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

Introduced and read first time: January 26, 2006

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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; altering the amount of money
14 provided by Baltimore City to the College; requiring certain reports; requiring
15 the Board of Trustees and the President to develop and implement an
16 independent system for hearing faculty grievances; requiring a certain system to
17 include the use of a certain independent body that is not affiliated with certain
18 entities to hear certain grievances and make recommendations to the Board of
19 Trustees; requiring the Board of Trustees to adopt certain regulations; making
20 certain technical corrections; and generally relating to the governance of
21 Baltimore City Community College.

22 BY repealing and reenacting, without amendments,
23 Article - Education
24 Section 16-502(b) and (c)
25 Annotated Code of Maryland
26 (2004 Replacement Volume and 2005 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article - Education
29 Section 16-505(b), (h), and (j), 16-506(a), and 16-512(d)
30 Annotated Code of Maryland
31 (2004 Replacement Volume and 2005 Supplement)

1 BY adding to
2 Article - Education
3 Section 16-510.1
4 Annotated Code of Maryland
5 (2004 Replacement Volume and 2005 Supplement)

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

8 **Article - Education**

9 16-502.

10 (b) "Board of Trustees" means the Board of Trustees of Baltimore City
11 Community College.

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

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 MAY 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 WITHIN 60 DAYS AFTER
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 OF TRUSTEES shall
4 submit an annual position accountability report to the Department of Budget and
5 Management, the Department of Legislative Services, and the [Maryland Higher
6 Education] Commission reporting the total positions created and the cost and the
7 funding source for any positions created by [Baltimore City Community] THE College
8 in the previous fiscal year.

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

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

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

17 16-506.

18 (a) The President of the College shall:

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

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

25 (3) Take every initiative in:

26 (i) Implementing the policies of the Board of Trustees and the
27 College; and

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

29 [(4) Hire and discharge faculty and employees as authorized by the Board
30 of Trustees;]

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

35 (II) MAKE RECOMMENDATIONS TO THE BOARD OF TRUSTEES, FOR
36 THE BOARD OF TRUSTEES' APPROVAL, RELATING TO THE HIRING, PROMOTING, AND

1 DISCHARGING OF ALL FACULTY AND EMPLOYEES WHO ARE VICE PRESIDENTS,
2 EXECUTIVE DIRECTORS, DEANS, OR DEPARTMENT CHAIRS AND EQUIVALENT
3 POSITIONS REPORTING DIRECTLY TO THE PRESIDENT;

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

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

8 16-510.1.

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

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

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

13 (2) THE DEAN OF THE COLLEGE;

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

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

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

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

21 16-512.

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

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

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

32 (2) (i) Beginning on July 1, 1999, the City of Baltimore shall be
33 responsible for providing at least \$800,000 in each fiscal year to support education at
34 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, 2006, THE CITY OF BALTIMORE SHALL
9 BE RESPONSIBLE FOR PROVIDING AT LEAST \$1,000,000 IN EACH FISCAL YEAR TO
10 SUPPORT EDUCATION AT THE COLLEGE.

11 (II) OF THIS AMOUNT, IN EACH FISCAL YEAR, AT LEAST \$400,000
12 SHALL BE EXPENDED AND ADMINISTERED BY THE COLLEGE FOR TUITION
13 REIMBURSEMENT OR SCHOLARSHIPS TO ATTEND CLASSES AT THE COLLEGE, AND
14 THE REMAINING BALANCE SHALL BE GIVEN TO THE CLARENCE BLOUNT CHILD
15 DEVELOPMENT CENTER.

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

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

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

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

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

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

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 June 1, 2006.