

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Ways and Means --

Introduced by **Senators Conway, Gladden, Hughes, Jones, and McFadden**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Community Colleges - Baltimore City Community College - Governance**

3 FOR the purpose of clarifying the role of the Board of Trustees of Baltimore City
4 Community College; prohibiting the Board of Trustees from participating in
5 certain operations of the College; requiring the Board of Trustees to appoint a
6 certain interim president under certain circumstances; providing that the
7 interim president may not be a member of the Board of Trustees; ~~authorizing~~
8 ~~the Board of Trustees, in consultation with the Faculty Senate Executive~~
9 ~~Committee, to establish, modify, or amend certain policies and procedures of a~~
10 ~~certain faculty contract~~; clarifying that the President is a certain liaison;
11 altering certain responsibilities of the President; ~~requiring the formation of a~~
12 ~~certain faculty search committee to fill certain faculty vacancies~~; ~~providing for~~
13 ~~the composition of the faculty search committee prohibiting more than a certain~~
14 ~~number of members of the Board of Trustees from being included on certain~~
15 ~~search committees~~; altering the amount of money provided by Baltimore City to
16 the College; requiring certain reports; ~~requiring the Board of Trustees and the~~
17 ~~President to develop and implement an independent system for hearing faculty~~

1 ~~grievances; requiring a certain system to include the use of a certain~~
 2 ~~independent body that is not affiliated with certain entities to hear certain~~
 3 ~~grievances and make recommendations to the Board of Trustees; requiring the~~
 4 ~~Board of Trustees to adopt certain regulations; making certain technical~~
 5 ~~corrections; and generally relating to the governance of Baltimore City~~
 6 ~~Community College.~~

7 BY repealing and reenacting, without amendments,
 8 Article - Education
 9 Section 16-502(b) and (c)
 10 Annotated Code of Maryland
 11 (2004 Replacement Volume and 2005 Supplement)

12 BY repealing and reenacting, with amendments,
 13 Article - Education
 14 Section ~~16-505(b), (h), and (j)~~ 16-505(b) and (h), 16-506(a), and 16-512(d)
 15 Annotated Code of Maryland
 16 (2004 Replacement Volume and 2005 Supplement)

17 ~~BY adding to~~
 18 ~~Article - Education~~
 19 ~~Section 16-510.1~~
 20 ~~Annotated Code of Maryland~~
 21 ~~(2004 Replacement Volume and 2005 Supplement)~~

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

24 **Article - Education**

25 16-502.

26 (b) "Board of Trustees" means the Board of Trustees of Baltimore City
 27 Community College.

28 (c) "College" means Baltimore City Community College, formerly known as
 29 the New Community College of Baltimore.

30 16-505.

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

34 (2) THE BOARD OF TRUSTEES MAY NOT PARTICIPATE IN THE
 35 DAY-TO-DAY OPERATIONS OF THE COLLEGE.

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

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

6 (3) (I) THE BOARD OF TRUSTEES SHALL APPOINT AN INTERIM
 7 PRESIDENT TO CARRY OUT THE DUTIES OF THE PRESIDENT WITHIN ~~60~~ 90 DAYS
 8 AFTER THE OFFICE OF THE PRESIDENT BECOMES VACANT.

9 (II) THE INTERIM PRESIDENT MAY NOT BE A MEMBER OF THE
 10 BOARD OF TRUSTEES.

11 [(3)] (4) (i) Notwithstanding any other provision of law, the Board of
 12 Trustees may create any position to the extent that the cost of the position, including
 13 any fringe benefit costs, is funded from grant or special project funds.

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

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

19 (iv) By September 1 of each year, the Board OF TRUSTEES shall
 20 submit an annual position accountability report to the Department of Budget and
 21 Management, in accordance with § 2-1246 of the State Government Article, the
 22 Department of Legislative Services, and the [Maryland Higher Education]
 23 Commission reporting the total positions created and the cost and the funding source
 24 for any positions created by [Baltimore City Community] THE College in the previous
 25 fiscal year.

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

28 ~~(j) (1) The Board of Trustees may fix the salaries and terms of employment~~
 29 ~~of the President, faculty, and officers of the College.~~

30 ~~(2) THE BOARD OF TRUSTEES, IN CONSULTATION WITH THE FACULTY~~
 31 ~~SENATE EXECUTIVE COMMITTEE, MAY ESTABLISH, MODIFY, OR AMEND THE~~
 32 ~~POLICIES AND PROCEDURES IN THE FACULTY CONTRACT THAT GOVERN THE~~
 33 ~~EMPLOYMENT RELATIONSHIP BETWEEN THE FACULTY AND THE COLLEGE.~~

34 16-506.

35 (a) The President of the College shall:

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

4 (2) Be responsible and accountable to the Board of Trustees for the
 5 discipline and successful conduct of the College and supervision of each of its
 6 departments;

7 (3) Take every initiative in:

8 (i) Implementing the policies of the Board of Trustees and the
 9 College; and

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

11 {(4) Hire and discharge faculty and employees as authorized by the Board
 12 of Trustees;}

13 (4) (I) ~~BE DIRECTLY RESPONSIBLE FOR HIRING, PROMOTING, AND~~
 14 ~~DISCHARGING ALL FACULTY AND EMPLOYEES WHO REPORT TO VICE PRESIDENTS,~~
 15 ~~EXECUTIVE DIRECTORS, DIRECTORS, DEANS, OR DEPARTMENT CHAIRS AND~~
 16 ~~EQUIVALENT POSITIONS THAT DO NOT REPORT DIRECTLY TO THE PRESIDENT; AND~~

17 (II) ~~MAKE RECOMMENDATIONS TO THE BOARD OF TRUSTEES, FOR~~
 18 ~~THE BOARD OF TRUSTEES' APPROVAL, RELATING TO THE HIRING, PROMOTING, AND~~
 19 ~~DISCHARGING OF ALL FACULTY AND EMPLOYEES WHO ARE VICE PRESIDENTS,~~
 20 ~~EXECUTIVE DIRECTORS, DEANS, OR DEPARTMENT CHAIRS AND EQUIVALENT~~
 21 ~~POSITIONS REPORTING DIRECTLY TO THE PRESIDENT;~~

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

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

26 ~~46-510.1.~~

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

29 (B) ~~THE FACULTY SEARCH COMMITTEE SHALL CONSIST OF:~~

30 (1) ~~THE CHAIR OF THE DEPARTMENT WITH THE FACULTY VACANCY;~~

31 (2) ~~THE DEAN OF THE COLLEGE;~~

32 (3) ~~THE HUMAN RESOURCES DIRECTOR OF THE COLLEGE;~~

33 (4) ~~A MEMBER OF THE FACULTY SENATE; AND~~

1 ~~(S) A PROFESSIONAL INDIVIDUAL WITH EXPERTISE IN THE FIELD OF~~
2 ~~THE DEPARTMENT.~~

3 ~~(C) A FACULTY SEARCH COMMITTEE MAY INCLUDE UP TO TWO ADDITIONAL~~
4 ~~MEMBERS AT THE DISCRETION OF THE CHAIR OF THE DEPARTMENT WITH THE~~
5 ~~FACULTY VACANCY.~~

6 ~~(A) THE PRESIDENT OF THE COLLEGE SHALL FORM A SEARCH COMMITTEE TO~~
7 ~~FILL VACANCIES IN FACULTY OR OTHER STAFF POSITIONS.~~

8 ~~(B) A SEARCH COMMITTEE FORMED UNDER SUBSECTION (A) OF THIS SECTION~~
9 ~~MAY NOT INCLUDE MORE THAN TWO MEMBERS OF THE BOARD OF TRUSTEES.~~

10 16-512.

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

14 (ii) Of this amount, in each fiscal year, at least \$300,000 shall be
15 expended and administered by the College for tuition reimbursement or scholarships
16 to attend classes at the [Baltimore City Community] College, and the remaining
17 balance shall be expended in a manner consistent with the educational mission of the
18 [Baltimore City Community] College.

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

21 (2) (i) Beginning on July 1, 1999, the City of Baltimore shall be
22 responsible for providing at least \$800,000 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 \$500,000 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 \$800,000 is not limited to tax or fee revenues
30 generated by the City of Baltimore.

31 (3) (I) BEGINNING ON JULY 1, 2006, THE CITY OF BALTIMORE SHALL
32 BE RESPONSIBLE FOR PROVIDING AT LEAST \$1,000,000 IN EACH FISCAL YEAR TO
33 SUPPORT EDUCATION AT THE COLLEGE.

34 (II) OF THIS AMOUNT, IN EACH FISCAL YEAR, AT LEAST \$400,000
35 SHALL BE EXPENDED AND ADMINISTERED BY THE COLLEGE FOR TUITION
36 REIMBURSEMENT OR SCHOLARSHIPS TO ATTEND CLASSES AT THE COLLEGE, AND
37 THE REMAINING BALANCE SHALL BE GIVEN TO THE CLARENCE BLOUNT CHILD

1 ~~DEVELOPMENT CENTER EXPENDED IN A MANNER CONSISTENT WITH THE~~
2 ~~EDUCATIONAL MISSION OF THE COLLEGE.~~

3 (III) THE SOURCE OF THE \$1,000,000 IS NOT LIMITED TO TAX OR FEE
4 REVENUES GENERATED BY THE CITY OF BALTIMORE.

5 (IV) THE BOARD OF TRUSTEES SHALL SUBMIT AN ANNUAL REPORT
6 ON OR BEFORE DECEMBER 31 TO THE DIRECTOR OF FINANCE FOR THE CITY OF
7 BALTIMORE REGARDING THE EXPENDITURES MADE UNDER THIS PARAGRAPH.

8 ~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

9 (a) ~~The Board of Trustees of Baltimore City Community College (College) and~~
10 ~~the President of the College shall develop and implement an independent system for~~
11 ~~hearing faculty grievances.~~

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

16 (c) ~~The Board of Trustees shall adopt regulations to carry out the provisions of~~
17 ~~this section.~~

18 ~~SECTION 3. 2.~~ AND BE IT FURTHER ENACTED, That this Act shall take
19 effect June 1, 2006.