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

Introduced and read first time: January 26, 2006

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 20, 2006

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
 18 grievances; requiring a certain system to include the use of a certain
 19 independent body that is not affiliated with certain entities to hear certain
 20 grievances and make recommendations to the Board of Trustees; requiring the
 21 Board of Trustees to adopt certain regulations; making certain technical
 22 corrections; and generally relating to the governance of Baltimore City
 23 Community College.

24 BY repealing and reenacting, without amendments,

25 Article - Education

26 Section 16-502(b) and (c)

27 Annotated Code of Maryland

1 (2004 Replacement Volume and 2005 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Education

4 Section ~~16-505(b), (h), and (j)~~ 16-505(b) and (h), 16-506(a), and 16-512(d)

5 Annotated Code of Maryland

6 (2004 Replacement Volume and 2005 Supplement)

7 BY adding to

8 Article - Education

9 Section 16-510.1

10 Annotated Code of Maryland

11 (2004 Replacement Volume and 2005 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 16-502.

16 (b) "Board of Trustees" means the Board of Trustees of Baltimore City
17 Community College.

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

20 16-505.

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

24 (2) **THE BOARD OF TRUSTEES MAY NOT PARTICIPATE IN THE**
25 **DAY-TO-DAY OPERATIONS OF THE COLLEGE.**

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

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

31 (3) (I) **THE BOARD OF TRUSTEES SHALL APPOINT AN INTERIM**
32 **PRESIDENT TO CARRY OUT THE DUTIES OF THE PRESIDENT WITHIN ~~60~~ 90 DAYS**
33 **AFTER THE OFFICE OF THE PRESIDENT BECOMES VACANT.**

1 (II) THE INTERIM PRESIDENT MAY NOT BE A MEMBER OF THE
2 BOARD OF TRUSTEES.

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

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

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

11 (iv) By September 1 of each year, the Board OF TRUSTEES shall
12 submit an annual position accountability report to the Department of Budget and
13 Management, the Department of Legislative Services, and the [Maryland Higher
14 Education] Commission reporting the total positions created and the cost and the
15 funding source for any positions created by [Baltimore City Community] THE College
16 in the previous fiscal year.

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

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

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

25 16-506.

26 (a) The President of the College shall:

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

30 (2) Be responsible and accountable to the Board of Trustees for the
31 discipline and successful conduct of the College and supervision of each of its
32 departments;

33 (3) Take every initiative in:

34 (i) Implementing the policies of the Board of Trustees and the
35 College; and

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

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

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

7 (II) MAKE RECOMMENDATIONS TO THE BOARD OF TRUSTEES, FOR
8 THE BOARD OF TRUSTEES' APPROVAL, RELATING TO THE HIRING, PROMOTING, AND
9 DISCHARGING OF ALL FACULTY AND EMPLOYEES WHO ARE VICE PRESIDENTS,
10 EXECUTIVE DIRECTORS, DEANS, OR DEPARTMENT CHAIRS AND EQUIVALENT
11 POSITIONS REPORTING DIRECTLY TO THE PRESIDENT;

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

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

16 16-510.1.

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

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

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

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

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

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

24 ~~(5) A PROFESSIONAL INDIVIDUAL WITH EXPERTISE IN THE FIELD OF~~
25 ~~THE DEPARTMENT.~~

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

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

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

1 16-512.

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

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

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

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

15 (ii) Of this amount, in each fiscal year, at least \$500,000 shall be
16 expended and administered by the College for tuition reimbursement or scholarships
17 to attend classes at the [Baltimore City Community] College, and the remaining
18 balance shall be expended in a manner consistent with the educational mission of the
19 [Baltimore City Community] College.

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

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

25 (II) OF THIS AMOUNT, IN EACH FISCAL YEAR, AT LEAST \$400,000
26 SHALL BE EXPENDED AND ADMINISTERED BY THE COLLEGE FOR TUITION
27 REIMBURSEMENT OR SCHOLARSHIPS TO ATTEND CLASSES AT THE COLLEGE, AND
28 THE REMAINING BALANCE SHALL BE ~~GIVEN TO THE CLARENCE BLOUNT CHILD~~
29 ~~DEVELOPMENT CENTER~~ EXPENDED IN A MANNER CONSISTENT WITH THE
30 EDUCATIONAL MISSION OF THE COLLEGE.

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

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

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

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

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

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

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