
By: **Senators Hughes, McFadden, Conway, Della, Gladden, and Jones**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 28, 2005

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City Community College - Governance**

3 FOR the purpose of altering the membership of the Board of Trustees of Baltimore
 4 City Community College; providing that certain faculty members, elected by the
 5 Faculty Senate, are members of the Board of Trustees; ~~providing that the~~
 6 ~~Secretary of Higher Education or the Secretary's designee is an ex-officio~~
 7 ~~member of the Board of Trustees; providing for the terms of the faculty members~~
 8 of the Board of Trustees; requiring the Board of Trustees to meet at least a
 9 certain number of times each quarter with the Faculty Senate; clarifying the
 10 role of the Board of Trustees; prohibiting the Board of Trustees from
 11 participating in the daily operations of the College; requiring the Board of
 12 Trustees to appoint an interim president when the Office of the President is
 13 vacant; providing that the interim president may not be a member of the Board
 14 of Trustees; ~~authorizing the Board of Trustees, in consultation with the Faculty~~
 15 ~~Senate Executive Committee, to establish, modify, or amend certain policies and~~
 16 ~~procedures of the faculty contract; clarifying the President's role as the sole~~
 17 ~~liaison to the Board of Trustees; altering certain responsibilities of the~~
 18 ~~President; requiring the formation of a faculty search committee to fill certain~~
 19 ~~faculty vacancies; providing for the composition of the faculty search committee;~~
 20 clarifying that the President shall make certain recommendations; altering the
 21 contribution required from the City of Baltimore; ~~requiring the Board of~~
 22 ~~Trustees and the President of the College to develop and implement an~~
 23 ~~independent system for hearing faculty grievances; requiring a certain system to~~
 24 ~~include the use of a certain independent body that is not affiliated with certain~~
 25 ~~entities to hear certain grievances and make recommendations to the Board of~~
 26 ~~Trustees; requiring the Board of Trustees to adopt certain regulations; and~~
 27 generally relating to the governance of Baltimore City Community College.

1 BY repealing and reenacting, with amendments,
 2 Article - Education
 3 Section 16-504(b), (c), and (f), 16-505(b) ~~and (h), and (j)~~, 16-506(a), and
 4 16-512(d)
 5 Annotated Code of Maryland
 6 (2004 Replacement Volume and 2004 Supplement)

7 BY adding to
 8 Article - Education
 9 Section 16-510.1
 10 Annotated Code of Maryland
 11 (2004 Replacement Volume and 2004 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Education**

15 16-504.

16 (b) (1) The Board of Trustees consists of 11 members as follows:

17 (I) ~~{9} 10~~ members appointed by the Governor with the advice and
 18 consent of the Senate;

19 (II) 1 FACULTY MEMBER ELECTED BY THE FACULTY SENATE; AND

20 (III) 1 NONVOTING FACULTY MEMBER ELECTED BY THE FACULTY
 21 SENATE, WHO MAY ONLY VOTE IF A BOARD VOTE ENDS IN A TIE.

22 (2) Of the ~~VOTING~~ APPOINTED members:

23 (i) Each shall be a resident of the State;

24 (ii) A majority shall be residents of Baltimore City; ~~and~~

25 (iii) 1 shall be a regularly enrolled student in good standing at the
 26 College; ~~AND~~

27 (IV) ~~1 SHALL BE THE SECRETARY, OR THE SECRETARY'S DESIGNEE,~~
 28 ~~WHO SHALL SERVE AS AN EX OFFICIO MEMBER.~~

29 (c) (1) The student member AND THE FACULTY MEMBERS shall have a term
 30 of 1 year beginning June 1 and ending on May 30.

31 (2) Except for the student AND FACULTY [member] MEMBERS, the term
 32 FOR APPOINTED MEMBERS is 6 years from July 1 of the year of appointment and until
 33 a successor is appointed and qualifies.

1 (3) The terms of the APPOINTED members are staggered, as required by
2 the terms provided for members of the Board on July 1, 1992.

3 (4) A member appointed to fill a vacancy in an unexpired term serves
4 only for the remainder of that term or until a successor is appointed and qualifies.

5 (5) A member may be reappointed but may not serve more than 2
6 consecutive full terms.

7 (f) (1) (I) [The] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,
8 THE Board of Trustees shall meet regularly at such times and places as it determines.

9 (II) THE BOARD SHALL MEET AT LEAST ONE TIME EACH QUARTER
10 WITH THE FACULTY SENATE AT SUCH TIMES AND PLACES AS THE BOARD AND THE
11 FACULTY SENATE DETERMINES.

12 (2) The Board of Trustees may adopt rules for the conduct of its meetings
13 and the transaction of business.

14 16-505.

15 (b) (1) The Board of Trustees shall exercise general control [and
16 management of] OVER the College and establish [policies] BROAD POLICY AND
17 LONG-RANGE PLANNING to effect the efficient operation of the College.

18 (2) THE BOARD OF TRUSTEES SHALL NOT PARTICIPATE IN THE
19 DAY-TO-DAY OPERATIONS OF THE COLLEGE.

20 (h) (1) The Board of Trustees shall appoint a President of the College who
21 shall be the Chief Executive Officer of the College and the Chief of Staff for the Board
22 of Trustees.

23 (2) The Board of Trustees may create other offices in the College and
24 provide for the appointment of qualified persons to those offices.

25 (3) (I) THE BOARD OF TRUSTEES SHALL APPOINT AN INTERIM
26 PRESIDENT TO CARRY OUT THE DUTIES OF THE PRESIDENT IMMEDIATELY WHEN
27 THE OFFICE OF THE PRESIDENT BECOMES VACANT.

28 (II) THE INTERIM PRESIDENT MAY NOT BE A MEMBER OF THE
29 BOARD OF TRUSTEES.

30 [(3)] (4) (i) Notwithstanding any other provision of law, the Board of
31 Trustees may create any position to the extent that the cost of the position, including
32 any fringe benefit costs, is funded from grant or special project funds.

33 (ii) The Board of Trustees shall abolish a position created under
34 this paragraph when the grant or special project funds are insufficient to fund the
35 cost of the position, including any fringe benefit costs.

1 (iii) This paragraph may not be construed to require any additional
2 State General Fund support.

3 (iv) By September 1 of each year, the Board shall submit an annual
4 position accountability report to the Department of Budget and Management, the
5 Department of Legislative Services, and the Maryland Higher Education Commission
6 reporting the total positions created and the cost and the funding source for any
7 positions created by Baltimore City Community College in the previous fiscal year.

8 (v) The total number of positions authorized under this paragraph
9 shall be limited as specified annually in the State budget bill.

10 (j) (1) The Board of Trustees may fix the salaries and terms of employment
11 of the President[, faculty,] and officers of the College.

12 (2) THE BOARD OF TRUSTEES, IN CONSULTATION WITH THE FACULTY
13 SENATE EXECUTIVE COMMITTEE, MAY ESTABLISH, MODIFY, OR AMEND THE
14 POLICIES AND PROCEDURES IN THE FACULTY CONTRACT THAT GOVERN THE
15 EMPLOYMENT RELATIONSHIP BETWEEN THE FACULTY AND THE COLLEGE.

16 16-506.

17 (a) The President of the College shall:

18 (1) Report directly to the Board of Trustees AND BE THE SOLE LIAISON
19 BETWEEN THE BOARD AND THE COLLEGE'S FACULTY, ADMINISTRATORS, AND STAFF;

20 (2) Be responsible and accountable to the Board of Trustees for the
21 discipline and successful conduct of the College and supervision of each of its
22 departments;

23 (3) Take every initiative in:

24 (i) Implementing the policies of the Board of Trustees and the
25 College; and

26 (ii) Promoting the development and efficiency of the College;

27 (4) ~~[Hire] RECOMMEND THE APPOINTMENT and discharge OF faculty~~
28 ~~and employees [as authorized] by the Board of Trustees;~~

29 (4) (I) BE DIRECTLY RESPONSIBLE FOR HIRING, PROMOTING, AND
30 DISCHARGING ALL FACULTY AND EMPLOYEES WHO REPORT TO VICE PRESIDENTS,
31 EXECUTIVE DIRECTORS, DIRECTORS, DEANS, OR DEPARTMENT CHAIRS AND
32 EQUIVALENT POSITIONS THAT DO NOT REPORT DIRECTLY TO THE PRESIDENT; AND

33 (II) MAKE RECOMMENDATIONS TO THE BOARD OF TRUSTEES, FOR
34 THE BOARD'S APPROVAL, RELATING TO THE HIRING, PROMOTING, AND DISCHARGING
35 OF ALL FACULTY AND EMPLOYEES WHO ARE VICE PRESIDENTS, EXECUTIVE

1 DIRECTORS, DIRECTORS, DEANS, OR DEPARTMENT CHAIRS AND EQUIVALENT
2 POSITIONS REPORTING DIRECTLY TO THE PRESIDENT;

3 (5) Attend all meetings of the Board of Trustees, except that the
4 President may be excused by the Board of Trustees from discussions concerning the
5 President or the position of President; and

6 (6) Carry out other duties as authorized by the Board of Trustees.

7 16-510.1.

8 (A) A FACULTY SEARCH COMMITTEE SHALL BE FORMED TO FILL ANY
9 VACANCY ON THE FACULTY OF A DEPARTMENT IN THE COLLEGE.

10 (B) THE FACULTY SEARCH COMMITTEE SHALL CONSIST OF:

11 (1) THE CHAIR OF THE DEPARTMENT WITH THE FACULTY VACANCY;

12 (2) THE DEAN OF THE COLLEGE;

13 (3) THE HUMAN RESOURCES DIRECTOR OF THE COLLEGE;

14 (4) A MEMBER OF THE FACULTY SENATE; AND

15 (5) A PROFESSIONAL INDIVIDUAL WITH EXPERTISE IN THE FIELD OF
16 THE DEPARTMENT.

17 (C) A FACULTY SEARCH COMMITTEE MAY INCLUDE UP TO 2 ADDITIONAL
18 MEMBERS AT THE DISCRETION OF THE CHAIR OF THE DEPARTMENT WITH THE
19 FACULTY VACANCY.

20 16-512.

21 (d) (1) (i) Through June 30, 1999, the City of Baltimore shall be
22 responsible for providing at least \$600,000 in each fiscal year to support education at
23 the Baltimore City Community College.

24 (ii) Of this amount, in each fiscal year, at least \$300,000 shall be
25 expended and administered by the College for tuition reimbursement or scholarships
26 to attend classes at the Baltimore City Community College, and the remaining
27 balance shall be expended in a manner consistent with the educational mission of the
28 Baltimore City Community College.

29 (iii) The source of the \$600,000 is not limited to tax or fee revenues
30 generated by the City of Baltimore.

31 (2) (i) Beginning on July 1, 1999, the City of Baltimore shall be
32 responsible for providing at least \$800,000 in each fiscal year to support education at
33 the Baltimore City Community College.

1 (ii) Of this amount, in each fiscal year, at least \$500,000 shall be
2 expended and administered by the College for tuition reimbursement or scholarships
3 to attend classes at the Baltimore City Community College, and the remaining
4 balance shall be expended in a manner consistent with the educational mission of the
5 Baltimore City Community College.

6 (iii) The source of the \$800,000 is not limited to tax or fee revenues
7 generated by the City of Baltimore.

8 (3) (I) BEGINNING ON JULY 1, 2005, THE CITY OF BALTIMORE SHALL
9 BE RESPONSIBLE FOR PROVIDING AT LEAST ~~\$1,500,000~~ \$1,200,000 IN EACH FISCAL
10 YEAR TO SUPPORT EDUCATION AT THE BALTIMORE CITY COMMUNITY COLLEGE.

11 (II) OF THIS AMOUNT, IN EACH FISCAL YEAR, AT LEAST ~~\$1,000,000~~
12 \$400,000 SHALL BE EXPENDED AND ADMINISTERED BY THE COLLEGE FOR TUITION
13 REIMBURSEMENT OR SCHOLARSHIPS TO ATTEND CLASSES AT THE BALTIMORE CITY
14 COMMUNITY COLLEGE, AND THE REMAINING BALANCE SHALL BE EXPENDED IN A
15 MANNER CONSISTENT WITH THE EDUCATIONAL MISSION OF THE BALTIMORE CITY
16 COMMUNITY COLLEGE.

17 (III) THE SOURCE OF THE ~~\$1,500,000~~ \$1,200,000 IS NOT LIMITED TO
18 TAX OR FEE REVENUES GENERATED BY THE CITY OF BALTIMORE.

19 SECTION 2. AND BE IT FURTHER ENACTED, That:

20 (a) The Board of Trustees and the President of the Baltimore City Community
21 College (College) shall develop and implement an independent system for hearing
22 faculty grievances.

23 (b) The system required under subsection (a) of this section shall include the
24 use of an independent body, unaffiliated with the Board of Trustees of the College, the
25 President of the College, the Faculty Senate, or the Office of Human Resources in the
26 College, to hear grievances and make recommendations to the Board of Trustees.

27 (c) The Board of Trustees shall adopt regulations to carry out the provisions of
28 this section.

29 ~~SECTION 2. 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take
30 effect June 1, 2005.