

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 238
Appropriations

(Delegate Oaks, *et al.*)

Education, Health, and Environmental Affairs

Morgan State University - Board of Regents - Length and Limitation of Terms
and Residency Requirement

This bill limits the term of office of a member of the Board of Regents of Morgan State University (MSU) to five years. The bill also prohibits a member from serving more than two consecutive terms of five years. A member of the board who was appointed on or before December 31, 2012, may not serve, on completion of that term, more than one additional five-year term.

The bill also establishes a residency requirement, which does not apply to the student member; at most, three members of the board who are not alumni may be residents of other states. The residency requirement does not apply to a member of the board who was appointed on or before December 31, 2012.

Fiscal Summary

State Effect: Limiting the terms of office, the number of consecutive terms, and the residency of members of the Board of Regents of MSU does not materially affect State or university finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Board of Regents of MSU consists of 15 members, including a student member, appointed by the Governor with the advice and consent of the Senate.

Except for the student member, each member serves a term of six years and until a successor is appointed and qualifies. The student member serves a one-year term and until a successor is appointed and qualifies. There are no set limits on the number of consecutive terms a member may serve.

Except for the student member, at least eight members of the board must be residents of the State. A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies. A member serves without compensation but is entitled to reimbursement for expenses.

Background: The Board of Regents of MSU is generally responsible for setting the policies and procedures for MSU, one of four historically black institutions in Maryland. The board sets tuition at the university, approves the implementation of new academic programs and the elimination of existing academic programs, sets policies and guidelines for university personnel, and adopts admission policies for students who apply to the university. The board also appoints a university president, who acts as the chief executive officer of the university and the chief of staff for the board.

As noted above, there are 15 members of the Board of Regents of MSU. Not including the student member, currently five of the board members are out-of-state residents – two of whom are MSU alumni.

The Board of Regents of MSU named its twelfth president in December 2009 to a term that was scheduled to expire on June 30, 2013. The president of MSU serves at the pleasure of the board. In December 2012, the Board of Regents of MSU voted not to renew the president's contract in a vote of 8-7. The announcement came as a surprise to many, including the president, faculty members, students, alumni, and community leaders, many of whom then rallied behind the president in support. Less than one month later, the board reversed its decision in a vote of 14-1 to extend the president's contract for one additional year beyond July 2013. Both of these decisions were made during closed sessions of the board; however, the chair of the board has subsequently publicly communicated concerns about the president's leadership ability.

There are two other governing boards of State senior higher education institutions. The Board of Regents of the University System of Maryland (USM) consists of 17 members, including a student member. The State Secretary of Agriculture serves as an *ex officio* member; the other members must be appointed by the Governor, with the advice and consent of the Senate. Except for the student member, each appointed member serves a five-year term from July 1 of the year of appointment and serves until a successor is appointed and qualifies. The student member serves a one-year term, from July 1, and may be reappointed if the student remains a student at any campus of USM. Except for

the Secretary of Agriculture, a member may not serve more than two consecutive full terms.

The Board of Trustees of St. Mary's College of Maryland consists of 26 members. Of the 26 members, 23 must be appointed by the Governor upon the recommendation of the board of trustees; 1 member must be the Chairman of the Historic St. Mary's City Commission, or the chairman's designee; 1 member must be the President of the St. Mary's Alumni Association; and 1 member must be a student in good academic standing at the college. Except for the Chairman of the Historic St. Mary's City Commission, the President of the St. Mary's College Alumni Association, and the student member, members serve for staggered six-year terms and until a successor is appointed and qualifies. The student member serves a one-year term and until a successor is appointed and qualifies.

Additional Information

Prior Introductions: None.

Cross File: SB 226 (Senator Pugh, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Morgan State University, Department of Legislative Services

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