

## Chapter 346

**(House Bill 533)**

AN ACT concerning

**University System of Maryland – Board of Regents – Transparency and Oversight**

FOR the purpose of altering the membership of the Board of Regents of the University System of Maryland; requiring the President of the Senate and the Speaker of the House of Delegates to appoint certain members to the Board; requiring the Senate to consider appointees to the Board collectively during a certain period of time to ensure a certain balance of membership; requiring the Governor to notify the Senate of certain appointments; specifying when the Board shall elect a chairperson; requiring the chairperson, except under certain circumstances, to serve in the position subject to the advice and consent of the Senate; altering the term of the student members of the Board; requiring the Board to make certain meetings available to the public by live and archived video streaming and to make certain documents available to the public; ~~requiring the Board to conduct certain activities in open session or closed sessions~~; altering the voting rights of the student members of the Board; ~~establishing the Workgroup to Study Oversight of the University System of Maryland; providing for the composition, chair, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Workgroup to review and compile information regarding certain matters; requiring the Workgroup to report its findings to the Governor and the General Assembly on or before a certain date~~; making conforming changes; requiring the Board to review certain annual statements; requiring the Board to provide certain education and training to certain Board members at certain times; requiring the Board to approve the membership of certain search committees; requiring the Board to notify certain individuals at least a certain number of days before certain financial incentives go into effect; providing for the termination of certain provisions of this Act; ~~providing for the termination of certain provisions of this Act~~; and generally relating to the Board of Regents of the University System of Maryland.

BY repealing and reenacting, with amendments,

Article – Education

Section 12-102 ~~and 12-103~~, 12-103, 12-108(b)(3), and 12-109(a)

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,Article – EducationSection 12-104(a)Annotated Code of Maryland(2018 Replacement Volume and 2018 Supplement)

*BY adding to*

*Article – Education*

*Section 12–104(p) and (q)*

*Annotated Code of Maryland*

*(2018 Replacement Volume and 2018 Supplement)*

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

### **Article – Education**

12–102.

(a) (1) There is a body corporate and politic known as the University System of Maryland.

(2) The University is an instrumentality of the State and a public corporation.

(3) The University is an independent unit of State government.

(4) The exercise by the University of the powers conferred by this subtitle is the performance of an essential public function.

(b) The government of the University System of Maryland is vested in the Board of Regents of the University System of Maryland.

(c) The Board of Regents consists of [17] **21** members as follows:

(1) (i) Except as provided in item (ii) of this item, [one member] **TWO MEMBERS** shall be [a] full-time [student] **STUDENTS** in good academic standing at an institution under the jurisdiction of the Board; and

(ii) A student member who is in good academic standing at the University of Maryland University College shall be exempt from the full-time student requirement in item (i) of this item;

(2) One member shall be the [State] Secretary of Agriculture ex officio;  
[and]

**(3) ONE MEMBER SHALL BE THE SECRETARY OF COMMERCE EX OFFICIO;**

**(4) ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE;**

**(5) ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE; AND**

**[(3)] (6) The remaining members of the Board shall be residents of the State [and], shall be appointed from the general public, AND SHALL INCLUDE:**

**(I) ONE INDIVIDUAL WITH A BACKGROUND IN HIGHER EDUCATION ADMINISTRATION;**

**(II) ONE INDIVIDUAL WITH A BACKGROUND IN FINANCE; AND**

**(III) ONE INDIVIDUAL WITH A BACKGROUND IN DIVERSITY AND WORKPLACE INCLUSION.**

(d) In making appointments to the Board, the Governor, **THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE** shall consider representation from all parts of the State.

(e) **(1) [Except for the Secretary of Agriculture, each] EACH** member of the Board **APPOINTED UNDER SUBSECTION (C)(1) AND (6) OF THIS SECTION** shall be appointed by the Governor, with the advice and consent of the Senate.

**(2) AFTER THE 40TH DAY, AND BEFORE THE 80TH DAY, FROM THE COMMENCEMENT OF EACH REGULAR SESSION OF THE GENERAL ASSEMBLY, THE SENATE SHALL CONSIDER EACH YEAR'S APPOINTEES TO THE BOARD COLLECTIVELY TO ENSURE ADEQUATE BALANCE OF MEMBERSHIP.**

(f) **(1) Except for the student [member] MEMBERS,** each appointed member serves for a term of 5 years from July 1 of the year of appointment and until a successor is appointed and qualifies. These members may be reappointed.

**(2) The student [member] MEMBERS** shall be appointed for a term of **[1 year] 2 YEARS**, from July 1, and may be reappointed if the student remains a student at any campus of the University System of Maryland.

**(3) 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.**

(g) **(1) (I) Except for the Secretary of Agriculture AND THE SECRETARY OF COMMERCE,** and subject to paragraph (2) of this subsection, a member may not serve more than 2 consecutive full terms.

**(II) AT THE EXPIRATION OF EACH MEMBER’S FULL TERM, THE GOVERNOR SHALL APPOINT A REPLACEMENT MEMBER OR SHALL SUBMIT A LETTER TO THE SENATE IN ORDER TO EXTEND THE TERM OF THE EXISTING MEMBER.**

(2) The unexpired or partial term of a member appointed to fill a vacancy occurring during a 5–year term does not qualify as a full term for the newly appointed member.

(h) Each member of the Board:

(1) Serves without compensation; and

(2) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

12–103.

(a) **(1) [Each] IN DECEMBER EACH** year, the Board of Regents shall elect from among the members of the Board of Regents:

**[(1)] (I)** A chairperson; and

**[(2)] (II)** Any other officer it requires.

**(2) (I) ~~THE~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE MEMBER ELECTED AS CHAIRPERSON SHALL SERVE IN THAT POSITION SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.**

**(II) A CHAIRPERSON WHO HAS BEEN CONFIRMED BY THE SENATE IS NOT SUBJECT AGAIN TO THE ADVICE AND CONSENT OF THE SENATE DURING THE PERIOD OF CONTINUOUS SERVICE AS CHAIRPERSON.**

(b) (1) **(I) [The] SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, THE** Board shall determine the time and place of its meetings and may adopt rules for the conduct of its meetings.

**(II) THE BOARD SHALL MAKE AVAILABLE TO THE PUBLIC LIVE AND ARCHIVED VIDEO STREAMING OF EACH OPEN MEETING AND SHALL ALLOW TIME AT EACH OPEN MEETING FOR PUBLIC COMMENT.**

**(III) THE BOARD SHALL:**

~~1. INCLUDE INCLUDE ALL MOTIONS AND VOTE TALLIES FROM OPEN AND CLOSED SESSIONS IN PUBLICLY AVAILABLE BOARD MEETING MINUTES; AND~~

~~2. CONDUCT NOTWITHSTANDING § 3-305 OF THE GENERAL PROVISIONS ARTICLE, CONDUCT ANY VOTES RELATED TO THE EMPLOYMENT OR TERMINATION OF UNIVERSITY PRESIDENTS OR THE CHANCELLOR IN AN OPEN A CLOSED SESSION; AND~~

~~3. CONDUCT ANY VOTES RELATED TO THE TERMINATION OF UNIVERSITY PRESIDENTS OR THE CHANCELLOR IN AN OPEN SESSION.~~

(2) The Governor, the State Treasurer, and the State Comptroller shall be notified of all meetings of the Board and may sit with the Board at any meeting.

(3) The Secretary of Budget and Management, the Chairmen of the Senate Finance and Budget and Taxation Committees, and the Chairmen of the House Ways and Means and Appropriations Committees shall be invited to sit with the Board at any meetings of the Board at which requests for appropriations are prepared.

(4) A majority of the voting members shall constitute a quorum for the transaction of business.

(5) No formal action may be taken by the Board without the approval of a majority of the voting members of the Board.

**(6) (I) OF THE TWO STUDENT MEMBERS, ONLY ONE MEMBER SHALL BE A VOTING MEMBER OF THE BOARD EACH YEAR.**

**(II) A STUDENT MEMBER SHALL BE A VOTING MEMBER OF THE BOARD FOR ONLY 1 YEAR OF A 2-YEAR TERM.**

12-104.

*(a) In addition to any other powers granted and duties imposed by this title, and subject to the provisions of Title 11 of this article and any other restriction imposed by law by specific reference to the University System of Maryland, or by any trust agreement involving a pledge of property or money, the Board of Regents has the powers and duties set forth in this section.*

**(P) THE BOARD OF REGENTS SHALL REVIEW THE ANNUAL FINANCIAL DISCLOSURE STATEMENTS FILED BY THE CHANCELLOR AND THE PRESIDENTS OF EACH CONSTITUENT INSTITUTION IN ACCORDANCE WITH § 5-607 OF THE GENERAL PROVISIONS ARTICLE.**

**(Q) THE BOARD OF REGENTS SHALL PROVIDE EACH MEMBER APPOINTED TO THE BOARD, AT THE TIME OF APPOINTMENT, AND AT REASONABLE INTERVALS, WITH EDUCATION AND TRAINING ON THE BOARD'S GOVERNANCE POLICIES, FIDUCIARY RESPONSIBILITIES, LEGAL OBLIGATIONS, OVERSIGHT OF PERSONNEL POLICIES, OVERSIGHT OF CONSTITUENT INSTITUTIONS, AND OTHER RESPONSIBILITIES.**

12-109.

**(a) (1) Except as provided in Subtitle 3 of this title, AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, in consultation with the Chancellor and after a thorough search, the Board of Regents shall appoint a qualified person as president of each constituent institution.**

**(2) THE BOARD OF REGENTS SHALL APPROVE THE MEMBERSHIP OF ANY SEARCH COMMITTEE CONVENED TO RECOMMEND A QUALIFIED PERSON AS PRESIDENT OF A CONSTITUENT INSTITUTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Education**

12-108.

**(b) (3) (I) [The] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE Chancellor is entitled to the compensation established by the Board.**

**(II) THE BOARD OF REGENTS SHALL NOTIFY THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE AT LEAST 30 DAYS BEFORE A CONTRACTUAL SALARY INCREASE, NEGOTIATED SEVERANCE PACKAGE, OR ANY OTHER FINANCIAL BONUS FOR THE CHANCELLOR GOES INTO EFFECT.**

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

~~(a) There is a Workgroup to Study Oversight of the University System of Maryland.~~

~~(b) The Workgroup consists of the following members:~~

~~(1) three members of the Senate of Maryland, appointed by the President of the Senate; and~~

~~(2) three members of the House of Delegates, appointed by the Speaker of the House.~~

~~(e) The Department of Legislative Services shall provide staff for the Workgroup.~~

~~(d) A member of the Workgroup:~~

~~(1) may not receive compensation as a member of the Workgroup; but~~

~~(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.~~

~~(e) The Workgroup shall:~~

~~(1) review oversight policies for the constituent institutions under the University System of Maryland;~~

~~(2) compile information on the governing structure of university boards nationally; and~~

~~(3) review best practices for the organization, governance, and oversight of university systems and governing boards.~~

~~(f) On or before December 31, 2019, the Workgroup shall report its findings to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.~~

SECTION ~~3~~ 2 ~~3~~. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. Section 2 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 2021, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect. ~~Section 2 of this Act shall remain effective for a period of 1 year and, at the end of June 30, 2020, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.~~

Approved by the Governor, April 30, 2019.