of Maryland
Global Campus

2022 END OF SESSION REPORT

A Report from the USM State Relations Council

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A MESSAGE FROM CHANCELLOR JAY A. PERMAN



I'm delighted to write to you at the close of Maryland's 2022 legislative session. Most of you reading this report know exactly how busy a session it was. And so I thank you for your work, your stamina, and the great results you produced for the USM, our institutions, and our students.

We're deeply proud to serve a state that has long valued public higher education, that has looked at its university system as central not only to the state's prosperity but to the social mobility that gives everyone a chance—that lifts everyone up. We've worked with the Governor's Office and the General Assembly over decades to build one of the most educated, most innovative, most entrepreneurial, and most successful populations in the country. I'm grateful to the Hogan administration and the legislature for their commitment to the USM and the work we do.

I'm grateful, as well, to our regents and to our university teams, especially our presidents and their government relations staff. Nothing we accomplish is possible without their expertise and their advocacy. This year, that expertise and advocacy produced a session that will yield generational benefits for the people and communities we serve, and a budget that will support excellence for years to come.

After sustaining significant cuts to our operating budget in the early days of the pandemic, our full budget was restored this session and was supplemented with tens of millions of dollars in new funding, much of which will go toward student financial aid. Pay raises for faculty and staff, included in the state budget, recognize the vitally important work they do.

Our operating budget was paired with historic capital funding, the most ever allocated during a single session. The money will ensure that we have campus facilities and spaces that expand our capacity, improve our effort, invite partnership, stimulate discovery, and enable progress.

The funding we secured this year speaks volumes about the state's support for public higher education. It speaks to our collective belief that Maryland's economic strength is born of economic inclusion—a commitment to access, opportunity, and excellence for all.

Sincerely,

Jay A. Perman
Chancellor
University System of Maryland

The Maryland General Assembly completed its work for the 2022 legislative session and adjourned Sine Die at midnight on Monday, April 11th. It marks the end of the fourth and final regular session of the 2017–2022 term and 444th General Assembly of Maryland. The 2022 Maryland General Assembly session was marked by a gradual return to a pre-pandemic normalcy and the wave of elections to come. All 188 legislative seats will be on the ballot this November. More than two dozen sitting lawmakers are retiring or leaving to run for other offices, not to mention open contests for governor, attorney general and comptroller.

2,500 bills were introduced this session. Collectively, some 1,013 originated in the Senate and 1,487 originated in the House. In addition, the USM Office of Government Relations, in conjunction with the government relations representatives from each USM institution, actively tracked more than 191 individual bills that would have had varying impacts on the system, and our institutions.

One of the main responsibilities of the Chancellor’s Office is to prepare and advance the annual operating and capital budgets for the 11 universities, one research institution, and three regional higher education centers that comprise the USM. Working closely with the USM State Relations Council, and often with our colleagues across all sectors of education, the USM succeeded in blocking or heavily amending several bills that would have imposed onerous new regulations or financially curtailed USM programs.

The End-of-Session Report is a snapshot of the major issues the USM faced during the legislative session and their final resolution. The Office of Government Relations is pleased to provide a “new look” to the reports of the past. The report is broken into a table of contents with additional background material that is used to help the Chancellor and USM Presidents press their case in Annapolis.

USM OPERATING BUDGET – FINAL ACTIONS

Over the past three months, the USM has worked closely with Governor Hogan and the legislature to ensure access to exceptional and affordable academic opportunities. Overall, between the state general fund and Higher Education Investment Fund (HEIF), support for USM increases by \$400 million in FY 2023, to approximately \$1.9 billion – an increase of over 26% over FY 2022 beginning budget. The operating budget for the USM is more than the addition or subtraction of dollars.

The operating budget of a public university system is a values statement of the Governor and the General Assembly. That commitment is perhaps best defined by efforts to make a USM education possible for any Marylander who wants one. With support in Annapolis, the USM has been aggressive in making tuition and fees more affordable. A decade ago, among public universities nationwide, the USM had one of the highest costs of education for in-state students. Today, the USM is 24th nationally for public in-state tuition and fees – the middle of the pack and below the national average. In addition, increased undergraduate institutional aid is at an all-time high, with a special emphasis on need-based aid.

The impact of these efforts has been profound: Today, fully half of USM undergraduate students graduate without any tuition debt whatsoever. At the same time, USM worked hard to ensure that the students we serve reflect Maryland’s population. System-wide, enrollment among students of color climbed 26 percent over the last decade, and half of our students now identify as non-white.

KEY BUDGET ACTIONS

- The budget provides \$198 million for salary increases and cost of living adjustments for USM employees.
- Fully restores the \$93.8 million cut to the USM's base budget made by the Board of Public Works in July 2020. At that time—with COVID infections on the rise, the economy on near lock-down, and a vaccine still months away—the state's strategy of caution was the right approach, and making the cut was prudent.
- The budget provides more than \$25 million to offset the increased costs of fringe benefits, primarily in the form of increased health insurance costs, for employees across the USM.
- The budget also includes more than \$22 million in new funding for Bowie State University, Coppin State University, and the University of Maryland Eastern Shore. This is the first installment of the historic \$577 million settlement Maryland finalized last year on behalf of Maryland's Historically Black Institutions (HBIs). The funding will have an enormously positive impact on supporting student scholarships, faculty recruitment, and the expansion of high-profile academic programs.
- The USM successfully advocated for supplemental funding during the legislative session which added to the initial budget allocation, including \$20 million for needs-based financial aid and \$1 million to support an improved transfer platform.
- The budget contains \$3.7 million to help offset operating expenses associated with newly opened facilities. This funding expands academic and research capacity across the state. These new and renovated buildings, many housing STEM and health sciences disciplines, will strengthen Maryland's innovation ecosystem—from the Eastern Shore to Western "Mountain" Maryland, from the Baltimore/Washington corridor to Southern Maryland and the Tri-County region.
- The budget continues to support the strategic partnership between the University of Maryland, Baltimore (UMB) and the University of Maryland, College Park (UMCP), known as MPowering the State (\$7 million) and adds dollars to increase funding guideline attainment for three institutions (\$4M).
- The select initiatives also includes \$7 million to UMB in support of critical care services—funding that will be especially important in terms strengthening rural health care in Maryland.
- University of Maryland, Baltimore County (UMBC) will receive \$3 million for its CyberSecurity Center and \$500,000 for the new Institute for Innovative Computing, which will help the state address its most urgent needs in cybersecurity and data analytics.
- Universities at Shady Grove will receive \$5 million to begin implementation of its Strategic Plan.

FISCAL YEAR 2023 CAPITAL CONSTRUCTION PROJECTS

With a commitment of over \$500 million in fiscal year 2023, the General Assembly approved all of the USM projects included in the Governor's Capital Budget. In a word, this year's capital budget has been "historic." The allocation is the **largest** single-year capital appropriation ever for the University System of Maryland. Actions taken by the General Assembly related to the Capital Bill ([Senate Bill 291](#)) this session were in three parts. All of these are detailed in the Capital Budget "[Scorecard](#)" produced by the USM.

The [USM Capital Planning Office](#), in tandem with the debt financing expertise within the [USM Office of the Comptroller](#), coordinate the development and approval of the annual capital budget and the 5- & 10-year Capital Improvement Program (CIP) and Academic Revenue Bond activity. Planning Office staff guide the CIP request through an iterative cycle of development, review, approval, submission, and funding working with the Regents, institutional presidents, the USM Office of Government Relations and State Relations Council to advocate for approval by the Department of Budget & Management, the Governor's Office and the General Assembly.

Paygo Funding. The anticipated shift of significant General Obligation (GO) Bond funds in the Governor's CIP to General Funds/Paygo, as the Budget Committees acted to preserve as much bond funding as possible to redirect toward other priorities. This year, \$271 million in GO Bonds were moved to Paygo. As was the case last year, however, all projects in the CIP remained fully funded and on track for timely completion. In Supplemental Budget #4, the Governor added \$5 million in Paygo for Frostburg State University, a contribution to their Cordts PE Renovation and Regional Recreation Center projects. Total Paygo funding was \$336 million (**a record in itself**), including a sizable \$65 million Facilities Renewal appropriation already in the CIP.

Additive Amendments. The Governor's CIP for Fiscal Year 2023 was generous by any measure and included a number of enhancements to the USM capital request. The House and the Senate each added a number of projects to the Governor's CIP, some of which may prompt expectations for accelerating or adding funds in future years of the CIP.

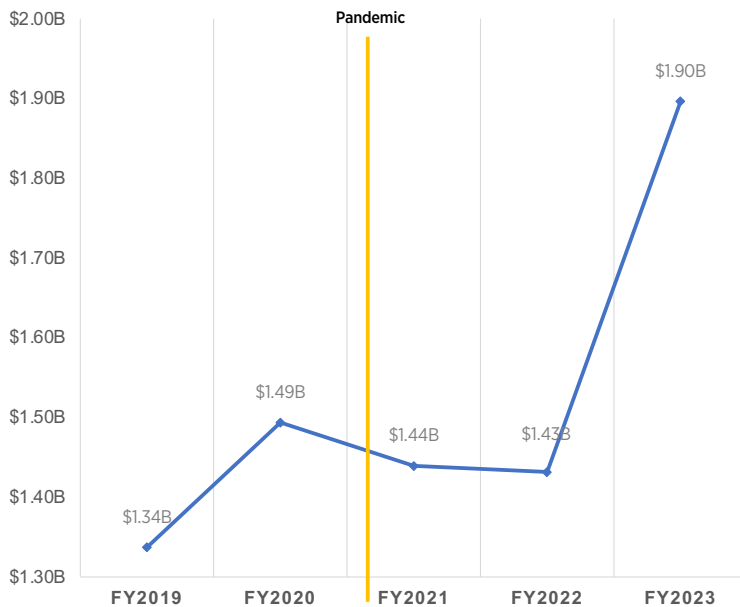
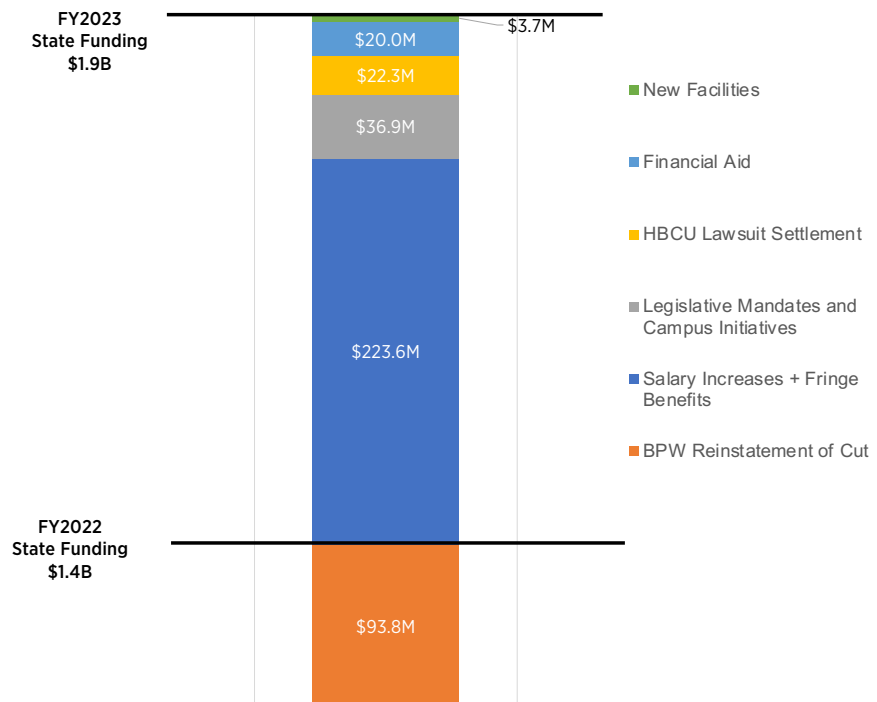
This year's Joint Chairs Report includes two actions required by the USM related to the capital program.

Report on Meeting 2% Target. Reducing the deferred maintenance backlog is a priority of the USM Board of Regents and the Chancellor. Chancellor Perman testified that Board Policy sets a target that institutional spending on facilities renewal should equal 2% of the replacement value of State-supported facilities. While some institutions have met the goal, other institutions have made progress but still fall short of the target. Therefore, the committees request that for those institutions that have not met the goal in fiscal 2021 and 2022 that the USM Office (USMO) submit a report on each institution's plan to meet the target by fiscal 2025 and provide an annual status report on each institution's progress toward meeting the target. The report should be submitted by December 31, 2022.

Updated Facilities Renewal Policy. The second is a requirement for the Board of Regents to update its Facilities Renewal policy ([VIII-10.10](#)) to conform to current practices, including a focus on state facilities greater than 10 years old. These edits are already being prepared and will be discussed with the Board of Regents through this year's capital budget cycle.

USM Total State Funding Increase

FY2022 – FY2023



USM State Funding Five Year Trend FY2019 – FY2023

CAPITAL CONSTRUCTION PROJECTS – BY CAMPUS

UNIVERSITY OF MARYLAND, BALTIMORE

Central Electric Substation and Electric Infrastructure Upgrades: \$16.1 million for construction and equipment.

When completed, this multi-year multi-phased project will construct new electric substations at the north and south end of campus, replacing the existing Greene Street substation, and upgrade the existing electrical infrastructure servicing the campus. The two new substations will be fed from two different Baltimore Gas and Electric sources, providing critical redundancy for the campus. The project will also provide new duct banks and cable throughout the campus. The northern substation will include space for the UMB recycling center. State funding for this project began in fiscal 2019 and is being phased over several years at an estimated cost of \$83.0 million when completed, an increase of \$1.7 million from the fiscal 2022 estimate due to construction market conditions.

New School of Social Work Building: \$2.5 million for planning.

This project was added to the state's five-year CIP after the General Assembly authorized \$2.5 million to start design for the renovation and addition for the School of Social Work in fiscal 2022. In addition, \$2.5 million was preauthorized to continue design in fiscal 2023. It should be noted that, previously, this project had not been on the list of capital projects that the Board of Regents (BOR) submitted to the Department of Budget and Management in support of the USM five-year, state-funded capital priorities. Authorizing funding for projects that were not deemed a BOR priority interferes with the board's role and responsibilities in determining USM's capital priorities systemwide.

Anatomy Lab Renovation: \$2 million for planning, construction and equipment.

The Anatomy lab in the Bressler building has had very few alterations since it was constructed in 1974. Over the years maintenance projects in the '80s and '90s have replaced room lights, ceiling tiles, floor tiles and paint, but unfortunately significant infrastructure upgrades to the electrical, plumbing, HVAC and data infrastructure have yet to occur. Funding will be used to expand the functional lab area by remodeling outdated support spaces and upgrading all the infrastructure to create a larger, dedicated surgical anatomy learning environment and outfit it with 21st-century teaching equipment such as mobile height adjustable operating bed stations that are wired with smart monitors and surgical drop lighting.

UNIVERSITY OF MARYLAND, COLLEGE PARK

Chemistry Building Wing 1 Replacement: \$57.8 million for construction and equipment.

This is the third phase of a project to renovate and replace space for the chemistry department. Phase I expanded the scope of the St. John Center to include 6 teaching chemistry laboratories. Phase II, funded with \$16.5 million of institutional funds, updated selected spaces, and upgraded the HVAC in the second and third floors of Wing 2. Phase III demolishes and replaces Wing 1 and will house 26 research laboratories and support space.

Campuswide Building Systems and Infrastructure Improvements: \$5 million for planning, construction and equipment.

This is a stand-alone facility renewal initiative to address critical deferred maintenance projects that, if left unaddressed, pose serious health, life, and safety issues. Infrastructure failures have caused disruptions in electricity and HVAC services and caused water damage to buildings, resulting in classes being canceled, relocated to another building, or suspended, and has resulted in lost research. The (UMCP) campus estimates that its deferred maintenance backlog totals \$849.0 million as of fall 2020.

**Interdisciplinary Engineering Building:
\$7 million for planning and construction.**

In October 2017, UMCP announced its largest donation of \$219.5 million from the A. James & Alice B. Clark Foundation. The gift included provisions to provide 30%, or \$55 million, (the lesser of the two), to support the construction of a new building for the A. James Clark School of Engineering, which is to be leveraged with State and institutional funds. The estimated cost of the project is \$205 million. The agreement with the Clark Foundation requires construction be completed by July 2025 and expects construction to start no later than July 2023.

**Health and Human Sciences: \$25 million for
planning, construction and equipment.**

This project will fit-out approximately 144K GSF of shell space in New Cole Field House to create a Health and Human Sciences Complex which will include the newly created Brain and Behavior Institute and two units in the School of Public Health, the Department of Kinesiology and the Maryland Institute for Applied Health. The Complex will provide valuable research and clinic space for researchers to respond to current and future public health needs and enhance UMD's ability to secure sponsored research funding. The Brain and Behavior Institute will promote innovative multidisciplinary approaches to the most pressing problems of nervous system functions and disease such as Alzheimer's disease, Parkinson's disease and autism. It will position the university to be a world leader in advancing innovations in experimental and analytical approaches to understanding the brain and behavior, and will continue to strengthen interactions with collaborators at other institutions, including UMB. The programs in the School of Public Health address complex societal issues including obesity, climate change, wellness, substance abuse, aging, health disparities, and pandemics. Co-locating the Brain and Behavior Institute and the School of Public Health programs will promote increased collaboration to address these important health and human science issues.

**Quantum Computing Infrastructure: \$10 million
for construction and equipment.**

Continued growth of quantum programs is a high priority for UMCP, but there is insufficient suitable space to accommodate it. This project will renovate outmoded and underutilized space in portions of three buildings to help accommodate this high-priority growth.

**Graduate Student Housing: \$5 million for
planning, construction and equipment.**

Recent studies have indicated strong demand for affordable, accessible graduate student housing in close proximity to UMCP. This important funding will help to deliver lower cost housing options to our graduate students.

BOWIE STATE UNIVERSITY

**Martin Luther King, Jr. Communication Arts
and Humanities Building: \$73.2 million for
construction and equipment.**

The fiscal 2023 capital budget provides \$73.2 million in general obligation bonds to continue construction and begin equipping the new Martin Luther King, Jr. Communication Arts and Humanities Building. The recommendation is \$28.5 million higher than planned. The fiscal 2023 funding has been adjusted to better match the cash flow requirements of the project. In addition, the total construction cost has increased from \$136.2 million to \$140.5 million due to construction market conditions and an increase in the gross square footage of the building to meet fire code requirements. Funding for the project also includes \$3.0 million to repay a university bridge loan in fiscal 2025. The project includes the demolition of the current Martin Luther King, Jr. Building.

Facilities Renewal: \$6.1 million

TOWSON UNIVERSITY

New College of Health Professions Building: \$88.6 million for planning and construction.

This project will construct a new College of Health Professions building to accommodate the departments of health science, nursing, occupational therapy and science, speech-language pathology and audiology, kinesiology, and the dean's office. These programs are geographically dispersed throughout campus, limiting opportunities for collaboration and interaction among faculty, staff, and students. This facility will also address the lack of space to support current and future enrollment growth.

Smith Hall Renovation: \$6 million for planning.

This project will renovate Smith Hall allowing for the consolidation of three departments (Mass Communications, Communication Studies, and Electronic Media and Film) within the College of Fine Arts and Communications, which are currently dispersed across campus. These programs are housed in buildings with space that does not meet current standards or support teaching pedagogies. In addition, space in Smith Hall will be provided for the Teaching and Learning Center, which will have instructional, study, and office space that will help reduce some campus space shortages.

Institute for Well-Being (IWB): Towson plans to renovate its entire building at 7400 York Road (41,000 Gross Square Feet) and approximately 5,400 GSF at the University's Administration Building located at 8000 York Road, to relocate IWB from leased space in Olympic Place in uptown Towson. The Institute for Well-Being is an interprofessional practice arm of The College of Health Professions which offers a wide spectrum of programs dedicated to promoting and enhancing health and wellness in the community.

Academic Achievement Center: This project will renovate the existing academic achievement space in the Field House to better meet the needs of our student-athletes and signal that their academic success is worthy of investment. This renovation will create a prominent entrance off of Honor Way and remove the walls between the existing academic and office spaces, creating a larger, flexible area for instruction and gathering. The enlarged space will serve more student-athletes and accommodate essential support staff. Location of such academic support services in an athletic facility will spare students from traversing campus between classes and practice, allowing them to maximize time devoted to study, conditioning, refueling and resting.

UNIVERSITY OF MARYLAND EASTERN SHORE

School of Pharmacy and Health Professions: \$8.2 million for equipment.

For fiscal 2023, the budget provides \$8.2 million to complete equipping the School of Pharmacy and Health Professions building. Due to adverse revenue impacts of COVID-19, the University of Maryland Eastern Shore (UMES) could not afford to purchase the additional equipment required for instruction using its own institutional funds. If the building is not fully equipped, the School of Pharmacy's accreditation will be at risk. The \$8.2 million budgeted for fiscal 2023 was not programmed in the 2022 Capital Improvement Program, but since that time, the Department of Budget and Management has approved an equipment list totaling \$14 million, which is \$9 million more than the \$5.0 million fiscal 2022 equipment authorization. UMES reevaluated its equipment needs and determined that \$8.2 million is sufficient to fully equip the building. The requested equipment will enhance student instruction and research efforts. The building is expected to be completed in May 2022.

Campus Flood Mitigation Project: \$2.2 million for construction.

This emergency project was initially funded with \$11 million in Academic Revenue Bonds (ARB); \$1 million and \$10 million in fiscal 2020 and 2021, respectively. Due to project implementation delays, the final \$2.2 million of ARB's needed to complete the project have not been required until fiscal 2023. These funds are authorized in SB 1007. The construction phase commenced in July 2021 and is expected to be complete by May 2023.

Facilities Renewal: \$3 million**FROSTBURG STATE UNIVERSITY****Facilities Renewal: \$10 million for planning and construction.**

This project was added to the 2022 Capital Improvement Program to provide one-time funding of \$10.0 million to address Frostburg State University's (FSU) facilities renewal backlog. This project was included in the USM fiscal 2023 supplemental request. Most of the academic and administrative building were constructed from 1960 to 1980, and the infrastructure and mechanical systems of these buildings have reached the end of their useful life. According to USM, FSU's deferred maintenance backlog totaled \$25.5 million and, when including programmatic improvements (e.g., renovations, remodeling, reconfiguration, and modernization), the total increases to \$46.0 million.

COPPIN STATE UNIVERSITY**Percy Julian Building Renovation for the College of Business: \$2.5 million for construction.**

The fiscal 2023 capital budget provides \$2.5 million in general obligation (GO) bonds for the Percy Julian Building Renovation for the College of Business. This project was fully funded in fiscal 2022. However, due to construction market conditions and site-related issues, the project is over budget. To cover the cost overage, \$2.5 million in supplemental construction funds are included in the fiscal 2023 budget. To reduce the overall project cost, \$1.7 million has been value engineered from the project. Current construction costs are based on actual bids.

Residential Hall: \$3.9 million for planning and construction.

The fiscal 2023 capital budget includes \$0.9 million in GO bonds to continue design of the new Coppin State University (CSU) residential hall. The new building will provide modern residential space for CSU students. The proposed facility will address the need for more on-campus housing. The 2021 General Assembly authorized \$3 million in fiscal 2022 for design and preauthorized another \$9 million for fiscal 2023 to continue design and start construction. However, based on the project schedule, only \$0.9 million is needed in fiscal 2023 to fund design through the 100% construction document stage. Construction funds are programmed in fiscal 2025 through 2027. Design is expected to begin in April 2023, and construction commencement is scheduled in fiscal 2025.

SALISBURY UNIVERSITY**Blackwell Hall Renovation: \$1.9 million for planning.**

Blackwell Hall formerly housed the library that moved to the Academic Commons in 2016. This project will fully renovate the facility and construct a two-story addition on the northwest corner of the building. Once completed, Student Services will be consolidated in one location, creating a one-stop shop for students that will include Admissions, Financial Aid, the Bursar, Academic Advising, Student Health Center, Counseling Services, Career Services, the Office of the Dean of Students, and the Testing Center.

UNIVERSITY OF MARYLAND, GLOBAL CAMPUS

Adelphi Building Renovations: \$1.5 million for planning, construction and equipment.

As UMGC repositions to the future, one of our most pressing needs is to enhance the current conference rooms in the Adelphi and Inn and Conference Center buildings to support our hybrid workforce. We need our employee experience to be the same whether you are in the office or working remotely. This overall project has many facets to it and is a heavy IT project, but the first phase includes HVAC and other building components. The \$1.5million grant will go towards the cost of this first phase.

UNIVERSITY OF MARYLAND, BALTIMORE COUNTY

Sherman Hall Renovation: \$1.9 million for planning.

The project will renovate 41-year-old Sherman Hall, including restoration of the building envelope. The prefabricated brick panel façade is failing. After cracks in the façade were seen, UMBC hired a team of forensic engineers to evaluate the façade. It was determined that the prefabricated brick panel system cannot be repaired and removal/replacement is the only option. UMBC replaced 33 of the buildings 78 panels that showed signs of failure with metal cladding costing \$1.8 million. UMBC advanced this project within its 10-year plan. It was deemed easier to relocate occupants once to complete the upgrades and replace the façade rather than once for the repairs and again for the upgrades.

Infrastructure Improvements: \$40 million for planning, construction and equipment.

Funding will support assessment of a proposed long-term expansion site adjacent to the campus to determine use opportunities and address any necessary environmental remediation and infrastructure upgrades.

UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE

Chesapeake Analytics Collaborative Building: \$9.4 million for planning and construction.

This project will construct a new facility at the Chesapeake Biological Laboratory (CBL) in Solomons Island. The fiscal 2021 capital budget provided \$1.4 million to begin design of the facility, and the Capital Improvement Program that year programmed construction for fiscal 2023 and 2024. The fiscal 2023 capital budget provides \$9.4 million to begin construction, and the remaining \$8.3 million needed to complete construction and fund capital-eligible equipment is preauthorized for fiscal 2024. The new facility will be 8,720 net assignable square feet (NASF), 13,750 gross square feet of which 4,500 NASF will be research collaboration space. In addition, it will provide 2,200 NASF of stack space.

Facilities Renewal: \$2.5 million

UNIVERSITY SYSTEM OF MARYLAND OFFICE

Facilities Renewal Backlog: \$90.3 million for planning, construction and equipment.

The USM annually surveys its institutions to assess the size and magnitude of the system's deferred maintenance and facilities renewal needs. The survey instrument has been revised in recent years to measure the backlog more precisely. Currently, institutions categorize deferred maintenance cost as either structural/envelope, mechanical/electrical systems, or life safety/regulatory. In addition, institutions report on costs associated with programmatic improvements which include renovations, remodeling, reconfiguration, modernization, and information technology/communications.

When only considering deferred maintenance, mechanical/electrical systems account for 68.2% of the \$2.4 billion backlog. Programmatic improvements total \$2.2 billion, resulting in an overall total renovation cost (deferred maintenance plus programmatic improvements) of \$4.6 billion. While UMCP accounts for 35.6% of the deferred maintenance backlog, it comprises half of the total renovation cost when including programmatic improvements, implying most of the backlog is related to renovations of facilities.

Academic Revenue Bonds

With the passage of Senate Bill 1007, effective June 1, the bonding authority of the USM increases by \$300 million, from \$1.4 billion to \$1.7 billion. The bill extends the maximum term to finance academic and other state-supported facility projects with the use of system revenue bonds (ARBs) for all state institutions of higher education from 21 to 33 years. The bill authorizes the issuance and use of \$30 million in academic facilities revenue bonds to finance construction, renovation, and renewal projects at USM buildings and campuses. The current debt cap of \$1.4 billion has been in place since 2011 and has allowed the system the flexibility to authorize and issue debt for over a decade. At the end of 2021, the system had \$256 million in projects authorized for debt funding but not yet issued that will require additional debt issuance over time, with \$1.2 billion of debt issued and outstanding.

The USM manages the debt issuance for each of the twelve member institutions, three regional higher education centers, and central office through a single, system-wide revenue bond program that provides funding for both state-supported academic projects, but also the capital needs of self-supporting activities like dorms, dining halls and athletics. Thorough strategic planning and financially responsible management has enabled the USM to maintain a Aa1/AA+ bond rating, which provides for bonds to be sold at a premium, with low interest rates, to finance all necessary projects without straining our debt capacity.

On an annual basis, the USM issues approximately \$115 million in revenue bonds to finance Auxiliary (self-support) capital projects, as well the academic revenue bonds authorized by the State, used for academic capital projects. Conversely, approximately \$100 million of principal is paid off on an annual basis. This gradual increase of approximately \$15 million annually, along with recent accounting standard changes, has prompted the request for an increase to the debt capacity for the USM.

The accounting standard change, GASB 87, requires that all leases with a term of 1 year or more, be recognized on the balance sheet of an entity, effectively labelling them as debt. This change in accounting practices will cause approximately \$120-\$150 million of pre-existing lease agreements to be recognized as a component of funding that counts towards the debt cap, thereby eliminating the USM's ability to issue an additional debt to fund ongoing and future capital projects without exceeding our statutory debt capacity. The USM has no intention of expanding the annual debt issuance once the capacity is increased but the system would require an increase in the statutory debt cap to account for the change in lease standards and borrow in the future to fund already approved revenue bond funded projects.

Another factor that the pandemic has brought to light is the need for flexibility in the event of unforeseen, extraordinary, circumstances. When COVID-19 stifled the institutions operations, projects previously authorized for cash spending were able to be converted to debt spending to maintain necessary reserves at the institutions, without⁷²⁹ abandoning necessary projects. While we do not expect another event like this to occur, having the ability to make financial decisions necessary to keep the institutions moving forward is essential.

Finally, the bill increased the maximum maturity allowed for academic facility projects to 33 years. This matches the maximum allowable maturity in place for auxiliary projects, which better aligns with the useful life of many of the projects.

FINAL STATUS OF BILLS

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ACADEMIC AFFAIRS

HOUSE BILL 330

Higher Education - Undergraduate Degree Requirement - United States History Course

USM Position: Unfavorable

Status: Did Not Pass

House Bill 330 would have mandated that each public institution of higher education require an undergraduate student to pass a United States history course to earn a degree.

The USM testified that all college graduates should not only have a working knowledge of history, but they should be well-prepared to be responsible and civically engaged citizens. However, a single required history course would not accomplish this goal. In Maryland, a US History course is a requirement for high school graduation. Approximately 80% of students in the University System of Maryland (USM) institutions would have already had such a course. Many out-of-state students would have had a US History course as well. USM institutions provide students several options in civic and community engagement, participation in advocacy processes, and voter registration and education efforts. The institutions that comprise the USM are national leaders in civics education and civic engagement.

All curricula for every major, general education requirement, and transfer pathways would have to be adjusted [and all catalogues revised] to reflect this new requirement. High school, community college, and university advisors would have to be appropriately trained to assure that each student could take a specific course in a sequence that would not disrupt their schedules.

HOUSE BILL 966

Higher Education - Academic Credit for Prior Learning Examinations - Policies and Procedures

USM Position: Favorable with Amendments

Status: Passed

House Bill 966 requires each public institution of higher education, on or before October 1, 2022, to develop and implement policies and procedures for awarding academic credit for prior learning examinations; and requiring each public institution of higher education and the Maryland Higher Education Commission (MHEC) to post the policies and procedures on their websites.

MHEC must establish procedures for the transfer of students between public segments of postsecondary education. MHEC must recommend cooperative programs among segments of postsecondary education to assure appropriate flexibility in the higher education system. In conjunction with the governing boards of institutions, MHEC must establish standards for articulation agreements.

Currently, the procedures require a receiving institution that denies the transfer of a credit or course to an enrolled student to notify the transfer coordinator or institutional designee of the sending institution and the enrolled student about the denial within a time period that MHEC determines to be the latest possible time for the notification and specify the rationale for the denial. The transfer coordinator or institutional designee of the sending institution must conduct a review, in conjunction with the receiving institution's designee, within a time period MHEC determines to be appropriate. Each public institution of higher education must submit an annual report to MHEC listing any denials of transfer of a credit or a course and the reasons for the denials.

STUDENT AFFAIRS

HOUSE BILL 132 (SENATE BILL 498)

Education - Student Horizon Database and Scorecard (Students Right to Know Act of 2022)

USM Position: Unfavorable

Status: Withdrawn by Sponsor

House Bill 132 would have required the State Department of Education to collect information each year and publish a Student Horizon Scorecard. USM reminded the committee that the federal government already has a comprehensive comparison tool that incorporates much of what is outlined for the Maryland scorecard. Here is the link to College Navigator: <https://nces.ed.gov/collegenavigator/> The federal tool is more useful because a prospective student can compare institutions across the country, whereas the Maryland tool would be limited only to schools in Maryland.

Including graduation rates and starting salaries at programmatic levels is problematic because students often change their majors and, not all students go directly into the workforce. For example, pre-nursing students may drop out of a program but change majors and successfully complete in sociology.

Some go to graduate school, some choose to work only part-time, and some don't find employment right out of school.

The higher level of detail in College Navigator presents a robust number of data points on which to compare institutions across the country. The data are sound because all of it comes from IPEDs submissions that are very clear in their definitions and reporting methodology.

HOUSE BILL 598 (SENATE BILL 540)

Higher Education - Transfer Platform - Established (Transfer with Success Act 2.0)

USM Position: Support Withdrawn

Status: Did Not Pass

Senate Bill would require each community college and 4-year institution to participate in a transfer platform established to facilitate the transfer of students. The USM, the Maryland Association of Community Colleges, Morgan State University, St. Mary's College of Maryland and Maryland Independent College and University participate in ARTSYS, The Articulation System for Maryland College and Universities administered by the USM. ARTSYS as the statewide transfer platform facilitates the transfer of students from the community colleges to the public and participating private 4-year colleges and universities in Maryland. Initially, the bill provided much-needed funding in the amount of \$1 million annually to support the transfer platform.

Currently, the participating institutions are actively engaged in the implementation of a new state-of-the-art system to support the transfer for Maryland's community college students which is at a tremendous cost.

The new ARTSYS will enables students to use any device to determine seamless transfer pathway program opportunities, establish accounts and conduct and save transcript evaluations of their courses to complete their associate's and bachelor's degrees at participating institutions, support near-completer students, provide reverse transfer services for eligible students, and as an academic and career advising support. Additionally, the platform streamlines for advisors, faculty, and administrators at the institutions the management of articulation agreements, transfer course equivalency, data analytics, and reporting for the continuous success of transfer students in Maryland.

After amendments to the bill struck the funding and added problematic language included ceding some control to MHEC, the USM withdrew its support for this bill. \$1 million was included in the supplemental budget for the USM to support ARTSYS.

HOUSE BILL 385 (SENATE BILL 560)**Maryland Economic Development Corporation -
Student Housing - Applications and
Occupancy Agreements****USM Position: Favorable with Amendments****Status: Passed with USM amendments**

House Bill 385 requires the Maryland Economic Development Corporation (MEDCO) and an institution of higher education with a MEDCO student housing project to provide information to students regarding student housing in an occupancy agreement or when applying for student housing. Seven institutions of the USM have entered into public-private partnerships to provide student housing at their campuses, providing more than 7,000 student beds under license agreements, rather than leases. This is an important distinction both legally and practically. The student-housing public-private partnerships entered into with the Maryland Economic Development Corporation have freed up almost a half billion of system debt capacity for use on other capital needs.

While each USM institution with a public-private partnership student housing project collaborates and cooperates with MEDCO, and its operator, closely and have highly aligned interests, the university does not own or control the projects at a decision-making level. While there is some benefit to the university in the form of ground rent, the real beneficiaries are students being able to access housing options that are attractive, safe and competitive with both university-owned housing, and that of the surrounding community. Across the USM, the public-private partnerships produce ground rent of close to \$9M per year when all projects are performing well financially, and reimbursements to the universities for services and utilities provided totaling as much as \$3-4M per year.

Section 10-132 of House Bill 385 would have a significant negative impact on MEDCO and its abilities to operate its USM student housing projects and to pay operating expenses and debt obligations. MEDCO has always worked collaboratively with the State and USM while maintaining independence, which has allowed MEDCO to serve as an invaluable resource for both the state and USM over the past two decades. By providing and managing needed student housing, MEDCO has allowed USM and its universities to (1) focus resources on the university-owned housing, (2) expand housing resources for their students, (3) manage USM debt capacity, (4) use USM financial resources on other necessary non-housing projects, and most importantly, (5) keep the USM education experience accessible and affordable.

If House Bill 385 were to be adopted as proposed, the public-private partnership student housing projects would suffer a market disadvantage, harming both purchasers and holders of the projects debt through weakening necessary lease or license provisions relative to the surrounding community and purely private student housing options. Moreover, system institutions, with weaker performing projects, would receive lower amounts of ground rent. Institutions would be compelled to raise university-owned room rates or be forced to dip into reserves of the institution's student-housing operations to cover the loss of revenue from the public-private partnership student housing projects.

The USM requested that the additions to Section 10-132 be struck in the bill. The magnitude of the expected impact is variable and dependent upon local community student housing markets but could be as much as \$5-7M per year. The impact on the system's bond ratings would be to add as much as \$250M in additional debt attributed to the USM, negating and eliminating the benefits of entering into public-private partnerships for student housing.

HOUSE BILL 164**Institutions of Higher Education -
Pregnant Students – Policy****USM Position: Informational****Status: Did Not Pass**

House Bill 164 would have required each public institution of higher education to adopt a policy related to pregnant and parenting students that is consistent with Title IX of the Federal Higher Education Act and post the policy on the institution's website. Equal treatment and support for pregnant and parenting students is critical to ensuring that all female students have equal access to educational opportunities. USM institutions must give all students who might be, are, or have been pregnant (whether currently parenting or not) equal access to school programs and extracurricular activities. Schools must treat pregnant and parenting students in the same way that they treat other students who are similarly able or unable to participate in school activities. And Title IX requires schools to prevent and address sex-based harassment, which includes harassment based on pregnancy. Pregnant and/or parenting students may not be prevented from attending class on the basis of pregnancy. Separate programs or schools for pregnant and parenting students must be completely voluntary and must offer opportunities equal to those offered for non-pregnant students.

Absences due to pregnancy or childbirth must be excused for as long as medically necessary by the student's doctor. Schools must let students make up the work they missed while out due to pregnancy or any related conditions, including recovery from childbirth.

The U.S. Department of Education's Office for Civil Rights (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. One of the less well-known aspects of Title IX is that it protects the rights of pregnant and parenting students to stay in school and confer a status of "... pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom."

HOUSE BILL 1027 (SENATE BILL 921)**Food Supplement Benefits - Students - Eligibility
(SNAP for Students)****USM Position: Favorable****Status: Did Not Pass**

House Bill 1027 would have required the Maryland Department of Human Services to provide food supplement benefits to eligible students enrolled in an institution of higher education. House Bill 1027 seeks to make Congress's temporary SNAP expansion permanent for Maryland students. That means that thousands of students across the USM would remain eligible to receive monthly benefits to help them buy fresh, nutritious food.

The Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program) is the Nation's largest domestic food and nutrition assistance program for low-income Americans. SNAP benefits can be used at any grocery store to purchase fruits, vegetables, meat, poultry, fish, dairy products, pantry staples, snacking food, seeds and plants. Additionally, SNAP can be used at participating farmers markets to purchase fruits, vegetables, mushrooms, beans, herbs, nuts, and veggie starts.

The federal stimulus act passed in 2020 made significant changes to the grocery and food benefit that allowed more students to qualify. The changes relate to students who are eligible for federal work-study awards and those who reported an expected family contribution of zero on their federal financial aid form. If a student meets either of the conditions and also meets the income requirement, as most students do, they are now likely eligible for the benefit. But this expansion expires 30 days after the federally declared COVID-19 public health emergency ends.

Food insecurity – the lack of reliable access to sufficient quantities of affordable, safe, nutritious food – is a serious problem for many Americans, including young adults across the USM. Growing evidence suggest the potential negative impact on educational success and efforts to mitigate food insecurity among students must remain a top priority.

SENATE BILL 152

Public Institutions of Higher Education - Transcript Requests by Students with Unpaid Student Account Balances

USM Position: Favorable with Amendment

Status: Did not pass

The USM had concerns with Senate Bill 152 as introduced and proposed amendments to make the bill more manageable for our institutions. The bill passed the Senate with amendments similar to those the USM proposed, but ultimately the bill did not receive a vote in the House. The bill would have prohibited an institution of higher education from refusing to provide a current or former student with a transcript because the student owes a debt to the institution of higher education.

The USM supported the intent of Senate Bill 152 in providing transcripts to students who owe debt to allow access to transcripts for purposes of transfer to another institution, application to graduate school, or application for employment.

The USM Board of Regents policy on academic transcripts allows an institution to withhold transcripts if a student is delinquent in his or her financial obligations. Also, the US Department of Education's Stafford and Perkins loan programs encourage the withholding of transcripts if the federal loan is in default. Once a transcript is released to a student there is no reason for the student to pay any unpaid balance to the institution.

HOUSE BILL 895

University of Maryland, College Park Campus - Student Fees - Athletic Department

USM Position: Unfavorable

Status: Withdrawn by Sponsor

House Bill 895 would prohibit UMCP from using more than 12% of revenues derived from student fees for the athletic department in fiscal year 2023; beginning in fiscal year 2024, requiring the University to reduce the percentage of revenues derived from student fees for the athletic department by 0.5% each year; and beginning in fiscal year 2047, prohibiting the University from using any revenue derived from student fees for the athletic department.

SENATE BILL 620

Higher Education – Articulation Agreements and Transfer Procedures – Workgroup Study (Maryland Articulation and Transfer Act)

USM Position: Information

Status: Did Not Pass

Senate Bill 620 would have established a workgroup to study articulation agreements and transfer protocols between community colleges and four-year institutions. It also requires the workgroup to make recommendations and report its findings to the Governor and the President of the Senate and the Speaker of the House by January 1, 2023.

Articulation agreements and transfer credits are the purview of the academic programs at four-year institutions, so it is the Provosts/VP for Academic Affairs that are the appropriate persons to be involved in the examination of processes and procedures in transfer and the development of articulation agreements. Currently, there is a Provost Transfer Council with representatives from community colleges and institutions in the USM that meet on a regular basis to discuss these issues. The Provost Transfer Council is actively engaged in discussion about challenges remaining in the process of student transfer.

USM institutions have more than 850 active articulation agreements, demonstrating the interest in and importance of such agreements in the establishment of pipeline programs for students starting at a community college and then transferring to a four-year institution. The ARTSYS transfer platform that facilitates all transfer processes in the state is housed and managed by the USM Office of Academic Affairs.

SENATE BILL 756

University System of Maryland - County School Technology Pilot Program – Established

USM Position: Monitor

Status: Did Not Pass

Senate Bill 756 would have established the County School Technology Pilot Program to review the Howard County School redistricting process to (1) identify opportunities to apply computer-based analytical processes for more efficient school redistricting that are not subject to personal or political influence and (2) predict the number of prekindergarten seats that will be needed within the following three years, to the extent practicable. The USM must implement and administer the program and provide staff.

CYBERSECURITY, INFORMATION TECHNOLOGY, DATA PRIVACY

HOUSE BILL 1202 (SENATE BILL 754)

Local Government Cybersecurity - Coordination and Operations

HOUSE BILL 1205 (SENATE BILL 811)

State Government – Information Technology and Cybersecurity-Related Infrastructure

HOUSE BILL 1346 (SENATE BILL 812)

State Government - Cybersecurity - Coordination and Governance

USM Position: Favorable with Amendment

Status: Passed with USM exemption

These three bills came out of recommendations from the Ad Hoc Committee on State and Local Cybersecurity of the Maryland Cybersecurity Council at the request of the co-chairs of the Joint Committee on Cybersecurity, Information Technology and Biotechnology. In response to recent cyber-attacks on executive branch agencies and local governments, the committee was charged with looking at the overall cybersecurity strategy of the State. As a result, these bills seek to centralize cybersecurity strategies in the State by creating oversight, management and procurement authority in the Department of Information Technology (DoIT). While the USM is a partner in strengthening Maryland's cybersecurity posture, USM, as a quasi-State agency, is different in many ways from other State agencies and sought an exemption amendment. Even though the amendment was officially adopted, it was later clarified in an Attorney General opinion that an amendment was not needed because under current law USM is exempt unless specifically identified in a bill. However, USM did make the following points in explaining the rationale for being exempt from these bills.

Wide Range of Business Functions

Within the executive branch, technology is limited to the particular and very specific business function of each executive agency. Across the USM, each institution operates as a small to mid-sized city, with a wide range of business functions, and needs to be able to implement whatever technologies are necessary to securely fulfill each business function.

Research

The USM handles over \$1.5 billion in state, federal, and international research involving wide-ranging research data sets and information technology. In order to complete the research, it is essential that the USM maintain the ability to procure and operate whatever technology is appropriate. The USM also must be able to fulfill the legal, regulatory, and contractual security and privacy requirements that come with any research data sets.

Many Concurrent Security Frameworks

Each USM institution is required to maintain compliance with IT security frameworks from many state, federal, and international organizations simultaneously. This includes organizations such as the US Department of Education, the US Department of Health and Human Services, the European Union, as well as maintaining functional compatibility with the IT security policy of the executive branch of the state of Maryland. We need the flexibility to be able to merge all our external security requirements into one cohesive IT security framework that our institutions can implement.

Varying Size and Complexity

The institutions of the USM vary greatly in size and complexity and need to have the ability to adjust their security frameworks to the needs and risks of each institution. As already required in the Maryland Code, allowing the USM and each institution to have functionally compatible security frameworks allows each institution to analyze its risks and implement appropriate, efficient, and effective security controls.

Existing Oversight

The IT security of all USM institutions is already coordinated by the USM Chief Information Security and Privacy Officer and USM IT Security Council and overseen by the USM Board of Regents and the USM Chancellor. Additionally, each institution is regularly audited by the Maryland Office of Legislative Audits, the USM Office of Internal Audits, external audit firms contracted through the USM Office, and various federal and state audit organizations. Our cybersecurity is also regularly reviewed as a part of accreditation processes for various functions at each institution.

HOUSE BILL 5 (SENATE BILL 107)

State Government - State and Local Government Employees and Contractors - Cybersecurity Training

USM Position: Favorable with Amendment

Status: Did Not Pass

House Bill 5 would have required quarterly cybersecurity training developed and prescribed by the Maryland Cybersecurity Coordinating Council. Cybersecurity policies approved by the Board of Regents remain functionally compatible with state of Maryland IT policy, which requires annual training. Included in USM's IT Security Standards, to which all USM institutions are audited by Maryland Office of Legislative Audits, USM Internal Audits and 3rd party auditors--is the requirement to develop and execute a cybersecurity training and awareness program. House Bill 5 would have required that USM institutions accommodate the quarterly training in addition to the more tailored trainings being done institutionally that are more specifically geared to the needs of higher education. It is likely that USM institutions would need to hire additional staff to administer the quarterly training requirement. In addition, the bill has the training being developed and set by the Maryland Cybersecurity Coordinating Council (MCCC). That council is a part of the executive branch, and public higher education has not typically fallen under that council.

HOUSE BILL 24 (SENATE BILL 4)

Cybersecurity Scholarship Program - Alterations and Maryland Cybersecurity Loan Assistance Repayment Program - Establishment

USM Position: Favorable

Status: Passed

Beginning with the 2023-2024 program application period, House Bill 24 allows a part-time student to apply to the Office of Student Financial Assistance (OSFA) for a scholarship under the current Cybersecurity Public Service Scholarship Program. To hold an award, a part-time student must continue to be eligible for in-state tuition and take at least six semester hours of courses each semester leading to a cybersecurity relevant degree or certificate.

A scholarship recipient must be within three, rather than two, years of graduation to apply.

The scholarship may be held by a full-time student for three years, or by a part-time student for six years. A recipient of the Cybersecurity Public Service Scholarship must work in a public sector of the state for one year for each year the recipient receives a scholarship.

Allowing both part-time and full-time students to receive the award acknowledges those pursuing a degree while juggling work and family considerations. The bill extends the award length from two years to three years for full-time students permits recipients to fulfill their public service obligation by working for a county or local government, including local school systems and community colleges.

The Maryland Cybersecurity Loan Assistance Repayment Program would incentivize cybersecurity professionals to work for state, county, or municipal governments by providing loan repayments to supplement their compensation. This would allow USM graduates who were unaware of (or ineligible for) the Cybersecurity Public Service Scholarship while earning their degrees to be eligible for an incentive to remain in the field of cybersecurity in the public arena.

HOUSE BILL 1334 (SENATE BILL 753)

Education and Labor and Employment - Workforce Development - Cybersecurity

USM Position: Favorable

Status: Did Not Pass

House Bill 1334 would have established the Cybersecurity Workforce Accelerator Program at UMBC and the Cybersecurity Workforce Accelerator Fund, which is administered by the program. The purpose of the fund is to support innovative approaches to meeting cybersecurity workforce needs. The program must work with stakeholders to increase the cybersecurity workforce through targeted investments in educational opportunities, occupational training, and apprenticeship programs.

The USM is a major resource in Maryland's workforce development system and a key partner with the state in a Workforce Development initiative designed to produce 3,000 more graduates a year with degrees in the growing fields of cybersecurity, STEM, and healthcare. USM institutions also award large numbers of post-baccalaureate certificates and industry certifications and collaborate with all community colleges and K-12 school systems to expand the workforce pipeline.

Growing the pool of talented Maryland workers in fields with high workforce demand will help to meet the needs of these burgeoning industries, attract more of these businesses to the State, and continue to grow jobs throughout the region.

In collaboration with the state of Maryland and sister USM campuses, UMBC has emerged as a hub for cybersecurity workforce development, administering initiatives that include varied higher education, K-12, government and industry partners. UMBC's role in the state's cybersecurity ecosystem includes achieving a 60 percent increase in computing majors over the past 10 years, supporting cybersecurity workforce training and apprenticeships through UMBC Training Centers, launching innovative programming at its research and technology park to attract one of the greatest concentrations of cybersecurity companies in the nation, and applying investment from the state to establish the UMBC Center for Cybersecurity, which integrates education and workforce partnerships with the research of faculty leaders in this dynamic field.

SENATE BILL 325 (HOUSE BILL 769)**Student Data Privacy - Protections, Digital Tools, and Student Data Privacy Council****USM Position: Favorable with Amendment****Status: Passed**

Senate Bill 325 requires the Student Data Privacy Council, which is reestablished by the bill, to report, by Dec. 1, 2025 on best practices for student data privacy protection for parents and guardians. Further, the bill changes the definitions of “covered information,” “operator,” and “persistent unique identifier” with regard to the Student Data Privacy Act of 2015. The USM requested an amendment to the “operator” definition of Senate Bill 325, to exempt the providers of nationally recognized high school exams that are used for college entrance or placement, college credit, or scholarship opportunities.

Senate Bill 325 could significantly limit a student’s ability to access critical programming and information from institutions of higher education that will help them earn a degree, particularly historically underrepresented student populations who are already disproportionately less likely to apply, enroll, and graduate from college.

When students take the SAT, they can opt-in to Student Search Service which connects thousands of colleges and scholarships with more than 5 million students. Students contacted by colleges through Student Search are, on average, 25% more likely to enroll in a 4-year college and 31% more likely to graduate on time from a 4-year college. We specifically use this program to encourage students to consider our institution for their college experience.

Overall, students are 23% more likely to apply to a 4-year college when they receive information through Student Search Service than when they do not. Students are also 25% more likely to enroll in a 4-year college and 31% more likely to graduate. These gains are even greater for under-represented populations. For example, Black students are 25% more likely to enroll in a 4-year college and 40% more likely to complete their college degree when they receive outreach through search programs.

Amending the definition of operator would have ensured that students who so choose can opt in to share their data and receive information from higher education institutions like ours, as well as information about scholarship opportunities. Protecting students’ data remains one of our top priorities, and we want to make sure students have access to all the opportunities available to them while protecting their privacy. Programs like Student Search Service allow families the choice to sign up and opt out at any time. Strict guidelines ensure that student data remains private and used only for educational purposes.

HUMAN RESOURCES AND PERSONNEL

HOUSE BILL 8 (SENATE BILL 275)

Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)

USM Position: Favorable with Amendment

Status: Passed

House Bill 8 requires the USM institutions to participate in a Family and Medical Leave Insurance Program (FMLIP) that would provide some wage replacement when an enrolled employee is absent from work for up to twelve weeks for reasons that are similar to, but not exactly the same as, the reasons set forth by the federal Family and Medical Leave Act. The USM requested exclusion from House Bill 8.

The USM provides its employees a generous array of paid family, parental and military leave benefits that meet or exceed federal and state laws on Family and Medical Leave and the Maryland Healthy Working Families Act and are clearly more generous than benefits available to employees in the private sector.

In addition, the effects on USM institutions of imposing what is essentially a new payroll tax will be significant. Requiring additional employees at each institution to administer the complexities of the program along with the USM's existing leave programs. The effects on USM employees will include a wage deduction for a new insurance program that significantly duplicates existing employee benefits.

HOUSE BILL 496

Commission on the Establishment of a Family and Medical Leave Insurance Program

USM Position: Favorable

Status: Passed

House Bill 496 creates the Commission on the Establishment of a Family and Medical Leave Insurance Program to study and make recommendations for establishing a Family Medical Leave and Insurance Program. The intent of the General Assembly is to establish a certain statutory framework for a family medical leave and insurance program in the State that is effective not later than June 1, 2023.

HOUSE BILL 458 (SENATE BILL 472)

State Personnel - Collective Bargaining - Revisions and Budget Bill Appropriations

USM Position: Unfavorable

Status: Did Not Pass

House Bill 458 bill would have altered the collective bargaining process for state employees by establishing binding arbitration in the event of an impasse in negotiations. In addition, it would require the selection of a neutral arbitrator to oversee all aspects of collective bargaining and expand the matters subject to negotiation.

House Bill 458 conflicts with the fundamental tenets and objectives of the collective bargaining process and will have negative consequences injurious to that process. The purpose of collective bargaining is for both parties to work together and negotiate mutually agreeable employment terms that will serve the needs and interests of both the employer and employees. In the overwhelming number of cases, a contract is reached without impasse. Indeed, over the past 20 years, institutions within the USM have been able to reach agreements with the unions through the collective bargaining process, and there have been very few unfair labor practice charges before the state Higher Education Labor Relations Board. Significant changes to the collective bargaining process that provide unions the option to engage in consolidated bargaining at the USM were recently enacted by the General Assembly; the additional changes House Bill 458 would enact are unnecessary.

The bill places the ultimate decision-making authority into the hands of a single third party making it antithetical to the collective bargaining process. Binding interest arbitration would allow an outside party, who is neither accountable to the public nor subject to the consequences of his/her decisions, to unilaterally decide the terms of a union contract. As opposed to grievance arbitration, in which the arbitrator performs a judicial function by merely interpreting and applying an existing agreement, in interest arbitration the arbitrator is setting the terms, working conditions, and wages of public employees – matters which have always been, and should continue to be, the subject of good faith negotiations between the parties in interest.

Furthermore, the proposed legislation would permit arbitrators who serve on a temporary basis and are politically unaccountable to award wage and other increases requiring expenditure of tax dollars. Insulated from electoral accountability, arbitrators are often oblivious to fiscal pressures. This will inevitably lead to inflationary wages that will have a harmful impact on the State's budgets.

HOUSE BILL 751 (SENATE BILL 118)

State Personnel - Collective Bargaining

USM Position: Unfavorable

Status: Did Not Pass

House Bill 751 would have authorized graduate assistants at USM institutions to collectively bargain. The USM has worked over the last decade to improve the status of the USM's approximately 6,000 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. Focused on the fact that these individuals are first and foremost students earning advanced degrees, the USM has 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 regarding duties and time commitments

The statute expressly excludes from collective bargaining "a student employee, including a teaching assistant or a comparable position, fellow, or post-doctoral intern." Currently, in addition to a monetary stipend for their half-time work, most USM graduate assistants receive a tuition-free education worth an average of \$22,000 annually, fully subsidized state health care, stipend increases in each year of a contract, and exemption from paying FICA taxes, which means their paychecks are 7.65% higher than those of faculty or staff earning comparable wages.

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. The concept and ongoing process within the USM known as "shared governance" is a very important process that has served the USM higher education community well for many years. USM employs a Council of University System Students, a Council of University System Faculty, and a Council of University System Staff and even a Council of University System Presidents. Each council is empowered to continually raise issues of concern to the Chancellor and the USM Board of Regents. At the institutional level, the shared governance bodies raise issues and have discussions with the administrators who have direct management of the day-to-day operations of the campus.

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 three 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 907 (SENATE BILL 589)

University of Maryland, Baltimore Campus - Employees - Authorization to Fund-Raise

USM Position: Favorable

Status: Passed

House Bill 907 authorizes an employee of UMB to solicit gifts or proposals for grants for the benefit of the University of Maryland Medical System Corporation (UMMSC) in accordance with UMB's policies regarding coordinating fundraising between the University and UMMSC.

HOUSE BILL 1099

State Personnel - Whistleblower Law - Procedures and Remedies

USM Position: Letter of Information

Status: Did Not Pass

House Bill 1099 would have altered the prohibition on reprisal against certain employees for disclosures and actions under the Maryland Whistleblower Law. The USM protects an individual who discloses information reasonably believed to be evidence of an abuse of authority, gross mismanagement, a gross waste of money, or a substantial and specific danger to public health and safety. The USM has established a Fraud Hotline, administered by the USM Office of Internal Audit, as a non-retaliatory mechanism for employees, students, and others in the community to report such matters confidentially. The USM Board of Regents has promulgated at least seven policies that provide protections to individuals sometimes referred to as whistleblowers under various federal and State laws, including the State's Whistleblower Act, Title IX, Title VII, the Americans with Disabilities Act, and others.

The USM is also concerned that House Bill 1099 expands the concept of retaliation to include threatened actions, even those that never came to be and were not of a nature that would deter a reasonable employee from engaging in protected activity, which is the regular definition of retaliation.

House Bill 1099 would have expanded protected activity far beyond fraud, waste, abuse, and major threats to public health and safety to include anything that an employee reasonably believes is in the public interest. That is essentially anything an employee believes it to be, which is a contradiction to longstanding First Amendment case law in the public employment context.

There are many laws that prohibit retaliation when a person engages in protected activity, and those laws provide administrative and court remedies for retaliation, i.e., damages and attorney fees. In duplicating the many anti-retaliation laws, the statute actually imposed greater liability and damages. It cuts out traditional definitions, analyses, and defenses, and appears to disregard all good faith by the employer as it imposes something close to strict liability on employers and damages that exist nowhere else in employment laws. The bill would have expanded the concept of what an adverse employment action is to include an employee being given an assignment that another employee finds less favorable. The possibilities here are endless and it is difficult to imagine a change that would be more disruptive to the USM's institutions in managing their day-to-day operations.

House Bill 1099 would have enabled employers to treat a retaliation complaint like a nuisance lawsuit, dispensing with it by simply paying a whistleblower \$5,000. Employers would be faced with a "business decision" whether to pay out these claims rather than risk legal exposure to incalculable "pain and suffering" and punitive damages. The fiscal implications associated with House Bill 1099 are significant. Institutions will likely experience higher legal costs associated with managing these whole new causes of action. The institutions will likely have to add human resources staff FTEs to intake, process, and investigate a broader type of complaint that will be brought under the amended Whistleblower law; amend the USM's policies to reflect the changes; and develop effective communications to inform employees.

CAMPUS SECURITY AND SAFETY

HOUSE BILL 84 (SENATE BILL 119)

Education – Crimes on School Grounds – Application

USM Position: Monitor

Status: Did Not Pass

House Bill 84 would have established prohibitions against disruptive, violent, or threatening behavior on the grounds of institutions of elementary, secondary, or higher education or at school-sponsored events do not apply to: (1) students attending a school where the offense occurs; (2) students on exclusionary discipline from the school; or (3) a student attending another institution who is participating in a sporting event or other extracurricular event sponsored by the school where the offense occurs. As a result, those students are not subject to the criminal penalties in current law that apply to the prohibited offenses.

The USM did not take a position on House Bill 84, but had reservations about unintended consequences. The sponsors of the bill explained that it was an attempt to stem the “school-to-prison” pipeline by removing criminal code penalties (fines/imprisonment) from the Education Article of Maryland state law. The supporters argued that that campus law enforcement at USM institutions still possess the ability to charge disruptive conduct or other assaultive acts under the existing Criminal Law articles.

GOVERNANCE AND OPEN MEETINGS

HOUSE BILL 235

Open Meetings Act - Definition - Administrative Function

USM Position: Information

Status: Withdrawn by Sponsor

House Bill 235 would have altered the definition of “administrative function” as it applies to Maryland’s Open Meetings Act (OMA). The Board of Regents conducts closed searches in the selection of university presidents. A closed search is one in which the identities of the candidates are not disclosed during the search process or at any other time. A compelling rationale for the closed search method is that presidential searches that guarantee the confidentiality of candidates produce stronger candidate pools than searches that do not facilitate this privacy.

The ability of candidates to maintain confidentiality throughout the search process ensures that they will be comfortable engaging in the process without concern for any impact on their current positions. When a presidential search and screening committee provides the Board of Regents with a list of finalists, the Board interviews finalists in a meeting. The process of meeting with finalists and finalizing the selection of a president currently falls within the Board’s administrative function. These activities are therefore exempt from the Open Meetings Act, and no public announcement is required. A requirement to publicly announce the meeting location, date, and time would jeopardize the confidentiality of candidates’ participation in the search and diminish to ability to recruit a strong pool of candidates.

HOUSE BILL 530

Historically Black Colleges and Universities - Disparities Within and Independence from University System of Maryland – Study

USM Position: Unfavorable

Status: Withdrawn by Sponsor

House Bill 530 would have required the USM to hire an independent consultant to study and make recommendations on disparities within the USM and the three Historically Black Institutions (HBIs) governed by the USM Board of Regents.

The USM supports rigorous and researched measures to eliminate disparities across all 12 institutions that are governed by the Board of Regents – especially when those disparities may negatively impact Maryland’s venerated Historically Black Institutions (HBI’s). Bowie State University (BSU), Coppin State University (CSU), and the University of Maryland, Eastern Shore (UMES) – in addition to being rural-serving, urban serving and in the shadow of our nation’s capital – stand as educational and professional lifelines for underrepresented students, faculty and staff. Practically, the HBIs benefit from membership in the USM by leveraging economies-of-scale such as centralized services (audit, construction management, real property development). The HBIs have greater buying power (pooled purchase of energy and implementing cost-effective management strategies), and access to capital.

The past 15 years laid bare a tough debate, negotiation and compromise to forge the path forward to improve the immediate resource allocations to all of Maryland’s HBIs. When an agreement was struck to direct \$577 million in supplemental funding over the course of a decade to Maryland’s HBIs it signaled the investment in cutting edge programs to help expand access to academic programs including online programs, bolster scholarship and financial aid support, and create professional development opportunities.

The recognition and recommendations to eliminate disparities is a collective effort that should be informed, rightfully, by the leaders of BSU, CSU and UMES. These USM presidents are mindful of research and data that strive to understand not just disparities based on race and ethnicity or between institutions, but also those more profound internal disparities based on family income, social class, geography and gender. Arguably, the response to these disparities is as important to USM’s ability to graduate more diverse student bodies on-time with less debt and an employment opportunity.

HOUSE BILL 1030 (SENATE BILL 501)

Maryland Higher Education Commission - Procedures – Alterations

USM Position: Favorable

Status: Passed

House Bill 1030 requires MHEC meetings to be made available to the public through live video streaming. The bill also requires the Office of Student Financial Assistance, on or before April 15 each year, to notify each student of the Office's decision regarding the student's application for a Delegate Howard P. Rawlings Educational Excellence Award. The USM believes that these changes will benefit higher education and students throughout Maryland. The intent of the General Assembly to create the Office of Student Financial Assistance as an independent agency in fiscal year 2024.

Each year thousands of Marylander high school seniors and their families go through the process of deciding where to attend college before the May 1 enrollment confirmation deadline. SB501 mandates that MHEC release its award decisions by April 15, as opposed to the current date of May 1, giving families more time to make well-informed decisions. The type and amount of financial aid offered before the enrollment confirmation deadline play a significant role in deciding where to attend college. Students with high financial need and who are eligible for the need-based Delegate Howard P. Rawlings Educational Excellence Award are asked to make enrollment decisions without the full knowledge of financial aid funding available to them or with very little time to consider this complex matter. Some eligible students who are notified regarding their Delegate Howard P. Rawlings Educational Excellence Award after the May 1 enrollment confirmation deadline may not even enroll in college at all. For our eligible Maryland high school students, notification regarding their eligibility for the Award and the amount awarded by April 15 each year will help students and their families make an informed decision on where to attend college. For some eligible students with high financial need, the early notification will provide a full understanding of financial resources available to help them decide to enroll and where to enroll.

Second, it is important for all state agencies and entities to provide transparency and open government when conducting meetings, which includes posting recordings of meetings online. It is essential that recordings of MHEC's meetings are available to all higher education stakeholders. The USM Board of Regents must live stream and archive their meeting recordings on the website. We believe it makes sense for MHEC to do the same.

PROCUREMENT AND PREVAILING WAGES

HOUSE BILL 325 (SENATE BILL 250)

State and Local Procurement - Payment Practices

USM Position: Information

Status: Passed

House Bill 325 makes interest payable to vendors on unpaid invoices under State procurement contracts payable after 37 days (instead of 45 days) from when the agency receives an invoice. The University System of Maryland is supportive of implementing processes that will pay vendors in a timely manner while ensuring the appropriate approval processes and controls are maintained.

Importantly, the Department of Legislative Services is to produce a report, by December 1, on the resources devoted by state agencies to processing payments, as well as the historical experience of each in processing payments in a timely fashion, while the Department of Budget and Management and several other state agencies will produce a report, also due December 1, on the modernization of payment processing systems and integration of all state agencies in a single process.

HOUSE BILL 388

Prevailing Wage – University System of Maryland, Morgan State University, and St. Mary's College of Maryland – Applicability

USM Position: Information

Status: Did Not Pass

House Bill 388 would have provided that the state's Prevailing Wage law apply to a procurement for a public work contract by the USM, Morgan State University, and St. Mary's College of Maryland. USM has voluntarily complied with the Prevailing Wage law on construction contracts over \$500,000 for over the past two decades.

Capital construction projects for the USM are managed by two respective Service Centers that were established by the Board of Regents. UMB manages capital construction projects for the following institutions: Coppin State University, University of Baltimore, UMBC, and Towson University. UMCP manages capital construction projects for the following institutions: Bowie State University, Frostburg State University, Salisbury University, University of Maryland Center for Environmental Science, the USM Office, and USM Regional Higher Education Centers located in Shady Grove, Hagerstown and Southern Maryland.

WORKFORCE

HOUSE BILL 443 (SENATE BILL 228)

Maryland Corps Program – Revisions

USM Position: Favorable

Status: Passed

Senate Bill 228 makes significant changes to the Maryland Corps Program, including allowing participants to transition to the workforce (as well as to an institution of higher education).

A service year through Maryland Corps will create a broader pipeline for participants moving from secondary education to colleges and universities or to employment with private corporations and nonprofit organizations throughout the region. Maryland Corps will also complement and take to scale existing investments in career and college readiness, such as The Choice Program at UMBC, which partners with the Department of Juvenile Services and currently works with 850 young people across the State who would be ideal candidates for service through Maryland Corps. Other university-based service programs that can be scaled span the state, from Appalachian Service Through Action and Resources at Frostburg University to Emerging Leaders Academy at UMB to ShoreCorps at Salisbury University to the Community Development Fellowship Program.

Maryland Corps offers a new pathway to colleges and universities for students who may not otherwise have the opportunity due to financial barriers or insufficient academic preparation. In addition to the financial support through the \$6,000 educational award, Maryland Corps service will also provide opportunities for participants to develop professional, critical thinking, and leadership skills that will prepare them to arrive on campus ready to contribute to the campus community and more likely to succeed in their studies. Many Pell-eligible and first-generation students do not have the opportunity to pursue an internship and gain experience because it is unpaid. Simply put, many students can't afford to do service. Maryland Corps will fill this gap.

ENVIRONMENT AND SUSTAINABILITY

HOUSE BILL 729 (SENATE BILL 471)

Facilitating University Transformations by Unifying Reductions in Emissions (FUTURE) Act

USM Position: Favorable with Amendment

Status: Did Not Pass

House Bill 729 bill would have required each public four-year institution of higher education to be carbon neutral for “Scope 1 direct emissions” and “Scope 2 indirect emissions” by January 1, 2025, and for “Scope 3 indirect emissions” by January 1, 2035. “Scope 1 direct emissions” means emissions physically produced at a public four-year institution campus. “Scope 2 indirect emissions” means indirect emissions that are produced by an energy generating system that is not owned, operated, subcontracted, or maintained by the institution that burns fossil fuels to generate energy to power the institution’s facilities. “Scope 3 indirect emissions” means indirect emissions resulting from upstream and downstream activities a public four-year institution relies on to conduct its operations.

USM supports the intent of House Bill 729 and is dedicated to the same critical goals of reducing energy use, greenhouse gas emissions, and achieving carbon neutrality. Student advocates from across the USM worked with their presidents and USM leadership to demonstrate significant progress towards carbon neutrality. For example:

- Since 2007, USM has completed (or are developing) nearly 80 “Green” (LEED Silver or better) facilities. More than half are funded with non-State or auxiliary resources.
- All USM facilities are designed and built to the standards of the State’s High Performance (Green) Building Program, and all meet similar standards for “smart growth” and “coast smart” construction.

- All USM institutions and the Universities at Shady Grove signed the American College & University Presidents Climate Commitment and are publicly reporting their progress in reducing carbon emissions as part of a national database.
- Collectively, USM institutions have documented nearly a 40% reduction in CO2 emissions (a reduction of about 350,000 metric tons each year) since 2007. According to the EPA, that's roughly the equivalent of removing 76,000 cars from the road.

USM institutions are key participants in state energy reduction programs, including efforts in support of the Governor's Executive Order. In the last decade, our institutions have made significant reductions in energy use by changing campus behavior, utilizing energy performance contracting, and an enhanced reliance on renewable energy sources. The average energy reduction exceeds 15%, while the average use of renewable sources is 37%.

The USM urges a consistent, state-wide rollout of carbon reduction goals, extending beyond higher education to all of state government. Given the integrated and interdependent nature of the state's operating and capital funding programs, changes in support for one agency can impact available support for all others. The identification and purchase of appropriate carbon offsets, as well as the efficacy of the proposed Environmental Justice Investment initiative would benefit from wider coordination among all state agencies.

Generally, it's important to know in what manner lawmakers intend to prioritize funding for adaptation versus mitigation and the existing levels of spending for each type of activity. Climate-related projects and programs should (1) have clearly defined objectives, (2) be well coordinated across different government entities, (3) have effective strategies and resources for evaluating future outcomes. An increase in the amount of general fund resources allocated to climate-related activities, including significant out-year commitments need to be part of the discussion. The USM urges the General Assembly to think broadly about its priorities and the role of the general fund – as well as nonfinancial tools, such as regulatory programs – in achieving its climate goals.

A planned, methodical shift to clean, renewable energy sources made as building and plant components reach the end of their life cycle will be far more affordable, but it will take decades to fully implement. The goal of carbon neutrality is critically important and the technology to achieve it is improving every year.

ECONOMIC DEVELOPMENT

HOUSE BILL 730 (SENATE BILL 473)

Economic Development – Maryland E-Nnovation Initiative Program – Qualifying Donations

USM Position: Favorable by FSU

Status: Passed

Effective July 1, House Bill 730 lowers the minimum threshold – to \$200,000 – for a qualified donation or pledge made to a research endowment of a nonprofit institution of higher education (NPIHE) that has an annual unrestricted current funds budget of less than \$250.0 million for purposes of the Maryland E-Nnovation Initiative (MEI) Program. In addition, the donation may be bundled with other qualified donations to meet the \$200,000 threshold.

This program was created to support research and commercialization at institutions of higher education by matching private donations to increase the size of research endowments. These endowments can support research faculty, graduate assistants, equipment, and/or collaborations with other entities. Currently, the Maryland E-Nnovation Initiative Program requires a minimum of \$500,000 in single or bundled donations and pledges to qualify for a matching grant from the state. For small and medium sized public institutions, this is a high bar.

As early as 2016, the Maryland E-Nnovation Initiative Fund Authority began to consider ways that smaller schools, with smaller donor bases, could effectively participate. Ch 258 of 2017 helped in that interest by allowing the use, in the short term, of other eligible funds to fulfill the match, and this bill furthers that objective by setting a two-tiered system. At its meeting on Dec. 2, 2021, the Task Force on the Economic Future of Western Maryland recommended that legislation be introduced so that institutions with an annual unrestricted current funds budget of less than \$250 million only need to obtain a qualifying donation, pledge, or combination of donations and pledges of \$200,000 instead of the current level of \$500,000. House Bill implements that recommendation.

In the FY2023 budget, the following institutions have Current Unrestricted Appropriations of less than \$250,000, making them eligible for the reduced level of qualifying donations: Bowie State, UMES, Frostburg State, Coppin State, University of Baltimore, Salisbury University, UMCES and St Mary's College of Maryland.

It's true that even an endowment of \$400,000 doesn't throw off very much in investment earnings. However, if it's the policy of the state that institutions large and small have access to funds to help endowed research efforts, you must start somewhere. In addition, once a research endowment is established and is successful in getting matching funds, it would be much easier to get more donations for the same purpose. An institution doesn't need to be large and sprawling to have researchers and faculty in scientific and technical fields of study. The statute articulates these as: physical sciences; life and neurosciences; engineering; mathematical and computational sciences; regulatory science; autonomous systems; aeronautical and space science; environmental sciences; behavioral and language science; health sciences; agriculture; or cybersecurity.

As more schools can participate in the program and retain and recruit university researchers and encourage collaboration among Maryland research universities, federal agencies, and the private sector (especially entrepreneurial companies), momentum builds for the entire state. The combination of top talent and collaboration can enhance the economic competitiveness of the state as it builds on existing clusters of research and innovation. Even in places where you may not expect it.

HOUSE BILL 838 (SENATE BILL 474)

Economic Development - Western Maryland Economic Future Investment Board and Fund

USM Position: Favorable by FSU

Status: Passed

House Bill 838 establishes the Western Maryland Economic Future Investment program, board, and fund. Frostburg State University testified in support of this bill. The Task Force on the Economic Future of Western Maryland identified several key initiatives to both jump start and sustain the evolution of the new economy for the region. Unlike statewide funds under the management of the Department of Commerce, this fund – and the oversight board and fund administration – will have the needs and interests of the three western Maryland counties in mind.

The bill would require \$20 million per year for five years to create a \$100 million fund, which can be used for both capital infrastructure in support of economic development and for business development projects and investments. Significant local match would be required (to be obtained from the county, a town therein, or a private entity partner.) The board, comprised of representatives of business and government experts from the three counties plus the Department of Commerce will evaluate proposals based on criteria such as job creation, business creation, retention, or expansion; wage increases; or creation of state and local revenue. A well-respected and experienced third party, the Tri-County Council of Western Maryland, will be charged to manage this fund and administer the program.

In several ways, this fund serves as a local Maryland Economic Development Fund and Authority (MEDAAF), but with business investments and expectations that suit Western Maryland's economic reality. For accountability, this program is structured as a five-year pilot, and a representative of the Department of Commerce will serve as the chair of the oversight board. The Task Force on the Economic Future of Western Maryland discussed a range of options for two years, and this emerged as its number one priority.

FINANCIAL AID

HOUSE BILL 734 (SENATE BILL 912)

Higher Education - Student Financial Assistance - Alterations and Appropriation

USM Position: Monitor

Status: Passed

House Bill 734 changes eligibility for the Guaranteed Access (GA) Grant under the Delegate Howard P. Rawlings Educational Excellence Awards (EEA) Program and extends eligibility for services through a related program. This bill adds \$30 million in funding to need-based financial programs and makes several changes to improve the programs and expand access for students in need. Under the bill, a GA Grant recipient who otherwise becomes ineligible because of a change in family income still receives the full award if the recipient remains eligible to receive a federal Pell Grant. In addition, GA Grant eligibility for a student who prequalified under the Next Generation Scholars of Maryland Program must be based on the annual family income determination used when the student prequalified. Lastly, the Next Generation Scholars of Maryland Program may continue to provide services to students when they attend an institution of higher education. Extending GA eligibility for students who become ineligible because of a change in income significantly reduces what is known as the GA cliff, which is explained in greater detail in the College Affordability issue paper for the 2022 Legislative Session. This bill also mandates an updated and unified scholarship.

This legislation also expands the EA awards from \$3,000 to \$7,000, which will assist community colleges students with remaining unmet need. Community college students utilize the EA awards and as the state's largest need-based financial aid program, this will increase the amount to be more aligned with the needs of students.

BEHAVIORAL, MENTAL HEALTH AND PHYSICAL HEALTH

HOUSE BILL 872

Public Institutions of Higher Education - Student Withdrawal Policy - Reimbursement of Tuition and Fees

USM Position: Favorable as Amended by the House
Status: Did Not Pass

House Bill 872 requires each public institution of higher education to adopt a policy authorizing students to withdraw for extenuating circumstances such as illness, injury, hospitalization and mental health and wellness. USM institutions work closely with students experiencing challenges with physical and mental health to help them complete their studies or return to campus after a hiatus. Presently, each USM institution has specific policies and processes to support these students.

One commonality is that withdrawal policies begin with the first day of instruction and the failure to attend the university or attend classes does not change this policy. Institutions and students must consider the implications of withdrawal for the purposes of the return of federal financial or Return of Title IV funds (R2T4). For the student, the percentage of funds returned decrease in the first three weeks of a semester. The funds schedule may vary campus-to-campus, but generally, students can expect a 90% refund in the 1st week; 50% in the second week; and 25% in the 3rd week. Regardless, students receiving Title IV federal financial aid must complete exit counseling as a condition of their loan agreement. That process begins here: <https://studentaid.gov/exit-counseling/> Beyond that timeframe, the focus is to work with students so that they may complete the course successfully.

HOUSE BILL 916

Higher Education - Programs for Behavioral Health Professionals in Primary and Secondary Schools - Requirements and Grant Program

USM Position: Favorable with Amendment
Status: Did Not Pass

House Bill 916 requires public institutions of higher education with behavioral health programs to maximize the number and types of students who may participate. The bill also seeks to establish the Behavioral Health Professionals in Schools Quality and Diversity Grant Program.

The USM is aware that public schools have experienced elevated levels of student and staff mental health challenges. This was true before the onset of the COVID-19 pandemic, but it has become overwhelming as students and staff return to in-person instruction in school buildings and on school grounds. As students, faculty and staff return to in-person learning, the mental health challenges have become a greater burden on every school system. Schools must have the professionals and personnel in place to meet the challenges.

USM institutions have the capacity and capability to train the types of behavioral health professionals needed in our schools. From supporting social emotional wellness in early childhood to interprofessional training on military connected families, the USM houses diverse programs. USM has many programs to prepare school psychologists, school social workers, school counselors and therapists across all mental health professions. Moreover, programs at USM institutions help people re-skill and upskill to transition from one career to another to provide behavioral health services in primary or secondary schools.

House Bill 916 addresses the bottleneck that higher education institutions are currently experiencing. While programs are high quality and accredited, resources are needed to expand high-quality programs to ensure that Maryland's students receive the best services to address their mental health challenges.

The USM sought a clarifying amendment that the commission would work with representatives from the behavioral health professions to award grants.

HOUSE BILL 1029 (SENATE BILL 937)**Maryland Higher Education Commission –
Access to Mental Health Advisory Committee –
Establishment****USM Position: Favorable with Amendment****Status: Did Not Pass**

House Bill 1029 establishes the Access to Mental Health Advisory Committee within the MHEC to study the access to mental health services for students. House Bill 1029 brings some of this work to the MHEC Secretary, and while the USM appreciates the participation, we have offered amendments to strengthen a well-established process.

In October 2019 the USM, Morgan State University (MSU), and St. Mary's College of Maryland (SMCM) were required to complete a Joint Chairmen's Report on Mental Health Services. Since January 2020, the USM began regularly convening the counseling center leadership from our constituent institutions. With these (at least) every-other-month meetings, counseling center and mental health professionals talk and collaborate directly with their peers on topics including, but not limited to: campus updates and sharing of best practices; outreach to students; assessment of data; effects of budget constraints; supporting out-of-state students; serving the needs of students as they pertain to changes and adjustments that can be attributed to COVID-19 and civil unrest; unique ways to provide services and address student needs while easing and monitoring health safety protocols; and the disproportionate impact of the pandemic and racial injustice on underrepresented communities.

USM continues to examine challenges in meeting the demand for mental health services, best practices for off-campus mental health services, best practices for the implementation of services, staffing, regional concerns, best models for providing care, and more.

Our institutions were able to handle this request with few challenges because for the three years prior, USM, MSU, and St. Mary's vice presidents for student affairs (VPSA), in close partnership with campus health center directors, counseling center directors, and the USM Office of Academic and Student Affairs, embraced the challenges surrounding mental health services in higher education. These in-depth conversations include the sharing of best practices and the evaluation of efforts deemed less successful.

One of the group's most recent organized efforts to study access to mental health care in higher education was the creation of a survey. The VPSAs developed the survey, which included questions about: staffing for on-campus centers; the profile of counseling centers and services including accreditations; trends in demand for services; strategies being used/considered to meet escalating demand; counseling center staff to student ratio; scope of services; expenditures; appointment management; outreach and education; best practices; evaluation of mental health services over time; availability of off-campus resources; reasons students seek support; and services to off-campus student populations.

Additionally, the Board of Regents is preparing to dedicate an Educational Forum to mental health during one of its last two meetings of the 2021–2022 academic year. The hope is that members of the General Assembly remain aware of the significant work that is being done by the institutions of higher education in Maryland.

The USM seeks to quantify the number of campus-based counseling center directors and clinical psychologists participating in the advisory committee. This is important to encapsulate the diversity of USM institutions and ensure that the Chancellor appoint these important representatives. Secondly, the General Assembly deserves the most detailed and accurate information. Extending a final report deadline to December 1, 2023, allows for the time and care necessary to provide a clear picture of service and care at USM institutions.

HOUSE BILL 1082**Public Health - Consumer Health Information - Hub and Requirements****USM Position: Favorable****Status: Passed**

House Bill 1082 requires state and local agencies to use “plain language” in “public communications” about health, health insurance, safety, and social services benefits. The bill also designates the UMCP Herschel S. Horowitz Center for Health Literacy as the State’s Consumer Health Information Hub. Health literacy is now a central focus of national health objectives. Last year, the Office of Disease Prevention and Health Promotion within the US Department of Health and Human Services released Healthy People 2030. This fifth iteration of the Healthy People initiative features research and leading health indicators that assess the overall health and well-being of the Nation.

The overarching goal: “Eliminate health disparities, achieve health equity, and attain health literacy to improve the health and well-being of all.” Moreover, the initiative updates definitions of health literacy to include both the importance of individual skills and the role that organizations like the Horowitz Center for Health Literacy play in equitably empowering the acquisition and use of health information.

House Bill 1082, by designating UMCP as the state’s Consumer Health Information Hub, opens the door to multidisciplinary teams of expert health literacy researchers, consultants, and practitioners who remain dedicated to improving individual and population health by making health information easy to understand and use.

Unquestionably, health literacy requires integrated intervention by both the governments and individuals. Moreover, university faculty, staff and students have a great role in distributing reliable information about disease prevention behaviors. Access to reliable, accurate and consistent information (presented in plain language) is key to promoting public health. House Bill 1082 establishes and promotes health literacy criteria, certifications and best practices.

HOUSE BILL 1098 (SENATE BILL 832)**Public Institutions of Higher Education - Students with Chronic Health Conditions - Case Manager****USM Position: Unfavorable****Status: Did Not Pass**

House Bill 1098 requires public institutions of higher education to hire case managers to coordinate services for students with chronic health conditions, provide information to students regarding the access to supports and services, and collect and report a significant amount of information on these students. Students with chronic health conditions that identify themselves to appropriate campus officials deserve support. Information about the availability of services is readily available to students under the federal Americans with Disabilities Act (ADA). Adding a unit of required professional personnel would be a financial challenge to some of our campuses.

House Bill 1098 presents several challenges for implementation because the definition of chronic health condition is vague and would require health experts to certify if a student had a chronic condition in need of ongoing medical attention. The bill confounds medical treatment with certain support services, and each campus has a different level of capability to provide those medical services that might be necessary. The case manager, as defined in this bill, implies the need for a medical professional. The language requires sharing of data among medical and nonmedical units which is problematic, as all medical information is protected under Health Insurance Portability and Accountability Act of 1996 (HIPAA). Medical units would not want to receive medical information for students who are not their patients, and the sharing of this personal information outside of the medical treatment unit could be problematic. Concern has been expressed about the health and medical privacy of USM students if House Bill 1098 were law.

The reporting that is required is extensive and implies the ability to measure quality and effectiveness without definition. The reporting of these outcomes on students who are patients in a health center is qualitatively different than reporting aggregated outcomes from the ADA/Disability Services office for students who have identified themselves as requiring support services. Because of the structure of campus student services, there may be important ways that collection of data across departments becomes complicated and may not be possible while complying with HIPAA rules. For example, career services offices work very differently than academic counseling or housing and dining arrangements, and these offices do not depend on HIPAA protected private information.

The expectation is that students who require support services would report to the Office of Disability Services, where coordination of services and follow up take place. This would include students with “invisible” chronic health conditions as well as other disabilities. USM campuses will continue to improve the notification and messaging of the availability of support services. Additionally, the USM’s Vice Presidents for Student Affairs work closely with their ADA/Disabilities Office and their Health Center Director to improve the follow up of students who have conditions requiring additional support and service.

REGIONAL USM HIGHER EDUCATION CENTERS

SENATE BILL 89

University System of Maryland - Regional Higher Education Center - Charles County

USM Position: Unfavorable

Status: Did Not Pass

Senate Bill 89 would have required the Board of Regents to establish a Regional Higher Education Center (RHEC) in Charles County. The USM agrees with the goal of Senate Bill 89 to make education beyond the associate degree accessible for citizens in the Southern Maryland region, including residents of Charles County. However, the USM expressed concerns with the way Senate Bill 89 seeks to achieve this goal.

The Southern Maryland region contains a range of high-quality educational institutions, and programs. However, opportunities for Southern Maryland residents wishing to stay in the region and complete a higher education degree, particularly a bachelor’s degree, had remained limited. Non-traditional students, including working adults, seeking a bachelor’s degree represented the greatest area of unmet demand in the region, with the disciplines of business/management, engineering, education, computer science, and health care in particular demand.

The University System of Maryland at Southern Maryland ([USMSM](#)) is a prime example of an important regional need backed by the full faith of the General Assembly and led by experienced leaders in government, business and education. Each group approached this task understanding that cost, convenience, and location are the three primary factors that influence whether local residents choose to stay in Southern Maryland and complete a degree. Increasing diversity, equity and inclusion will define what is at the heart of this work. All of these opportunities are now available at USMSM, and the Tri-County community made it possible. The USM welcomed the opportunity to continue working with the legislature to expand college access in Charles County and the entire Southern Maryland region.

HOUSE BILL 1446**Universities at Shady Grove Regional Higher Education Center – Workforce Development Programs – Funding****Status:** Passed

House Bill 1446 requires the Governor to include a \$5 million appropriation in fiscal 2024 and 2025 for the Universities at Shady Grove (USG) Regional Higher Education Center (RHEC) to establish or support workforce development programs at the center if the USG RHEC does not receive funding in the fiscal 2023 operating budget. The bill takes effect July 1, 2022

COMMITTEE AND BUDGET NARRATIVE**M00F05****Office of the Chief Medical Examiner, Maryland Department of Health****Committee Narrative****Postmortem Examining Services****Report on Forensic Pathologist Recruitment and Financial Assistance in Higher Education****Institutions:**

The Office of the Chief Medical Examiner (OCME) under the Maryland Department of Health (MDH) has reported persistent issues filling vacant medical examiner positions. This coincides with national shortages of forensic pathologists at a time when the opioid crisis and rising homicide rates has caused a higher need for autopsies. Contributing to the workforce shortage is an insufficient number of physicians graduating from higher education institutions choosing to pursue forensic pathology. Therefore, the budget committees request that OCME, in consultation with UMB and MHEC, submit a report by Nov. 1, 2022, including:

- current and upcoming efforts to increase the number of forensic pathologists graduating from higher education institutions in Maryland;
- a description of any partnerships between OCME and higher education institutions for informing students of OCME job opportunities and recruiting recent graduates and fellows;
- funding opportunities for scholarships and other financial aid at higher education institutions for students in forensic pathology programs or other programs that could support OCME staffing needs;

- any changes or additional funding that could make existing Loan Assistance Repayment Programs (LARP) accessible to forensic pathologists; and
- steps that would be needed to develop a new LARP for forensic pathologists and the resource availability to implement this type of program.

Due Date: Nov. 1, 2022

Authors

MDH
UMB
MHEC

R30B23

Bowie State University, University System of Maryland

Committee Narrative

Bowie State University (BSU) Nursing Program Update: BSU has faced difficulties in meeting the Maryland Board of Nursing (MBON) required National Council Licensure Examination for Registered Nurses (NCLEX-RN) pass rate for its Nursing Program. MBON placed the BSU Nursing Program on conditional approval in 2013. BSU's program has remained in this status through 2022. BSU has implemented strategies intended to improve this pass rate. The committees request that BSU submit a report that documents the actions identified by BSU to improve the NCLEX-RN required MBON pass rate, how these strategies are intended to increase the pass rate, and the pass rate for fiscal 2022.

Due Date: August 5, 2022

Author

BSU

R30B26

Frostburg State University, University System of Maryland

Committee Narrative

Report on Increasing Capacity in the Physician Assistant (PA) Program: In order to address the growing shortage of health care professionals in Western Maryland, Frostburg State University (FSU) started offering a PA program at the USM-Hagerstown in 2019, after receiving provisional accreditation. The applications for the program have increased every year; however, cohorts are limited to 25 students. The committees are interested in FSU increasing the number of students in its PA program and request that FSU submit a report identifying obstacles to increasing enrollment and recommendations to grow the size of the cohort groups.

Due Date: Sept. 15, 2022

Author

FSU

Committee Narrative

Instructional Faculty Workload Report:

The committees request that the USM, Morgan State University (MSU), and St. Mary's College of Maryland (SMCM) continue to provide annual instructional workload reports for tenured/tenure-track faculty, and all types of faculty. Additional information may be included at the institution's discretion.

Due Date: Dec. 5, 2022

Author

USM
MSU
SMC

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USM State Relations Council is composed of representatives from each USM institution, as well as USM government relations staff.

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APPENDIX

OPERATING BUDGET:

2023FY - Operating Budget Analysis - R30B34 - UM Center for Environmental Science - 02/01/22

2023FY - Operating Budget Analysis - R30B36 - University System of Maryland Office

2023FY - Operating Budget Analysis - R30B00* - University System of Maryland Overview - 01/26/22

2023FY - Operating Budget Analysis - R30B23 - Bowie State University - 02/23/22

2023FY - Operating Budget Analysis - R30B27 - Coppin State University - 02/23/22

2023FY - Operating Budget Analysis - R30B28 - University of Baltimore - 02/07/22

2023FY - Operating Budget Analysis - R30B29 - Salisbury University - 02/16/22

2023FY - Operating Budget Analysis - R30B30 - University of Maryland Global Campus - 02/28/22

2023FY - Operating Budget Analysis - R30B31 - University of Maryland Baltimore County - 02/23/22

2023FY - Operating Budget Analysis - R30B34 - UM Center for Environmental Science - 02/01/22

2023FY - Operating Budget Analysis - R30B36 - University System of Maryland Office

CAPITAL BUDGET:

2023FY - Capital Budget Analysis - RB21* - University of Maryland, Baltimore Campus

2023FY - Capital Budget Analysis - RB22* - University of Maryland, College Park Campus

2023FY - Capital Budget Analysis - RB23* - Bowie State University

2023FY - Capital Budget Analysis - RB24* - Towson University

2023FY - Capital Budget Analysis - RB25* - University of Maryland Eastern Shore

2023FY - Capital Budget Analysis - RB26* - Frostburg State University

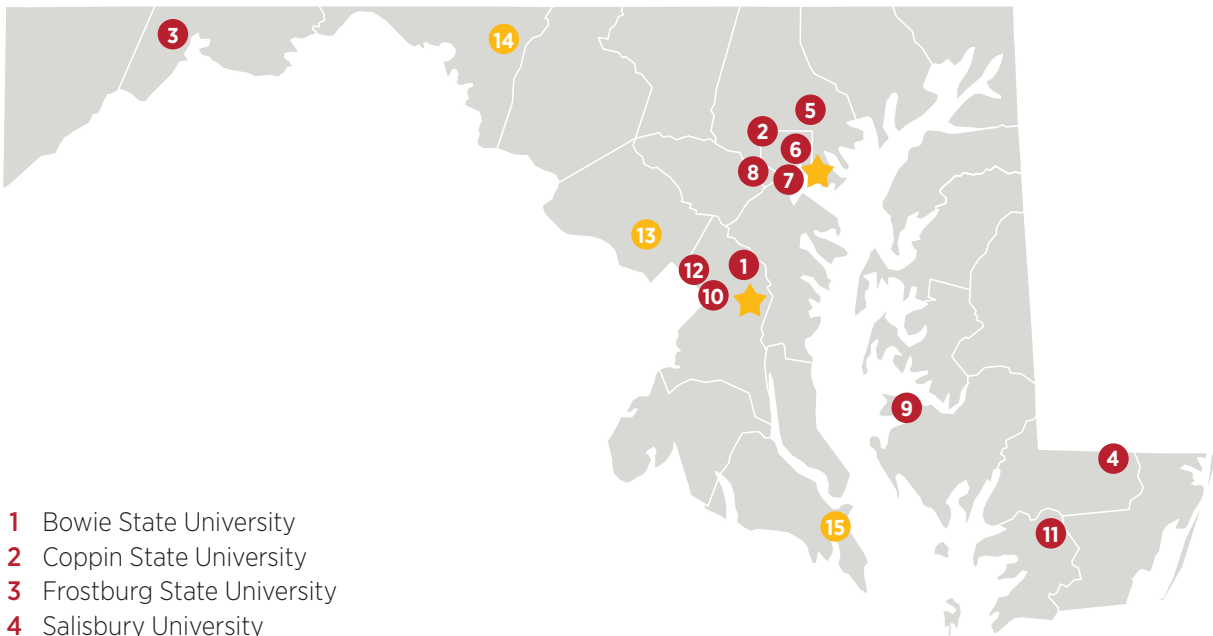
2023FY - Capital Budget Analysis - RB27* - Coppin State University

2023FY - Capital Budget Analysis - RB29* - Salisbury University

2023FY - Capital Budget Analysis - RB31* - University of Maryland, Baltimore County

2023FY - Capital Budget Analysis - RB34* - University of Maryland Center for Environmental Science

2023FY - Capital Budget Analysis - RB36* - University System of Maryland Office



- 1 Bowie State University
- 2 Coppin State University
- 3 Frostburg State University
- 4 Salisbury University
- 5 Towson University
- 6 University of Baltimore
- 7 University of Maryland, Baltimore
- 8 University of Maryland, Baltimore County
- 9 University of Maryland Center for Environmental Science
- 10 University of Maryland, College Park
- 11 University of Maryland Eastern Shore
- 12 University of Maryland Global Campus

Regional Higher Education Centers

- 13 Universities at Shady Grove
- 14 University System of Maryland at Hagerstown
- 15 University System of Maryland at Southern Maryland

- ★ University System of Maryland Office