

SB 66 - Give Me A Chance Act.pdf

Uploaded by: Alicia Pereschuk

Position: FAV

Dear Members of the Senate Finance Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice and Job Opportunities Task Force. I am a resident of MD District. I am a resident of District 43. **I am testifying in support of the Give Me A Chance Act (SB 66).**



The Give Me a Chance Act prohibits an employer from requiring information on high school diploma, GED, or secondary degree attainment to be provided at application or interview, nor use it as a condition for hiring or promoting an individual in the workplace, except in cases where such education is needed for specific occupational or professional licenses.

According to the 2020 - 2024 Local Workforce Plan for Baltimore City, between 2019 and 2025 there would be about 25,060 well-paying jobs whose typical educational requirements were a high school diploma or less, while 118,000 Baltimore City residents had a high school diploma and no college degree. Even if every single one of these jobs went to these folks (which is unlikely given competition with college educated folks and individuals from outside the city), this would give a **Baltimoreans without a college degree about a 1 in 5 chance of not earning poverty wages**. For folks without high school diplomas, this chance drops to 1 in 131. It's no wonder that according to the Census Bureau's 5-year estimates, Marylanders over the age of 24 with a high school diploma and those without were 3.5x and 6.3x more likely to be thrust under the poverty line than those with a bachelor's degree or higher.

The reality is that job searching doesn't work like it may have in the past. Computer algorithms can quickly filter out applications based on education, so that even a frontline HR employee (let alone a hiring manager) won't be able to see a candidate with dozens of years of experience in the field. For some older folks who have worked in a field for a long time, this could cause them to be competed out by individuals with less experience that have the money, time, and bandwidth necessary to attain a college degree. For example, when it comes to picking who you'd select as CEO of a computer company, you'd naturally think of someone like Bill Gates or Steve Jobs before you'd pick a recent 21-year old graduate with a Bachelor's in Business; however, the former two don't have a college degree.

Offentimes decisions on what education can be arbitrary for example, the Bureau of Labor Statistics maintains a list of occupations with typical education requirements as part of their Employment Projections. Some examples of jobs that typically require a bachelor's degree include 1) interpreters and translators, 2) fashion designers, 3) fundraisers. Someone who was raised in a bilingual family may not need a 4-year degree to properly translate between their native languages. Someone who was raised in a family that had to make their own clothing is capable of designing something new. Plenty of folks have experience fundraising for boy scouts, charities, and other causes well before they are even college-aged.

To be clear, this bill does a lot of things to make the lives of folks without a college degree easier and puts checks in place that will yield employers getting the best candidates. What this bill does not do though is prohibit a job applicant from disclosing their own college education if they want, nor does it preclude those with college educations from using the connections and networks they currently use to get them in the door. Simultaneously, it won't make it any easier for employers who want to play personal connections in jobs they aren't qualified for, since there are no statewide regulations in place to stop that from happening now beyond existing occupational and professional licensing/credentialing requirements that aren't impacted by this bill.

It is for these reasons that I am encouraging you to vote in **support of the Give Me A Chance Act (Senate Bill 66)**.

Thank you for your time, service, and consideration.

Sincerely,
Alicia Pereschuk
321 W. 28th Street
Baltimore, MD 21211
Showing Up for Racial Justice Baltimore

SB 66 - Give Me A Chance Act.pdf

Uploaded by: Benjamin Fertig

Position: FAV

Dear Members of the Senate Finance Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice and Job Opportunities Task Force. I am a resident of MD District 9B and a professor of biology at Stevenson University. I write today as an individual citizen representing only my own views on education and its role in employment. **I am testifying in support of the Give Me A Chance Act (SB 66).**



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Thank you for your time, service, and consideration.

Sincerely,

Dr. Benjamin Fertig, Ph.D.

Wharff Ln, Ellicott City, MD 21043

Showing Up for Racial Justice Baltimore

sb66.pdf

Uploaded by: Brian Seel

Position: FAV

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Sincerely,
Brian Seel
223 S Wolfe St
Showing Up for Racial Justice Baltimore

Give Me a Chance Act -2022 Fact Sheet (3).pdf

Uploaded by: Christopher Dews

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

SUPPORT THE “GIVE ME A CHANCE” ACT

Prohibit Employment Discrimination on the Basis of College Degree

THE CHALLENGE

- Roughly [62%](#) of Maryland workers and [two-thirds](#) of U.S. workers lack a bachelor's degree.
- According to the [Bureau of Labor Statistics](#), **74% of new jobs** created from 2007 to 2016 “required” a bachelor's degree despite most workers currently occupying those positions not having one.
- With the rise of online job-search engines causing a massive influx of resumes, most employers have adopted automated methods to screen applicants - with education and certain keywords being primary screening tools.
- Screening for bachelor's degrees [excludes](#) nearly **80 percent of Latino workers**, almost **70 percent of African Americans** and more than **70 percent of rural Americans** across all backgrounds.
- Older workers with years of experience on the job are routinely denied promotion or advancement due to the lack of a college degree leading to disruptions in employee morale and productivity.
- The current structure also excludes millions of Marylanders who are “skilled through alternative routes” (STARs) such as military service, certificate programs, community college, apprenticeships, fellowships, and direct front line experience in service and logistics. [Two-thirds of all essential workers are STARs](#). Blocking advancement for such a large part of the workforce is economically toxic.
- By May 2021, Americans 25 years or older with college degrees fully recovered all their pandemic job losses while similarly aged [Americans without college degrees remained almost 5 million jobs below](#) pre-pandemic levels.

CURRENT LAW

- Maryland law does not prohibit private-sector employers from inquiring into the educational history of an applicant at all levels of the current hiring process. This includes internal advancement for most employers.
- There is no prohibition on “keyword searches” or education in online application screening tools.

THE SOLUTION: PASS THE “GIVE ME A CHANCE” ACT

- The proposed legislation prohibits an employer from (1) developing or implementing an application (or a hiring process) that uses a college or other higher education degree as a limitation for who can apply; (2) using an applicant's lack of a college or other higher education degree to deny an applicant the opportunity to apply for a position; (3) prohibiting an employee from applying for (or pursuing) internal advancement within the employer's organization on the basis of an employee lacking a college or other higher degree; or (4) inquiring about an applicant's lack of a college or other higher education degree during the interview process.
- This bill DOES NOT affect positions that require a license to perform: lawyers, doctors, accountants, technicians, etc.
- The bill DOES NOT prevent the interviewee from announcing their credentials on applications or during the interview and DOES NOT force the employer to hire anyone they deem unfit.

For more information, contact:

Christopher Dews / Senior Policy Advocate / Christopher@jotf.org / 301-412-5399

SB66_FAV_JOTF.pdf

Uploaded by: Christopher Dews

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 66:

Labor and Employment - Hiring - Education Requirements (Give Me A Chance - Job Opportunities Act of 2022)

TO: Hon. Delores Kelley, Chair, and Members of the Senate Finance Committee

FROM: Christopher Dews, Senior Policy Advocate

DATE: January 27th, 2022

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-skill, low-wage workers and job seekers in Maryland. We support Senate Bill 66 as a means of ensuring that qualified applicants are not denied access to employment based on biased credentialing.

According to a recent Wallethub Study, [Maryland ranks #2 in the nation](#), second only to Massachusetts, for the most well-educated populace. Amongst Maryland workers over the age of 25, [roughly 40% have at least a bachelor's degree](#) and 17% have obtained a professional or graduate degree. Though this number is quite stellar when compared with other states, it comes with many statistical downsides. The most notable is that 60% of Marylanders, over half of the state, do not have a bachelor's degree.

Due to the oversaturation of college degrees in Maryland, employers tend to use this credential as a screening tool when looking to hire new talent. Thanks to modern breakthroughs in technology, websites like ZipRecruiter and Indeed are the mainstay methods that employers and hiring managers use to search for their ideal candidates. These websites use “matching technology,” or complex algorithms to sift through thousands of applications to find the ones that most closely align with the job description. As these algorithms are designed to sort out applications, they incidentally discriminate against qualified applicants unnecessarily.

According to [Opportunity@Work](#), an economic thinktank that has [studied this issue](#) extensively, nearly 80% of Latinx workers, almost 70% of black workers, and more than 70% of rural workers are [screened out of the application process](#) entirely by bachelor's degree requirements. As an example, suppose an employer is looking to hire a training coordinator for a workforce development program. Candidate X has 25-years of experience working as a job developer for a non-profit that does skills training but never finished college. Candidate Y is 25 years old, just graduated from college with a degree in sociology, and is looking for work. Though both could do the job, the algorithms for the aforementioned recruitment tools would ignore Candidate X because of the arbitrary assumption that those without degrees are not qualified.



Advocating better skills, jobs, and incomes

This is especially true for experienced workers shifting careers to different companies in similar sectors. Many are finding their work experience discounted on both applications and in the interview process due to a lack of a requisite degree. This, of course, bewilders the more experienced workers as not too long ago the position that they may be applying for didn't require a degree. Or worse, they pursued a promotion at their current employer- expecting their loyalty to the company to profit them- only to be turned down for the position because the job posting expressly requested someone with a 4-year degree. The Bureau of Labor Statistics reports that from 2007 to 2016, [74% of new jobs](#) were in occupations where employers required a 4-year college degree, despite many employees holding similar positions not having one. This also means that for employers, only 38-41% of Maryland workers will be eligible for 74% of the new jobs created. College-degree discrimination has become so widespread that many take it for granted.

As stated in a [recent article](#) documenting this issue: "Requiring a medical degree to treat patients or a civil engineering degree to design a bridge is common sense. By contrast, requiring a generic college degree to be considered for jobs such as office manager, sales representative, digital marketer or data-center technician may be common, but it makes no sense."

Senate Bill 66 seeks to address this issue by prohibiting an employer from asking about an applicant's educational attainment at any point during the hiring process. Though JOTF is a staunch supporter of improved access to higher education for lower-income workers, we acknowledge that disqualifying approximately 60% of Maryland's workforce unnecessarily during these strange economic times, is wholly unwise. JOTF's mission has always been to improve employment opportunities for all Marylanders and we see Senate Bill 66 as a step in the right direction. For these reasons, we urge a favorable report with the amendments below.

We understand that the language of the bill has been altered from last year's [SB191](#) and would like to see the original language returned. We have also attached [amended language](#) to our testimony.

STARs in Maryland 1.25.22 (1).pdf

Uploaded by: Christopher Dews

Position: FAV



STARs in Maryland

Data on workers Skilled Through Alternative Routes (STARs)



Who are workers Skilled Through Alternative Routes (STARs)?

STARs have developed their skills through “alternative” non-degreed routes such as community college, work experience, military service, employer-supported training, and opportunity on-ramps training.

71 Million STARs across the US

STARs are located in all regions across the country, including **both urban and rural areas** (66% of rural workers are STARs)



STARs have a similar **gender distribution** as the active population of workers in the U.S. although many STARs-pathways have distinct (or skewed) gender distributions



STARs are a large share of many affinity groups: **veterans, returning citizens, Opportunity Youth, returning caregivers, workers vulnerable to automation**, etc. (66% of veterans are STARs)

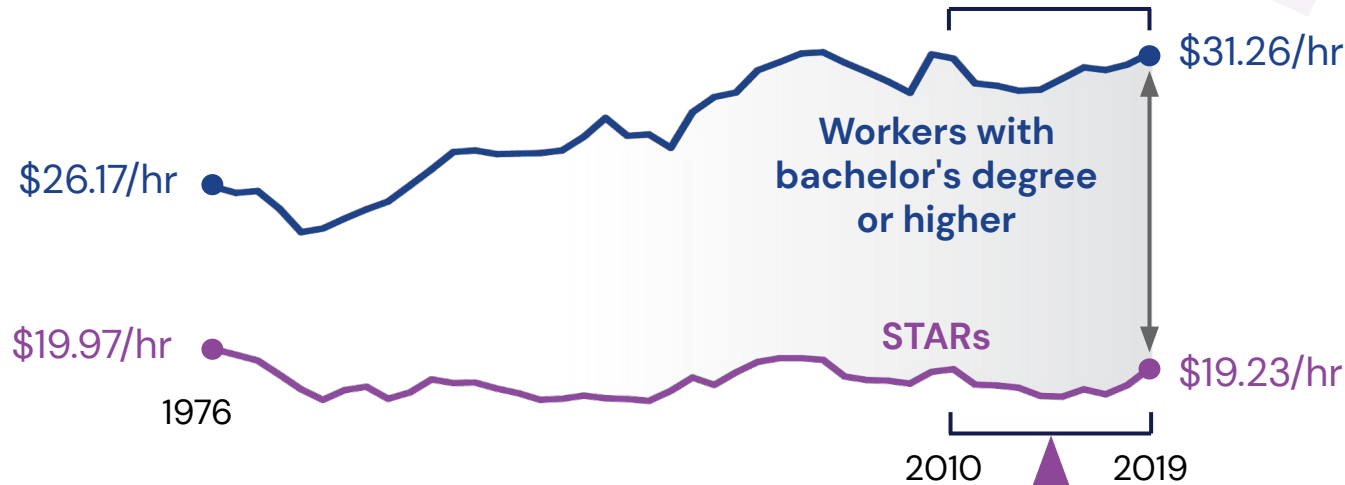


STARs are disproportionately people of color. **62% of African Americans, 55% of LatinX, and 49% of Non-Hispanic Whites** are STARs



Source: [“Reach for the STARs: The Potential of America’s Untapped Talent Pool.”](#) Published by Opportunity@Work and Accenture, March 2020

Inequality of wages between college educated workers and STARs increased significantly in past generation



Median hourly wages, 2019 dollars

STARs made 79.5 million job transitions from 2010–2019. **Only 39% led to an increase in wages of 10% or more.** 23% were lateral moves, and 37% led to lower wages

STARs in Maryland

STARs are workers who do not have a bachelor's degree, but do hold a high school diploma. They have gained skills through work, but also through training programs & community college.

1.4 million STARs in Maryland

This is 47% of the workforce, a roughly equal proportion of the workforce holds a BA.



STARs are critical for an equitable workforce in Maryland:

- Black STARs make up a significant percent of the workforce:
 - 17% of Maryland's workforce are Black STARs
- The majority of workers of color are STARs:
 - 58% of Black workers are STARs
 - 46% of Hispanic workers are STARs

Maryland STARs have the skills for in-demand roles, but may be locked out due to degree requirements.



Shining STARs
are in high wage
roles today

80K
Workers



Rising STARs
have the skills for significantly
higher wage work (50% on
average), based on their
current role

640K
Workers



Forming STARs
do not yet have the skills for
significantly higher wage work,
based on their current role

532
Workers

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Uploaded by: Daryl Yoder

Position: FAV

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Thank you for your time, service, and consideration.

Sincerely,
Daryl Yoder

309 Glenmore Ave.

Catonsville, MD 21228

Showing Up for Racial Justice Baltimore

SB 66 - Give Me A Chance Act.pdf

Uploaded by: Erica Palmisano

Position: FAV

Dear Members of the Senate Finance Committee,

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Sincerely,
Erica Palmisano
5580 Vantage Point Rd, Apt 5, Columbia, MD 21044
Showing Up for Racial Justice Baltimore

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Uploaded by: Holly Powell

Position: FAV

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Sincerely,
Holly Powell
2308 Cambridge Street
Baltimore, Maryland 21224
Showing Up for Racial Justice Baltimore

SB_66.pdf

Uploaded by: Jonathan Rochkind

Position: FAV

Dear Members of the Senate Finance Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice and Job Opportunities Task Force. I am a resident of MD District. I am a resident of **District 43. I am testifying in support of the Give Me A Chance Act (SB 66).**



The Give Me a Chance Act prohibits an employer from requiring information on **high school diploma or college degree attainment** to be provided at application or interview, nor use it as a condition for hiring or promoting an individual in the workplace, except in cases where such education is needed for specific occupational or professional licenses.

According to the 2020 - 2024 Local Workforce Plan for Baltimore City, between 2019 and 2025 there would be about 25,060 well-paying jobs whose typical educational requirements were a high school diploma or less, while 118,000 Baltimore City residents had a high school diploma and no college degree. Even if every single one of these jobs went to these folks (which is unlikely given competition with college educated folks and individuals from outside the city), this would give a **Baltimoreans without a college degree about a 1 in 5 chance of not earning poverty wages**. For folks without high school diplomas, this chance drops to 1 in 131. It's no wonder that according to the Census Bureau's 5-year estimates, Marylanders over the age of 24 with a high school diploma and those without were 3.5x and 6.3x more likely to be thrust under the poverty line than those with a bachelor's degree or higher.

The reality is that job searching doesn't work like it may have in the past. Computer algorithms can quickly filter out applications based on education, so that even a frontline HR employee (let alone a hiring manager) won't be able to see a candidate with dozens of years of experience in the field. For some older folks who have worked in a field for a long time, this could cause them to be competed out by individuals with less experience that have the money, time, and bandwidth necessary to attain a college degree. For example, when it comes to picking who you'd select as CEO of a computer company, you'd naturally think of someone like Bill Gates or Steve Jobs before you'd pick a recent 21-year old graduate with a Bachelor's in Business; however, the former two don't have a college degree.

Offentimes decisions on what education can be arbitrary for example, the Bureau of Labor Statistics maintains a list of occupations with typical education requirements as part of their Employment Projections. Some examples of jobs that typically require a bachelor's degree include 1) interpreters and translators, 2) fashion designers, 3) fundraisers. Someone who was raised in a bilingual family may not need a 4-year degree to properly translate between their native languages. Someone who was raised in a family that had to make their own clothing is capable of designing something new. Plenty of folks have experience fundraising for boy scouts, charities, and other causes well before they are even college-aged.

To be clear, this bill does a lot of things to make the lives of folks without a college degree easier and puts checks in place that will yield employers getting the best candidates. What this bill does not do though is prohibit a job applicant from disclosing their own college education if they want, nor does it preclude those with college educations from using the connections and networks they currently use to get them in the door. Simultaneously, it won't make it any easier for employers who want to play personal connections in jobs they aren't qualified for, since there are no statewide regulations in place to stop that from happening now beyond existing occupational and professional licensing/credentialing requirements that aren't impacted by this bill.

It is for these reasons that I am encouraging you to vote in **support of the Give Me A Chance Act (Senate Bill 66).**

Thank you for your time, service, and consideration.

Sincerely,

Jonathan Rochkind
755 Melville Ave
Baltimore MD 21218

Showing Up for Racial Justice Baltimore

SB 66 - Give Me A Chance Act.pdf

Uploaded by: Jonathan Smeton

Position: FAV

Dear Members of the Senate Finance Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice and Job Opportunities Task Force. I am a resident of MD District. I am a resident of **District 40**. I'm a college graduate with a bachelor's degree in Biology, who is **testifying in support of the Give Me A Chance Act (SB 66)**.



The Give Me a Chance Act prohibits an employer from requiring information on high school diploma, GED, or secondary degree attainment to be provided at application or interview, nor use it as a condition for hiring or promoting an individual in the workplace, except in cases where such education is needed for specific occupational or professional licenses.

As a college graduate myself with a bachelor's degree in Biology, my first job out of school was for a program providing public education to Baltimoreans on how to save energy and get connected with free energy audits. There was a clear stratification in the teams of folks I worked with, where our public education team that interfaced with city residents at community events was almost entirely folks who weren't from Baltimore, but got the jobs because they all had Bachelor's degrees. The installation team had a mix of folks with many lacking a 4-year degree, a group of mostly folks of color that our boss at the time referred to as "not readers." The reality is that I didn't need to know how DNA polymerase works to tell people to fill up their fridge with water and use LED lightbulbs to save energy; however, due to our boss's bias that educational experience was worth more than actually living in Baltimore long enough to understand the folks we were trying to educate.

According to the 2020 - 2024 Local Workforce Plan for Baltimore City, between 2019 and 2025 there would be about 25,060 well-paying jobs whose typical educational requirements were a high school diploma or less, while 118,000 Baltimore City residents had a high school diploma and no college degree. Even if every single one of these jobs went to these folks (which is unlikely given competition with college educated folks and individuals from outside the city), this would give a **Baltimoreans without a college degree about a 1 in 5 chance of not earning poverty wages**. For folks without high school diplomas, this chance drops to 1 in 131. It's no wonder that according to the Census Bureau's 5-year estimates, Marylanders over the age of 24 with a high school diploma and those without were 3.5x and 6.3x more likely to be thrust under the poverty line than those with a bachelor's degree or higher.

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It is for these reasons that I am encouraging you to vote in **support of the Give Me A Chance Act (Senate Bill 66)**.

Thank you for your time, service, and consideration.

Sincerely,
Jonathan Smeton
Baltimore, MD 21211
Showing Up for Racial Justice Baltimore

SB 66 - Give Me A Chance Act.docx.pdf

Uploaded by: Katherine Wilkins

Position: FAV

Dear Members of the Senate Finance Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice and Job Opportunities Task Force. I am a resident of MD District. I am a resident of **D12. I am testifying in support of the Give Me A Chance Act (SB 66).**



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It is for these reasons that I am encouraging you to vote in **support of the Give Me A Chance Act (Senate Bill 66).**

Thank you for your time, service, and consideration.

Sincerely,

Katherine Wilkins

10651 Gramercy PI Unit 257

Columbia MD 21044

Showing Up for Racial Justice Baltimore

SB 66 - Give Me A Chance Act.docx.pdf

Uploaded by: Lindsay Keipper

Position: FAV

Dear Members of the Senate Finance Committee,

This testimony is being submitted by residents of District 46 who are also community leaders in Showing Up for Racial Justice Baltimore. SURJ is a group of community members supporting local groups working for greater racial justice in Baltimore and the State of Maryland. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. **We are testifying in support of the Give Me A Chance Act (SB 66).**



The Give Me a Chance Act prohibits an employer from requiring information on high school diploma, GED, or secondary degree attainment to be provided at application or interview, nor use it as a condition for hiring or promoting an individual in the workplace, except in cases where such education is needed for specific occupational or professional licenses.

Currently, almost all job applications ask the applicant's education level, and most jobs that pay more than minimum wage demand that applicants have a high school diploma or a bachelor's degree. Often it doesn't matter what the applicant majored in- a tacit admission that the applicant's education has nothing to do with their ability to perform the job. The Bureau of Labor Statistics maintains a list of occupations with typical education requirements as part of their Employment Projections. Some examples of jobs that typically require a bachelor's degree include 1) interpreters and translators, 2) fashion designers, 3) fundraisers. Someone who was raised in a bilingual family may not need a 4-year degree to properly translate between their native languages. Someone who was raised in a family that had to make their own clothing is capable of designing something new. Plenty of folks have experience fundraising for boy scouts, charities, and other causes well before they are even college-aged.

As a culture we've become so used to the idea of educational level as a shorthand for intelligence and ability that the idea of barring employers from asking about an applicant's education may seem strange at first glance. However, if you consider the matter objectively, attaining a college degree, especially, says more about the sort of resources a person has had in the course of their life than their capabilities. We all know persons whose educational pedigree has not stopped them from being terrible at their jobs. And there is a long list of prominent and successful people who did not attain degrees: not only numerous performers and sports stars, but businessmen like Mark Zuckerberg, Michael Dell, Ralph Lauren, Henry Ford, Richard Branson, and Walt Disney (these last three did not even complete high school).

Hiring does not work like it used to: computer algorithms can quickly filter out applications based on education, so that even a low-level employee who does the first pass through applications never sees a candidate who may be eminently qualified based on experience but doesn't have the "right" educational credentials. Using modern hiring methods, a 21-year-old college graduate would be a more likely pick for a tech executive than Bill Gates or Steve Jobs, neither of whom graduated from college.

According to the 2020 - 2024 Local Workforce Plan for Baltimore City, between 2019 and 2025 there would be about 25,060 well-paying jobs whose typical educational requirements were a high school diploma or less, while 118,000 Baltimore City residents had a high school diploma and no college degree. Even if every single one of these jobs went to these folks (which is unlikely given competition with college educated folks and individuals from outside the city), this would give a **Baltimoreans without a college degree about a 1 in 5 chance of not earning poverty wages**. For folks without high school diplomas, this chance drops to 1 in 131. Statistics show us that diplomas and college degrees lead to higher paying jobs and more success, but this is not because better education means better capability, it's because employers who pay decent wages and offer career advancement won't hire people who don't meet arbitrary educational minimums.

It is for these reasons that we are encouraging you to vote in **support of the Give Me A Chance Act (Senate Bill 66)**.

Thank you for your time, service, and consideration.

Sincerely,

Lindsay Keipper

Brian Seel

Lilly Chapa

Liz Simon-Higgs

Holly Powell

Showing Up for Racial Justice Baltimore

SB 66 - Give Me A Chance Act_Melissa Badeker.pdf

Uploaded by: Melissa Badeker

Position: FAV

Dear Members of the Senate Finance Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice and Job Opportunities Task Force. I am a resident of MD District. I am a resident of District 8. **I am testifying in support of the Give Me A Chance Act (SB 66).**



The Give Me a Chance Act prohibits an employer from requiring information on high school diploma, GED, or secondary degree attainment to be provided at application or interview, nor use it as a condition for hiring or promoting an individual in the workplace, except in cases where such education is needed for specific occupational or professional licenses.

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The reality is that job searching doesn't work like it may have in the past. Computer algorithms can quickly filter out applications based on education, so that even a frontline HR employee (let alone a hiring manager) won't be able to see a candidate with dozens of years of experience in the field. For some older folks who have worked in a field for a long time, this could cause them to be competed out by individuals with less experience that have the money, time, and bandwidth necessary to attain a college degree. For example, when it comes to picking who you'd select as CEO of a computer company, you'd naturally think of someone like Bill Gates or Steve Jobs before you'd pick a recent 21-year old graduate with a Bachelor's in Business; however, the former two don't have a college degree.

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It is for these reasons that I am encouraging you to vote in **support of the Give Me A Chance Act (Senate Bill 66).**

Thank you for your time, service, and consideration.

Sincerely,
Melissa Badeker
3020 Linwood Avenue, Parkville, MD 21234
Showing Up for Racial Justice Baltimore

SB 66 - Give Me A Chance Act.pdf

Uploaded by: Nathan Rehr

Position: FAV

Dear Members of the Senate Finance Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice and Job Opportunities Task Force. I am a resident of MD District. I am a resident of MD District **45**. I am an active member of my community association and a health professional who is interested in eliminating the health disparities that occur with racial discrimination in our society. **I am testifying in support of the Give Me A Chance Act (SB 66).**



The Give Me a Chance Act prohibits an employer from requiring information on high school diploma, GED, or secondary degree attainment to be provided at application or interview, nor use it as a condition for hiring or promoting an individual in the workplace, except in cases where such education is needed for specific occupational or professional licenses.

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It is for these reasons that I am encouraging you to vote in **support of the Give Me A Chance Act (Senate Bill 66)**.

Thank you for your time, service, and consideration.

Sincerely,

Nathan Rehr

450 E. Federal Street Baltimore, MD 21202

Showing Up for Racial Justice Baltimore

SB 66 - Give Me A Chance Act.pdf

Uploaded by: Sam Chan

Position: FAV

Dear Members of the Senate Finance Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice and Job Opportunities Task Force. I am a resident of MD District. I am a resident of **District 43. I am testifying in support of the Give Me A Chance Act (SB 66).**



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Thank you for your time, service, and consideration.

Sincerely,

Sam Chan

38 E. 26th St. Baltimore MD 21218

Showing Up for Racial Justice Baltimore

SB 66 - Give Me A Chance Act.docx.pdf

Uploaded by: Tamara Todd

Position: FAV

Dear Members of the Senate Finance Committee,

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It is for these reasons that I am encouraging you to vote in **support of the Give Me A Chance Act (Senate Bill 66).**

Thank you for your time, service, and consideration.

Sincerely,

Tamara Todd

221 Northway Rd, Reisterstown, MD, 21136

Showing Up for Racial Justice Baltimore

SB 66 Labor and Employment - Hiring - Education Re

Uploaded by: Anna Yates

Position: UNF

Senate Bill 66
Labor and Employment - Hiring - Education Requirements
(Give Me A Chance - Job Opportunities Act of 2022)
Senate Finance Committee
January 27, 2022

Letter of Opposition

Chair Kelley, Vice Chair Feldman, and Members of the Committee,

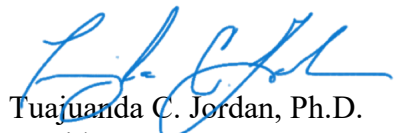
Thank you for the opportunity to share our thoughts on Senate Bill 66. St. Mary's College of Maryland opposes Senate Bill 66 as it would significantly hinder the hiring process of our faculty and staff positions. The establishment of minimum educational requirements is a crucial element within the College's recruiting process, ensuring that the College employs those faculty and staff professionals who are best able to serve our students.

Prohibiting the College from hiring faculty and staff who meet specific educational requirements will have a negative impact on the College. Importantly, establishing minimum educational requirements is essential in hiring faculty who must have advanced degrees within the field they teach. Prohibiting use of educational requirements could impact the College's Middle States Higher Education Commission accreditation, thus resulting in the loss of federal financial aid funding. In order for a higher education institution to receive federal financial aid funding, it must be accredited by a federally-recognized accrediting agency.

Many staff positions on campus also have minimum educational requirements that are relevant to the position. Student services staff, as well as many administrative positions, must have the appropriate degrees in order to provide specific, vital services to our students.

For these reasons, we oppose Senate Bill 66.

Thank you for your consideration and continued support of St. Mary's College of Maryland.


Tuajuanda C. Jordan, Ph.D.
President



2022 GBCC SB66 - Finance -- Oppose.pdf

Uploaded by: Ashlie Bagwell

Position: UNF



Testimony on behalf of the Greater Bethesda Chamber of Commerce

*In Opposition to
SB 66-Labor and Employment-Hiring-Education Requirements
(Give Me a Chance-Job Opportunities Act of 2022)*

*January 27, 2022
Senate Finance Committee*

The Greater Bethesda Chamber of Commerce (GBCC) was founded in 1926. Since then, the organization has grown to more than 550 businesses located throughout the Greater Bethesda area and beyond. On behalf of these members, we appreciate the opportunity to provide written comments on SB 66—Labor and Employment-Hiring-Education Requirements (Give Me a Chance—Job Opportunities Act of 2022).

SB 66 would prohibit an employer from developing or implementing an application or hiring process that utilizes an education requirement as a limitation for who can apply for a specified position. In addition, the bill prohibits an employer from inquiring about an applicant's education during the interview process. While we understand the goal of this legislation, we have a few concerns.

First, questions about whether or not someone is in school, whatever the level may be, may have nothing to do with wanting information about someone's level of education but rather is a way of getting information about someone's availability for work. For instance, if someone is taking classes/pursuing a degree, it may limit when they would be available to work. That information would be helpful to an employer, especially if they were looking to hire a person to work specific hours.

Second, we are concerned about an employer's ability to inquire about a potential applicant's training and whether or not those questions could be interpreted to be asking about one's education level. We would want to see some clarity here as this information is relevant and necessary for the hiring process.

For these reasons, we would respectfully request an unfavorable vote on SB 66.

SB 66_UNF_MML.pdf

Uploaded by: Bill Jorch

Position: UNF



Maryland Municipal League

The Association of Maryland's Cities and Towns

TESTIMONY

January 27, 2022

Committee: Senate Finance

Bill: SB 66 - Labor and Employment - Hiring - Education Requirements (Give Me A Chance - Job Opportunities Act of 2022)

Position: Oppose

Reason for Position:

The Maryland Municipal League opposes Senate Bill 66, which would prohibit employers from using educational achievement as criteria for a job application or inquiring about lack of education during a job interview.

Municipal governments offer employment opportunities in a wide variety of fields; from administrative to finance to public works to public safety. Each of the positions within these fields require different knowledge and skills, which is why municipal governments need the discretion as to how best to screen their prospective employees. If applied to the public sector, the restrictions in SB 66 would severely tie the hands of municipal governments from finding the right person for these highly specialized positions.

Due to the constraints placed on employers, the League respectfully requests that the committee provide SB 66 with an unfavorable report.

FOR MORE INFORMATION CONTACT:

Scott A. Hancock	Executive Director
Angelica Bailey	Director, Government Relations
Bill Jorch	Director, Research and Policy Analysis
Justin Fiore	Manager, Government Relations

1212 West Street, Annapolis, Maryland 21401

410-268-5514 | 800-492-7121 | FAX: 410-268-7004 | www.mdmunicipal.org

SB0066-FIN_MACo_OPP.pdf

Uploaded by: Brianna January

Position: UNF



Senate Bill 66

Labor and Employment – Hiring – Education Requirements
(Give Me A Chance – Job Opportunities Act of 2022)

MACo Position: **OPPOSE**

Date: January 27, 2022

To: Finance Committee

From: Brianna January

The Maryland Association of Counties (MACo) **OPPOSES** SB 66. This bill would impose unrealistic and unenforceable restrictions on how counties hire professional staff.

SB 66 could prohibit counties from seeking the best and most-qualified candidates to execute the work of local government by prohibiting employers from asking standard questions of education in their job applications and during the job interview process.

Counties screen job applicants prior to interviews, considering if the position requires an advanced degree or training, and ask for that information prior to moving forward in the hiring process. In other positions, job descriptions list a degree or equivalent years of experience, which again is part of the screening process prior to the interview. This legislation would prohibit employers from discussing college or a higher education degree until an “initial offer of employment” has been made, potentially wasting time and resources of both the employer and candidate at that late stage of the process.

Many county employment positions appropriately require licensure and advanced education to ensure the safety of the public in the carrying out of that position’s responsibilities – for example, county engineers and environmental health officers. The vague language of SB 66 does not make it clear whether or not counties could require education and licensure as a requirement of filling these critical roles.

Public sector employers are already subject to a wide range of transparency measures in hiring and employment practices – far beyond those applying to other employers. The language in SB 66 referring to an exemption of this prohibition “if a minimum educational requirement is necessary to obtain an occupational license required for the position and issued under the business occupations and professions article or the health occupations article” is extremely vague and unenforceable. Additionally, if applied to the public sector, counties fear this law could eliminate promotion opportunities which allow local government employees a career path forward based on continued educational success.

Furthermore, jurisdictions already have the option to prioritize other factors outside of educational achievement in their hiring processes, and several already do so. Counties should continue to have the flexibility to make employment and hiring decisions that best suit their needs as public service providers.

Unfortunately, SB 66 could ultimately compromise the ability of counties to hire skilled and qualified staff to deliver the necessary services to the Marylanders they serve. For these reasons, MACo **OPPOSES** SB 66 and urges an **UNFAVORABLE** report.

SB 66 hiring - education.pdf

Uploaded by: Kirk McCauley

Position: UNF



WMDA/CAR Service Station
and Automotive Repair Association

January 25, 2022

Chairperson: Delores G. Kelley
Members of Senate Finance Committee

RE: SB66 – Labor and Employment – Hiring – Educational Requirements

Position: In Opposition

SB 66 would hand cuff an employer from hiring a qualified applicant and is vague in areas. Higher education degree ? does that include technical courses and certificates of learning?

Basic knowledge of a person education is essential in hiring and pay scale.

Please give SB 66 an unfavorable Report

WMDA/CAR is a trade association that has represented service stations, convenience stores and repair shops since 1937. Any questions can be addressed to Kirk McCauley, 301-775-0221 or kmccauley@wmda.net

MBIA Letter of Opposition SB 66.pdf

Uploaded by: Lori Graf

Position: UNF

January 27, 2022

The Honorable Delores G. Kelley
Senate Finance Committee
Miller Senate Office Building,
3 East Wing 11 Bladen St.,
Annapolis, MD, 21401

RE: SB 66 Labor and Employment - Hiring - Higher Education Requirements (Give Me a Chance Act -2022)

Dear Chairman Kelley:

The Maryland Building Industry Association, representing more than 100,000 employees statewide, appreciates the opportunity to participate in SB 66 Labor and Employment - Hiring - Higher Education Requirements (Give Me a Chance Job Opportunities Act - 2022). MBIA Opposes the Act in its current version.

This bill would prevent employers from considering higher education as a factor in screening applicant for open positions.

MBIA respectfully opposes this measure on grounds of unfairness. One of the mechanisms that employees use to distinguish themselves is by gaining the necessary accreditation and skillset through higher education in order to take positions in specific highly specialized fields. These fields often require an academic understanding of the industry and are designed to help build the practical skills necessary to succeed. In today's high-speed information-based world, many positions that require higher education require a specialized skillset that can only be obtained through that medium. Architects, engineers, financial managers and many more positions all require specialized training that employers need to know that potential recruits have mastered. Denying employers the opportunity to consider the education of applicants would deny employers crucial pieces of information in considering whether they have the skillset necessary to do the position for which they are applying.

While other avenues of gaining specialized knowledge exist, such as certifications, this would unfairly advantage those paths to specialization that could be explored during the application process over higher education, disadvantaging people that have spent a great deal of time and money to build those credentials. This ultimately will create an extremely limited pool of potential applicants and deny opportunities to people that have earned their credentials.

For these reasons, MBIA respectfully requests the Committee give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Senate Finance Committee

SB 66_MDCC_Give Me a Chance Act_UNFAV.pdf

Uploaded by: Maddy Voytek

Position: UNF



LEGISLATIVE POSITION:

Unfavorable

**Labor and Employment-Hiring-Higher Education Requirements
(Give Me a Chance – Job Opportunities Act of 2022)
Senate Finance Committee**

Thursday, January 27, 2022

Dear Chairwoman Kelley and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 5,000 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic recovery and growth for Maryland businesses, employees, and families.

Senate Bill 66 seeks to prohibit employers from implementing application and hiring processes which use college or other higher education degrees as a limitation on who can apply for a position. The bill recognizes that such actions should not be prohibited “if a minimal educational qualification is necessary to obtain an occupational license required for the position...”

The Chamber understands that the bill’s intent is to preclude the discriminatory use of irrelevant educational requirements to wrongfully disqualify individuals from consideration. This issue, however, is already addressed in both federal and state anti-discrimination statutes. For decades, these statutes have provided individuals with the opportunity to pursue discrimination claims when the evidence confirms that a particular educational requirement was, in fact, not necessary to perform the essential duties of a position and use of the educational requirement has had a disproportionately adverse impact on a protected group. Given existing federal and state laws, the Chamber submits that SB 66 is unnecessary; the statutory remedy already exists.

In addition, the bill could improperly scare employers away from considering a candidate’s higher credentials. Discrimination law has never been designed to prevent fair competition; rather, it has sought to prevent unfair competition through consideration of irrelevant, discriminatory factors. Employers must be permitted to select the most qualified applicant, and they must retain the right to decide who is most qualified. A particular candidate’s additional educational credentials—beyond those needed to satisfy minimum qualifications-- might convince an employer that she is the best candidate.

In an environment where there is an ever-increasing litany of claims, charges, and lawsuits being directed at Maryland’s employers, SB 66’s threats of yet more litigation and Government-imposed penalties might scare some business owners into not doing what they have every right to do: consider relevant information when making a hiring decision. For these reasons, the Chamber respectfully requests an **unfavorable report** on **SB 66**.

SB66_NFIB_unf (2022).pdf

Uploaded by: Mike O'Halloran

Position: UNF



NFIB-Maryland – 60 West St., Suite 101 – Annapolis, MD 21401 – www.NFIB.com/Maryland

TO: Senate Finance Committee

FROM: NFIB – Maryland

DATE: January 27, 2022

RE: **OPPOSE SENATE BILL 66** – Labor and Employment – Hiring – Education Requirements

Founded in 1943, NFIB is the voice of small business, advocating on behalf of America's small and independent business owners, both in Washington, D.C., and in all 50 state capitals. With more than 250,000 members nationwide, and nearly 4,000 here in Maryland, we work to protect and promote the ability of our members to grow and operate their business.

On behalf of Maryland's small businesses, NFIB-Maryland opposes Senate Bill 66 – legislation further regulating the hiring process for employers.

NFIB members appreciate the sponsor's intent of trying to get Marylanders employed. However, the language in SB66 will make it harder for Maryland small businesses to find qualified employees to fill the positions they need filled.

Small businesses are looking to hire both skilled and unskilled labor. [According to NFIB's monthly jobs report for December 2021](#), owners are still looking to hire as they reported a historically high level of job openings. Forty-nine percent of owners reported job openings they could not fill. Thirty-nine percent have openings for skilled workers and 22% have openings for unskilled labor. The need is there, the applicants are not.

Senate Bill 66 will make it harder to match employers with the right employees. As noted above, certain jobs have certain requirements. Among those requirements could be a college or other higher education degree (i.e. trade school). SB191 effectually prohibits those requirements during the hiring process. Though paragraph A(2) allows for an out, that exemption is only allowed if there are educational requirements for an occupational license. There is no clear guidance that would make an employer comfortable with requiring such degrees or certifications given the heavy handed sanctions in the bill.

For these reasons **NFIB opposes SB66** and requests an unfavorable committee report.

SB66_Maryland Developmental Disabilities Coalition

Uploaded by: Ande Kolp

Position: INFO



MARYLAND DEVELOPMENTAL DISABILITIES COALITION

Dedicated to the rights and quality of life for people with developmental disabilities in Maryland

Senate Finance Committee

January 27, 2022

SB 66: Labor and Employment - Hiring - Education Requirements (Give Me A Chance - Job Opportunities Act of 2022)

Letter of Information

The Maryland Developmental Disabilities Coalition (DD Coalition) is comprised of five statewide organizations that are committed to improving the opportunities and outcomes for Marylanders with intellectual and developmental disabilities (IDD).

The stated intent of SB 66 is to prohibit an employer from using a lack of achievement of a certain level of education in employment decisions, including hiring and applying for internal advancement. An employer would be able to consider a person's level of education only if minimum educational qualifications are required to obtain an occupational license. An employer would also be allowed to ask about an applicant's academic achievement after an initial offer of employment, but could not rescind the offer based on the applicant's response.

This could benefit students with intellectual and developmental disabilities that leave high school with a Certificate of Completion instead of a high school diploma. Often, adults with Certificates of Completion from high school have difficulty obtaining employment because they do not have a high school diploma.

However, it will impose a burden on community providers that support people with developmental disabilities. Many people with intellectual and developmental disabilities receive support through Maryland's Home and Community-based 1915c Waivers. The Waiver definitions have minimum qualifications for staff, including the requirement of a GED or high school diploma. This legislation would create administrative burden if a service provider were to permit someone to engage in the interview process who will be ineligible for hire because they don't meet the Medicaid waiver requirements. At minimum, the bill should be amended to include language that extends beyond the requirements of licensing, and acknowledges state and federal requirements for employment.

Contact: Rachel London, Executive Director, Maryland Developmental Disabilities Council, RLondon@md-council.org



8601 Robert Fulton Dr
Suite 140
Columbia, MD 21046



1500 Union Avenue
Suite 2000
Baltimore, MD 21211



8835 Columbia 100 Pkwy
Suite P
Columbia, MD 21044



**Maryland Developmental
Disabilities Council**

217 E Redwood Street
Suite 1300
Baltimore, MD 21202



7000 Tudsbury Road
Windsor Mill, MD
21244

Higher Learning Commission-Qualified Faculty Hiring

Uploaded by: Sara Fidler

Position: INFO



Maryland Independent College
and University Association

Letter of Information

Senate Finance Committee

Senate Bill 66 (Patterson) Labor and Employment – Hiring – Education Requirements (Give Me A Chance – Job Opportunities Act of 2022)

Sara C. Fidler, President

sfidler@micua.org

January 27, 2022

On behalf of Maryland's independent colleges and universities and the 58,000 students we serve, I thank you for the opportunity to provide this letter of information in reference to ***Senate Bill 66 (Patterson) Labor and Employment – Hiring – Education Requirements (Give Me A Chance – Job Opportunities Act of 2022)***. This bill prohibits an employer from: developing or implementing an application process that uses an education credential as a limitation for a specified position; using an applicant's lack of education credential to deny the applicant an opportunity to apply for the position; and inquiring about the applicant's lack of education credential during the interview process.

Institutions of higher education are bound by specific accreditation standards to hire faculty that meet minimal educational requirements to ensure students are instructed by subject matter experts and have the requisite knowledge to educate students. Qualified faculty, which includes part-time, temporary, and non-tenure track faculty, are expected to have attained the college-level courses and post-graduate education requirements prior to teaching academic courses at higher education institutions to prepare students for post-graduation opportunities and further advanced education. SB 66 would intervene with an institution's ability to employ individuals that demonstrate and possess the higher education degrees to teach students in certain disciplines and programs. Attached are guidelines from the Higher Learning Commission, a national accreditor, that provides a framework for hiring qualified faculty to instruct and train students enrolled in higher learning.

A key factor in granting accreditation is for institutions to use academic credentials to determine minimum faculty qualifications. There are a few programs at some MICUA institutions that would have their accreditation jeopardized if specific credentialing requirements were removed from faculty positions such as computer science, engineering, and cybersecurity. Students apply and enroll in MICUA institutions that offer highly specialized programs with the expectation that they will be educated by faculty with the academic expertise to prepare them for tests and the field. Several programs are nationally recognized and increase our competitiveness to attract the best and brightest students.

While we understand the sponsor's intent to increase access to employment opportunities to individuals who have been met with roadblocks and barriers due to their lack of academic attainment, institutions of higher education would be mistakenly swept into the broad application of SB 66 if passed. Institutions of higher education are the primary source for students to pursue their academic interests and increase their economic mobility. One of the key elements on this pathway is the recruitment and hiring of faculty members with the appropriate educational credentials to prepare a student for the workplace or advanced study.

MICUA thanks you for your attention and appreciates the opportunity to provide these comments for your consideration of Senate Bill 66. If you have any questions or would like additional information, please contact Irnande Altema, Associate Vice President for Government and Business Affairs, ialtema@micua.org.



Determining Qualified Faculty Through HLC's Criteria for Accreditation and Assumed Practices

Guidelines for Institutions and Peer Reviewers

Introduction

The following information provides guidance to institutions and peer reviewers in determining and evaluating minimal faculty qualifications at institutions accredited by HLC. These guidelines explain the Criteria for Accreditation and Assumed Practices that speak to the importance of institutions employing qualified faculty for the varied and essential roles that faculty members perform.

HLC's requirements related to qualified faculty seek to ensure that students have access to faculty members who are experts in the subject matter they teach and who can communicate knowledge in that subject to their students. When an institution indicates that a faculty member is qualified by means of an offer of employment, it is asserting its confidence in the faculty member's content expertise along with the ability of the faculty member to help position students for success not only in a particular class, but also in their academic program and their careers after they have completed their program.

The following guidelines apply to all faculty members whose primary responsibility is teaching, including part-time, adjunct, dual credit, temporary and/or non-tenure-track faculty. An institution committed to effective teaching and learning should be able to demonstrate consistent procedures and careful

consideration of qualifications for all instructional faculty. This demonstrates academic integrity and is verifiable through peer review processes.

Background on HLC's Qualified Faculty Requirements

Together, HLC's Criteria for Accreditation and Assumed Practices define the quality standards that all member institutions must satisfy to achieve and maintain HLC accreditation.

In June 2015, HLC revised Assumed Practice B.2. to ensure academic quality by requiring institutions to demonstrate that faculty members who deliver college-level content are appropriately qualified to do so, and to ensure that institutions establish clear policies and consistent procedures to achieve such quality. It must be noted that the revisions to Assumed Practice B.2. reflect longstanding HLC expectations that had appeared in various written forms in previous years and that through this revision process, HLC sought to support its mission of assuring and advancing the quality of higher learning.

When HLC's Board of Trustees approved the revisions to Assumed Practice B.2. in June 2015, it also extended the date of compliance to September 1, 2017, to allow institutions time to work through the

details of the requirement and to bring their faculty into compliance through individual professional development plans. Later, during its meeting in November 2015, the Board acted to allow institutions with dual credit programs to apply for a five-year extension to bring faculty for those programs into compliance with Assumed Practice B.2. In June 2020, the Board extended the deadline for those institutions by one year, to September 1, 2023, due to the disruptive effects of the COVID-19 pandemic.

In these guidelines, HLC seeks to offer important additional perspective on Assumed Practice B.2. and to convey its expectations and timeline for compliance. The guidelines provide information related to earned faculty credentials, tested experience and dual credit. Further, these guidelines seek to clarify the role of peer reviewers in determining the minimal qualifications of faculty teaching at institutions accredited by HLC.

HLC'S COMMITMENT TO THE IMPORTANCE OF QUALIFIED FACULTY

Core Component 3.C. refers to “the faculty and staff needed for effective, high-quality programs and student services,” which entails, in part, a faculty member’s ability to understand and convey the essentials of a specific discipline in a collegiate environment. Minimally qualified faculty should be able to engage professionally with colleagues regarding the learning objectives for program graduates, as well as possess the knowledge, skills and dispositions appropriate to the credential awarded. HLC expects that through the curricula and learning contexts that faculty develop, the exercise of intellectual inquiry and the acquisition, application and integration of broad learning and skills are integral to an institution’s educational programs. Qualified faculty should also be aware of student learning through the ongoing collection and analysis of appropriate data, because an institution should be able to demonstrate its commitment to educational achievement and improvement through ongoing assessment of student learning. It is important to note that none of these abilities are intended to substitute for content expertise or tested experience, as described below.

Note: See HLC’s Criteria 3 and 4 (specifically, 3.B. and 4.B.) for more information on expectations regarding teaching and learning.

Relevant Criteria and Assumed Practices

Criterion 3 speaks to faculty qualifications, specifically Core Component 3.C., subcomponents 3.C.2., 3.C.3., and 3.C.5. Assumed Practice B.2.a. and B.2.b. are also central to this topic.

CRITERION 3. TEACHING AND LEARNING: QUALITY, RESOURCES, AND SUPPORT

[Effective September 1, 2020.]

The institution provides quality education, wherever and however its offerings are delivered.

Core Component 3.C. The institution has the faculty and staff needed for effective, high-quality programs and student services.

3.C.2. The institution has sufficient numbers and continuity of faculty members to carry out both the classroom and the non-classroom roles of faculty, including oversight of the curriculum and expectations for student performance; establishment of academic credentials for instructional staff; involvement in assessment of student learning.

3.C.3. All instructors are appropriately qualified, including those in dual credit, contractual, and consortial programs.

3.C.5. The institution has processes and resources for assuring that instructors are current in their disciplines and adept in their teaching roles; it supports their professional development.

ASSUMED PRACTICE B. TEACHING AND LEARNING: QUALITY, RESOURCES, AND SUPPORT

[Effective September 1, 2017.]

B.2. Faculty Roles and Qualifications

- a. Qualified faculty members are identified primarily by credentials, but other factors, including but not limited to equivalent experience, may be considered by the institution in determining whether a faculty member is qualified. Instructors (excluding for this requirement teaching assistants enrolled in a graduate program and supervised by faculty) possess an academic degree relevant to what they are teaching and at least one level above the level at which they

teach, except in programs for terminal degrees or when equivalent experience is established. In terminal degree programs, faculty members possess the same level of degree. When faculty members are employed based on equivalent experience, the institution defines a minimum threshold of experience and an evaluation process that is used in the appointment process. Faculty teaching general education courses, or other non-occupational courses, hold a master's degree or higher in the discipline or subfield. If a faculty member holds a master's degree or higher in a discipline or subfield other than that in which he or she is teaching, that faculty member should have completed a minimum of 18 graduate credit hours in the discipline or subfield in which they teach.

- b. Instructors teaching in graduate programs should hold the terminal degree determined by the discipline and have a record of research, scholarship or achievement appropriate for the graduate program.

Quality Assurance Expectations in Determining Minimally Qualified Faculty

Accreditation agencies expect that accredited institutions will use *credentials* as the primary mechanism to ascertain minimal faculty qualifications. HLC recognizes that experience also may be considered in determining faculty qualifications. (See page 4.) In some situations, a combination of these may be appropriate.

USING CREDENTIALS AS A BASIS FOR DETERMINING MINIMALLY QUALIFIED FACULTY

Faculty credentials refer to the degrees that faculty have earned that establish their credibility as content experts and thus their competence to teach that content in the classroom. Common expectations

for faculty credentials in higher education include the following:

- Faculty teaching in higher education institutions should have completed a program of study in the discipline or subfield¹ (as applicable) in which they teach, and/or for which they develop curricula, with coursework at least one level above that of the courses being taught or developed. Completion of a degree in a specific field enhances an instructor's depth of subject matter knowledge and is easily identifiable.
- With the exception noted in the bullet immediately following, faculty teaching in undergraduate programs should hold a degree at least one level above that of the program in which they are teaching. If a faculty member holds a master's degree or higher in a discipline other than that in which he or she is teaching, that faculty member should have completed a minimum of 18 graduate credit hours in the discipline in which he or she is teaching.

If an individual faculty member has not achieved 18 graduate credit hours in the discipline in which he or she teaches, the institution should be able to explain and justify its decision to assign the individual to the courses taught. These decisions should be supported by policy and procedure that are acceptable to the professional judgment of HLC peer reviewers. See the following subsection for more information about how experience may be considered in determining faculty qualifications.

- Faculty teaching in career and technical education college-level certificate and occupational associate's degree programs should hold a bachelor's degree in the field and/or a combination of education, training and tested experience. (Note: See the Tested Experience section below.) Such qualifications are allowable even in instances where technical/occupational courses transfer, which HLC recognizes is an increasing practice.
- Faculty teaching in graduate programs should hold the terminal degree determined by the discipline

¹ Assumed Practice B.2. refers to academic subfields. An academic subfield refers to a component of the discipline in which the instruction is delivered. The focus, in the context of HLC accreditation, is on the courses being taught and the general appropriateness of faculty qualifications with reference to such courses. The key consideration is whether a degree in the field or a focus in the specialization held by a faculty member appropriately matches the courses the faculty member would teach in accordance with the conventions of the academic field.

and have a record of research, scholarship or achievement appropriate for the graduate program.

USING TESTED EXPERIENCE AS A BASIS FOR DETERMINING MINIMALLY QUALIFIED FACULTY

Tested experience may substitute for an earned credential or portions thereof. Assumed Practice B.2. allows an institution to determine that a faculty member is qualified based on experience that the institution determines is equivalent to the degree it would otherwise require for a faculty position. This experience should be tested experience in that it includes a breadth and depth of experience outside of the classroom in real-world situations relevant to the discipline in which the faculty member would be teaching. (Note: Tested experience, as is explained in the following section on dual credit, is typically not based exclusively on years of teaching experience, although other experiential factors as noted below may be considered on a case-by-case basis.)

The value of using tested experience to determine minimal faculty qualifications depends upon the relevance of the individual faculty member's experience both to the degree level and to the specific content of the courses the faculty member is teaching. An institution that intends to use tested experience as a basis for hiring faculty must have well-defined policies, procedures and documentation that demonstrate when such experience is sufficient to determine that the faculty member has the expertise necessary to teach students in that discipline. In their policies on tested experience as a basis for hiring faculty members, institutions are encouraged to develop faculty hiring qualifications that outline a minimum threshold of experience and a system of evaluation. Tested experience qualifications should be established for specific disciplines and programs and could include skill sets, types of certifications or additional credentials, and experiences. Documented qualifications would ensure consistency and transparency in hiring and human resources policies. The faculty hiring qualifications related to tested experience should be reviewed and approved

through the faculty governance process at the institution—a step that should be highlighted for peer review teams, as appropriate.

Determining Minimally Qualified Faculty in the Context of Dual Credit

The subject of *dual credit*² was the focus of HLC's national study completed in 2012. This research entailed the analysis of dual credit activities across 48 states and revealed the dramatic expansion of dual credit offerings. Citing research conducted by the National Center for Education Statistics, HLC's study reported that by 2010–2011 dual credit enrollments had reached 2.04 million students, up from 1.16 million in 2002–2003, an increase of 75 percent. Even though the study was a descriptive analysis of dual credit and by design did not advocate a position, it did report on both the benefits and the drawbacks of dual credit arrangements and prompted HLC to address some critical concerns, including inadequate instructor qualifications.

(See [Dual Credit for Institutions and Peer Reviewers](#))

To address these concerns, HLC determined that accredited institutions awarding college credit by means of dual credit arrangements must ensure the quality and integrity of such offerings and their comparability to the same college credit offered on the institution's main campus or at the institution's other locations. As such, the faculty members teaching dual credit courses should hold the same minimal qualifications as required by the institution of its own faculty. These expectations extend to minimally qualified dual credit faculty, as stated in Criterion 3 (3.A., 3.C.3.), Criterion 4 (4.A.4.), and Assumed Practice B.2.

This requirement is not intended to discount or in any way diminish the experience that the high school teacher brings into a dual credit classroom. Such classroom experience alone, however lengthy or respected, is not a substitute for the content knowledge needed for college credit.

2 Dual credit refers to courses taught to high school students at the high school for which the students receive both high school credit and college credit. These courses or programs are offered under a variety of names; HLC's Criteria on dual credit apply to all of them, as they involve the accredited institution's responsibility for the quality of its offerings.

HLC recognizes that many high school teachers possess tested experience beyond their years in the classroom that may account for content knowledge for the dual credit courses they may teach. These teachers may have gained relevant experience while working in other sectors or through professional development or other relevant experience that now informs their teaching. They may be active in professional organizations and learned societies through presentations and publications on topics relevant to the dual credit courses they may teach. In combination with other credentials and/or tested experience, they may be able to provide direct evidence of their students' achievement on college-level tests that reflects a level of teaching and learning akin to a college classroom. However, evidence of students' achievement, on its own, is not sufficient to demonstrate minimal qualifications.

HLC also recognizes that dual credit faculty members who have obtained a Master of Education degree but not a master's degree in a discipline such as English, Communications, History, Mathematics, etc., may have academic preparation to satisfy HLC's expectations. In this context, the curricula of graduate degrees in the field of Education, when inclusive of graduate-level content in the discipline and methods courses that are specifically for the teaching of that discipline, satisfy HLC's dual credit faculty expectations. In other words, the attainment of a Master of Education degree does not demonstrate a qualification to teach dual credit courses in a particular discipline unless it is demonstrated that the content of that faculty member's Master of Education degree is sufficiently related to the discipline of the dual credit course.

Accredited institutions should monitor closely the earned credentials along with the tested experience of dual credit faculty with the understanding that allowances for tested experience may occur.

The Centrality of Peer Review in Evaluating Faculty Credentials

In keeping with HLC's commitment to peer review processes, it must be stressed that the professional judgment of HLC's peer review teams has always

been and remains central to the evaluation of member institutions and the credentials of the faculty members who work there. HLC's reliance on the expertise of its Peer Corps members—reviewers who are drawn from the member institutions themselves based upon their knowledge and expertise—is an honored and time-tested tradition. It is as much valued as it is necessary given the wide range of institutional types that HLC accredits across an even wider array of geographical and political contexts. Such diversity presents incredible opportunities for advancing learning and deeper understanding among higher education professionals by means of accreditation, although it also makes especially challenging (if not impossible) the enforcement of “one-size-fits-all” requirements. HLC and its peer reviewers understand that there may be circumstances that will need to be explained and justified to the peer review teams charged with assuring the quality and integrity of educational offerings within an institution.

Peer reviewers are charged to evaluate the entire institution and its compliance with policy and not to evaluate the hiring of specific faculty members. If systemic non-compliance is identified, the peer review team will seek additional information and, possibly, recommend HLC follow-up to ensure that the institution meets HLC's expectations. Several specific scenarios are outlined in the next section.

HLC's Review of Faculty Qualifications Related to Assumed Practice B.2.

HLC has identified circumstances under which Assumed Practice B.2. will influence the review of an institution. These descriptors are intentionally brief, as information about HLC's processes is documented on [hlcommission.org](https://www.hlcommission.org).

INSTITUTIONS HOSTING COMPREHENSIVE EVALUATIONS

Institutions in good standing hosting routine comprehensive evaluations, whether on the Standard or Open Pathway, need not write specifically to the Assumed Practices. However, all institutions preparing for a comprehensive evaluation must write specifically to Core Component 3.C.

1. Peer review teams conducting comprehensive evaluations may randomly select a sample of faculty members and request to see their personnel records (i.e., curriculum vitae and transcripts) in conjunction with the list of courses to which said faculty members are assigned.
2. Peer reviewers may also legitimately probe what process the institution uses to determine that its faculty members are appropriately credentialed to teach the courses to which they are assigned.
3. Reviewers may evaluate the institution's policies and procedures for determining qualified faculty, particularly when tested experience is a determining factor.

INSTITUTIONS FOR WHOM HLC RECEIVES COMPLAINTS RELATED TO FACULTY

HLC may request information about institutional conformity with Assumed Practice B.2. if the HLC staff's review of a complaint received about a faculty member's credentials is deemed to merit additional inquiry. Following HLC's [complaint protocol](#), this inquiry may take place even though the institution has not yet hosted a comprehensive evaluation after the revised Assumed Practice became effective. As is typical for complaints meriting additional inquiry, the institution may be asked to provide documentation that is responsive to HLC questions about the perceived accreditation issue. Should the response be deemed sufficient, HLC will conclude the complaint process with a response letter. Should the outcome of the complaint review be a determination that the institution is not in conformity with the Assumed Practice, HLC will follow up with monitoring.

INSTITUTIONS NOT IN CONFORMITY WITH ASSUMED PRACTICE B.2.

Should an institution be found not to be in conformity with Assumed Practice B.2., HLC will seek an interim report within three months that either explains how the situation has been rectified or indicates how the situation will be rectified within two additional years.³ The latter case may require additional follow-up in the form of a second report or an on-site evaluation to confirm the issue has been fully remedied and the

institution is in full compliance. An institution acting in good faith to meet the Assumed Practice will not be at risk of losing its accreditation solely related to its conformity with Assumed Practice B.2.

Limitations on the Application of HLC Requirements Related to Qualified Faculty

It is important that institutions review these limitations carefully in implementing HLC's requirements related to qualified faculty:

- HLC requirements related to qualified faculty, including Assumed Practice B.2., are in no way a mandate from HLC to terminate or no longer renew contracts with current faculty members. HLC expects that institutions will work with faculty who are otherwise performing well to ensure that they meet HLC's requirements (whether through credentials or tested experience or a combination thereof). HLC also expects that institutions will honor existing contracts with individual faculty or collective bargaining units until such time as institutions have had an opportunity under the contract to renegotiate provisions that relate to faculty credentials if such revisions to the contract are necessary for the institution to meet HLC's requirements. HLC recognizes that in many cases such renegotiation or revision may not be able to take place until the contract expires or at the contract's next renewal date.
- As a part of its ongoing evaluation of faculty, institutions may determine that there need to be changes in faculty hiring requirements and to new or existing institutional policies pursuant to best (and emerging) practices in higher education related to faculty (not necessarily related to HLC's requirements). Institutions may also determine that certain faculty members have not performed well according to the institutions' expectations related to faculty performance and should not be retained. Such decisions are within the institutions' purview. They should not be handled differently than they would have been prior to the

³ This will not apply to dual credit programs at those institutions granted an extension to comply with Assumed Practice B.2., solely as applied to dual credit faculty, until September 1, 2023. See page 2 for further details about the extensions granted by HLC.

promulgation of the revised Assumed Practice B.2. in 2017. Under no circumstances should institutions use HLC's requirements as a pretext to eliminate faculty members who have not performed well or who do not meet institutional hiring requirements for faculty members and would otherwise have not been retained for these reasons.

- These requirements, including Assumed Practice B.2., in no way apply to staff members at accredited institutions; they apply to instructional faculty and faculty responsible for developing curriculum only. To understand HLC's requirements related to staff members, institutions should review subcomponent 3.C.7., which requires that "staff members providing student support

services, such as tutoring, financial aid advising, academic advising and cocurricular activities, are appropriately qualified, trained and supported in their professional development." HLC has no further requirements identifying what the appropriate qualifications are for staff members; rather, it is up to each accredited institution to determine what appropriate qualifications are for such personnel.



Questions?

Please contact the institution's HLC staff liaison.