

**MONTGOMERY COLLEGE
BOARD OF TRUSTEES**

**RECORD OF RESOLUTIONS
November 15, 2010**

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**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 7A
November 15, 2010

PERSONNEL ACTIONS CONFIRMATION REPORT

BACKGROUND

The Board of Trustees by State Law has the authority and the responsibility for appointments to the College. Each month the Board receives a summary of personnel actions from the Office of Human Resources on new hires and employees who have separated from the College.

RECOMMENDATION

It is recommended that the Board adopt the attached report.

BACK-UP INFORMATION

Board Resolution
Personnel Actions Confirmation Report

RESOURCE PERSON(S)

Ms. Lawyer
Ms. Bokor

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **10-11-079**
Adopted on: **11/15/ 2010**

Agenda Item Number: 7A
November 15, 2010

Subject: Personnel Actions Confirmation

WHEREAS, by State Law the Board of Trustees has the authority and responsibility for appointments to the College; and

WHEREAS, the attached summary indicates related personnel actions taken by the College during the period from and including October 1, 2010, to and including October 31, 2010; and

WHEREAS, the President of the College recommends that the Board adopt the following resolution; now therefore be it

Resolved, that the Board of Trustees accepts the attached report and confirms the action of the President.

DPP:abg

Attachments

MONTGOMERY COLLEGE
SUMMARY OF PERSONNEL ACTIONS
From and Including October 1, 2010, to and Including October 31, 2010

STAFF

STAFF EMPLOYMENTS

Effective Date	Name	Position Title	Grade	Location
10/11/2010	Campanella, Christopher D	Theater Production Manager	J	Arts/Humanities/SocialSciences
10/18/2010	Savage, John H	Dir of Tech Infrastructure	P	Information Technology RV
10/25/2010	Talley, Kimberly M	Coord, Learning Skills Support	K	Health Sciences
10/11/2010	Wiebusch, Norman K	Senior Project Manager	K	Collegewide Cap Prjt/Oper

STAFF SEPARATIONS

10/01/2010	Arbury, David	Library Technical Assistant	G	Germantown Library
10/04/2010	Crawford, Chanee D	Safety & Security Officer	E	Facilities Security - RV
10/29/2010	Harrell, Edward M ¹	Lead Safety & Security Officer	F	Facilities Security - GT
10/16/2010	Jones, Joseph J	Network Services Specialist	H	Information Technology RV
10/22/2010	LaValle, Christina R	Instructional Associate	H	Math/Science Center RV

STAFF EMPLOYMENTS: Ethnicity and Gender

	White	Black	Hispanic	Asian	American Indian	TOTAL
Female	0	1	0	0	0	1
Male	3	0	0	0	0	3
TOTAL	3	1	0	0	0	4

STAFF SEPARATIONS: Ethnicity and Gender

	White	Black	Hispanic	Asian	American Indian	TOTAL
Female	1	1	0	0	0	2
Male	2	1	0	0	0	3
TOTAL	3	2	0	0	0	5

FACULTY

FACULTY EMPLOYMENTS: None

FACULTY SEPARATIONS: None

¹ Retirement

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 07B
November 15, 2010

NATIONAL AWARENESS MONTH CELEBRATIONS 2011

BACKGROUND

The Office of the President of the United States has designated and proclaimed several months throughout the year as national awareness months to recognize and celebrate America's diversity. The national awareness months specifically provide an opportunity to honor women; individuals with a disability; Americans of African heritage, Asian Pacific heritage, Hispanic/Latino heritage, Arab heritage, and Native American heritage; and to celebrate their contributions to the world. Montgomery College is a multi-ethnic, multi-cultural, and international learning community that supports activities to foster an academic environment and campus community that acknowledges and celebrates the contributions of its diverse constituents. The designated national awareness months are opportunities to acknowledge and celebrate the world contributions of our diverse students, faculty, and staff.

RECOMMENDATION

It is recommended that the Board of Trustees support Montgomery College's activities in commemoration of national awareness months and the nation's diversity, and continue to encourage members of the College community to participate in campus and community activities. The Board is respectfully asked to adopt the attached resolution.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSON(S)

Dr. Scott

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **10-11-080**
Adopted on: **11/15/2010**

Agenda Item Number: 07B
November 15, 2010

Subject: National Awareness Month Celebrations 2011

WHEREAS, The Office of the President of the United States has designated and proclaimed several days and months throughout the year for national awareness to recognize and celebrate America's ethnic diversity and cultural heritages; and

WHEREAS, The designated national awareness days and months specifically provide an opportunity to honor women; individuals with a disability; Americans of African heritage, Asian Pacific heritage, Hispanic/Latino heritage, Arab heritage, and Native American heritage; and to celebrate their contributions to the world; and

WHEREAS, Montgomery College is a multi-ethnic, multi-cultural, and international learning community that supports activities to foster an academic environment and campus community responsive to the needs of its diverse constituents; and

WHEREAS, Montgomery College supports activities that acknowledge and celebrate the world contributions of its diverse students, faculty, staff, and members of surrounding communities; and

WHEREAS, the Vice Presidents and Provosts shall establish campus-based committees to plan activities in commemoration of national awareness month celebrations; and

WHEREAS, the College will plan various events and host speakers for national awareness month celebrations; and

WHEREAS, the President of the College recommends the following action; now therefore be it

Resolved, That the Board of Trustees hereby endorses national awareness month celebrations; and be it further

Resolved, That the Board of Trustees hereby supports the work of the College through campus-based committees, Center for Teaching and Learning, Disability Support Services, International Education Programs, Office of Equity and Diversity, Paul Peck Humanities Institute, Women's Studies, and other College departments in planning activities for national awareness month celebrations; and be it further

Resolved, That the Board of Trustees hereby encourages all members of the Montgomery College community to participate in observances of national awareness months by attending programs, ceremonies, and activities.

DPP:abg

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 07C
November 15, 2010

**GRADUATES RECEIVING THE ASSOCIATE DEGREE AND
THE ONE-YEAR PROGRAM CERTIFICATE IN SUMMER, 2010**

BACKGROUND

It is customary for the Board of Trustees to ratify the list of Graduates each semester.

RECOMMENDATION

The Board of Trustees is asked to ratify the award of a certificate, diploma or degree that is conferred upon successful completion of the requirements of a program.

BACK UP INFORMATION

Resolution
List of Graduates (Board members only)

RESOURCE PERSON

Ms. Hopkins

BOARD OF TRUSTEES
MONTGOMERY COLLEGE
Rockville, Maryland

Resolution Number: **10-11-081**
Adopted on: **11/15/2010**

Agenda Item Number: 07C
November 15, 2010

Subject: Graduates Receiving the Associate Degree and the One-Year Program Certificate in Summer, 2010

WHEREAS, it is necessary that the Board take action on the list of certified candidates attached herewith; and

WHEREAS, the students of Montgomery Community College, as listed on the attachments, have been certified by the Director of Admissions and Enrollment Management of the College to have completed the prescribed courses and curriculum, met all other requirements of the College, and received the degree or certificate for which he/she qualified; and

WHEREAS, the faculty has recognized the students of Montgomery Community College, as listed on the attachments, as having received their respective Associate Degree or One-Year Program Certificate; and

WHEREAS, the President recommends that the Board approve the following resolution; now therefore be it

Resolved, That the Board of Trustees recognizes the students of Montgomery Community College, as listed on the attachments, as having received their respective Associate Degree or One-Year Certificate.

Attachments (Board members only):

1. Germantown Campus Graduates
2. Rockville Campus Graduates
3. Takoma Park/Silver Spring Campus Graduates

DPP:abg

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 8
November 15, 2010

**SOLE SOURCE AWARD OF CONTRACT
MUSEUM-BASED LEARNING AND HUMANITIES PROGRAMS
FOR THE PAUL PECK HUMANITIES INSTITUTE**

BACKGROUND

In 1998, funded by a challenge grant from the National Endowment for the Humanities, Montgomery College, through the development of its Paul Peck Humanities Institute (PPHI), began a partnership with the Smithsonian Institution Center for Education and Museum Studies to complement each other's broad mission "to increase and diffuse knowledge" and to educate the public. The challenge grant was met through matching funds from corporate and private donors, with the largest single donation from Mr. Paul Peck, a philanthropist and supporter of Montgomery College.

Beginning in 2001 the Board approved the first three-year agreement between the College's Paul Peck Humanities Institute and the Smithsonian to conduct a series of humanities seminars and annual receptions, on a sole source basis. Subsequently, in 2004 and again in 2007, the Board approved additional three-year agreements, on a sole source basis, to continue the humanities seminars and programs with the Smithsonian. Through this partnership the Smithsonian coordinates Fellowships for Montgomery College faculty who integrate museum studies into their professional development, and into their teaching at Montgomery College. The PPHI partnership with the Smithsonian has provided students, faculty, and the community with numerous opportunities for enrichment, including museum education with access to primary sources and exhibitions, research centers, and outreach initiatives.

As the current contract will expire on November 30, 2010, the Director of the Paul Peck Humanities Institute recommends continuing the relationship with the Smithsonian Institution, on a sole source basis, for another three years. The program continues to meet the needs of students, faculty and the College providing fellowships that include six seminar-style meetings with Smithsonian experts. The sole source procurement is justified since no other source is able to provide the museum-based learning program and as the prime contractor of the challenge grant from the National Endowment for the Humanities plays a critical role in meeting the objectives of the Humanities Institute programs. Board approval is required for sole source procurements valued above \$25,000. Funding is available in the College's operating budget for this program.

RECOMMENDATIONS

It is recommended that the Board of Trustees award a contract for the museum based learning and humanities programs to the Smithsonian Institution, on a sole source basis, for one-year, beginning December 1, 2010, for a not-to-exceed amount of \$25,000. It is further recommended that the contract be renewed for two additional years, one year at a time, at the sole option of the College, under the same terms and conditions, provided service is satisfactory, funding is available, and it is in the best interest of the College.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSONS

Dr. Schwartz-McKinzie
Dr. Wormack

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **10-11-082**
Adopted on: **11/15/2010**

Agenda Item Number: 8
November 15, 2010

SUBJECT: Sole Source Award of Contract, Museum-Based Learning and Humanities Programs for the Paul Peck Humanities Institute

WHEREAS, in 1998, the College and the Smithsonian Institution Center for Education and Museum Studies, funded by a challenge grant from the National Endowment for the Humanities and private donations, developed a partnership to educate the public about arts and humanities programs and to provide Montgomery College faculty with a fellowship program connected to the Smithsonian's research environment; and

WHEREAS, in 2001, the Board approved a three-year agreement with the Smithsonian, which was named as part of the College's proposal for the challenge grant from the National Endowment for the Humanities, to facilitate and conduct the first six-part series of humanities seminars and lectures, including coordination of fellowships for Montgomery College faculty as part of the College's professional development program; and

WHEREAS, in 2004 and in 2007, the Board approved additional three-year agreements with the Smithsonian, on a sole source basis, to continue the six-part series of humanities seminars and lectures, including coordination of fellowships for Montgomery College faculty as part of the College's professional development program; the current contract expires in November 2010; and

WHEREAS, the Director of the Paul Peck Humanities Institute has requested continuation of the agreement with the Smithsonian, on a sole source basis; and

WHEREAS, the Director of Procurement affirms that the sole source request for the humanities series program is justified since no other source is able to provide the museum-based learning programs and as the prime contractor of the challenge grant from the National Endowment for the Humanities plays a critical role in meeting the objectives of the Humanities Institute programs; and the Chief Business Officer certifies that funds are available in the FY2011 Operating Budget; and

WHEREAS, Board policy states that the formal bidding process may be dispensed with in the event that it is not practicable or advantageous to the College; and

WHEREAS, the President of the College recommends the following action; now therefore be it

Resolved, That a contract be awarded to the Smithsonian Institution, on a sole source basis, for museum-based learning and humanities programs, beginning December 1, 2010, for a not to-exceed amount of \$25,000 and be it further

Resolved, That the contract be renewed for two additional years, one year at time, at the sole option of the College, under the same terms and conditions, provided service is satisfactory, funding is available, and it is in the best interest of the College.

DPP:abg

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 9
November 15, 2010

**PROPOSAL FOR NAMING
THE AFCEA - BETHESDA CHAPTER PHYSICS, ENGINEERING AND GEOSCIENCES
OFFICE SUITE FOR THE ROCKVILLE CAMPUS SCIENCE CENTER**

BACKGROUND

In preparation for its first capital campaign to construct a building with private support, the Board of Trustees approved a policy allowing College facilities to be named for individuals and organizations whose contributions to the College have been of an outstanding nature.

Armed Forces Communications and Electronics Association (AFCEA) - Bethesda Chapter is an education-based, nonprofit organization founded in 1998 that “encourages government/industry partnerships and information exchange”. The organization “fosters networking among peers in government and industry and focuses on U.S. Civilian Agencies”. AFCEA provides annual scholarships to Montgomery College and the Universities at Shady Grove.

AFCEA - Bethesda Chapter recently committed a \$120,000 gift to the College. The gift will provide funds for engineering and computer science scholarships. In the past three years, AFCEA has committed over \$210,000 in cash and pledges to support these scholarships.

Because this generosity has had an immeasurable impact on the College, its students, the faculty, and the College’s image in the community, we propose recognizing AFCEA - Bethesda Chapter’s support by naming the Physics, Engineering and Geosciences Office Suite in the Rockville Campus Science Center in its honor.

RECOMMENDATION

It is recommended that the Montgomery College Board of Trustees approve the proposed resolution to name the Physics, Engineering and Geosciences Office Suite for the Rockville Campus Science Center as The AFCEA – Bethesda Chapter Physics, Engineering and Geosciences Office Suite in the Rockville Campus Science Center.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSON(S)

Mr. Sears
Ms. Garvin Aquilino
Dr. Ackerman

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **10-11-083**
Adopted on: **11/15/2010**

Agenda Item Number: 9
November 15, 2010

Subject: Proposal for Naming the AFCEA – Bethesda Chapter Physics, Engineering and Geosciences Office Suite in the Rockville Campus Science Center

WHEREAS, Armed Forces Communications and Electronics Association (AFCEA) - Bethesda Chapter has committed to donate \$120,000 to the Montgomery College Foundation for engineering and computer science scholarships this year; and

WHEREAS, AFCEA Bethesda Chapter's generosity has totaled over \$210,000 and continues to have an immeasurable impact on the College, its students, the faculty, and its image in the Montgomery County and Washington, D.C. communities; and

WHEREAS, the Vice President of the Rockville Campus recommends naming the Physics, Engineering and Geosciences Office Suite in the Rockville Campus Science Center as The AFCEA – Bethesda Chapter Physics, Engineering and Geosciences Office Suite in the Rockville Campus Science Center; and

WHEREAS, the Vice President and Provost of the Rockville Campus, the Vice President for Institutional Advancement, and the Foundation Executive Committee and the President have carefully considered the implications of this request and support this recommendation; now therefore be it

Resolved, That the Board of Trustees approves the naming of the Physics, Engineering and Geosciences Office Suite in the Rockville Campus Science Center as The AFCEA – Bethesda Chapter Physics, Engineering and Geosciences Office Suite in the Rockville Campus Science Center in recognition of AFCEA - Bethesda Chapter's generous philanthropic support to significantly enrich engineering and computer science students' educational opportunities and experiences at Montgomery College.

DPP:abg

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 10
November 15, 2010

USE OF THE TRANSPORTATION FACILITIES CAPITAL PROJECTS FUND

BACKGROUND

The Transportation Fund was established by the Board of Trustees in June 2004 in order to provide funds for future transportation projects and related costs such as facilities enhancements to parking lots, enforcement, administration, security, and Ride-on and shuttle bus services. The fund was established by means of a Transportation Fee assessed to students on a per credit hour basis as an appropriate mechanism to pay for transportation-related projects. In April 2007, the Board of Trustees increased the Transportation Fee from \$2 to \$4/credit hour to support the construction of a parking garage on the west side of the Takoma Park/Silver Spring Campus. Bonds were issued by the Montgomery County Revenue Authority on behalf of the Montgomery Community College Foundation, Inc. to support the construction of the garage. The source of funds for the annual debt service costs on the revenue bonds is lease payments made by the College to the Foundation from the Transportation Fund for the use of the garage.

The College is allowed to withdraw, under specified conditions, amounts in the Transportation Fund that can be used for transportation-related projects. In June 2008, the Board of Trustees established a new fund for this purpose titled "The Transportation Facilities Capital Projects Fund" to receive such funds withdrawn from the Transportation Fund when all of the specified conditions have been met. The new Transportation Facilities Capital Projects Fund has all of the use restrictions and approval requirements that were initially attached to the Transportation Fund.

The revenue stream flowing into the Transportation Fund is sufficient to cover all bond-related costs for the new TP/SS garage and has generated additional fund balance over the years for both future transportation-related construction projects and the other basic transportation-related expenditures originally authorized by the Board of Trustees. Excess funds are "swept" twice a year from the Transportation Fund into the Transportation Capital Projects Fund. During the growth period of these funds, expenditures were restricted by the Bond Trustee to the bond-related expenditures and the fee paid to Montgomery County Ride-On to provide reduced rate transportation to registered Montgomery College students. The other transportation-related expenditures were temporarily moved to the College's operating budget.

With sufficient fund balance available and a stable revenue stream, it is now possible to resume charging all transportation-related expenditures to the Transportation Capital Projects Fund. The Board's permission is sought to resume using the fund for these expenditures. The original Board authorization for these expenditures had been \$1,000,000 and this amount is sufficient to cover transportation-related costs and still accumulate fund balance for future large transportation projects. Any future projects, such as the design and construction of additional garages, will still require separate authorization from the Board.

RECOMMENDATION

It is recommended that the Board of Trustees authorize the resumption of the use of the Transportation Facilities Capital Projects Fund for expenditures for transportation-related facilities enhancements to parking lots, enforcement, administration, security, and Ride-on and shuttle bus services up to \$1,000,000 per year as originally authorized under Resolution #04-78.

BACK-UP INFORMATION

Board Resolution
Board Resolution #04-78 (Board members only)

RESOURCE PERSONS

Mr. Capp
Ms. Dimon
Mr. Moore
Mr. Sheeran
Mr. Sorrell

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **10-11-084**
Adopted on: **11/15/2010**

Agenda Item Number: 10
November 15, 2010

Subject: Use of the Transportation Facilities Capital Projects Fund

WHEREAS, on June 21, 2004, by Board Resolution #04-78, the Board of Trustees authorized the establishment of the Transportation Fund (a/k/a Transportation Enterprise Fund) to collect revenue from transportation fees in order to pay for transportation-related projects and related costs; and

WHEREAS, funds from the Transportation Fund fee could only be expended with prior specific approval by the Board of Trustees which included an authorization for transportation-related expenditures up to \$1,000,000 per year; and

WHEREAS, on April 18, 2007, by Board Resolution #07-04-045, the Board of Trustees increased the Transportation Fund Fee to support the financing of parking garage construction through the College Foundation; and

WHEREAS, on December 10, 2007, by Board Resolution #07-12-151, the Board of Trustees approved a transaction for the development, construction, and leasing of a parking facility, access road improvement, and a chilled water production facility on the Takoma Park/Silver Spring Campus which outlined the agreements for the financing of the West Garage project through the Montgomery College Foundation, Inc., where it was noted that the garage would be leased to the Foundation and leased back to the College for use after the construction of the parking garage; and

WHEREAS, the College is allowed to withdraw from the Transportation Fund, under specified conditions, amounts in the Fund if all lease payments and other obligations then due and payable have been met; and

WHEREAS, on June 16, 2008, by Board Resolution #08-06-068, the Board of Trustees established a new fund titled The Transportation Facilities Capital Projects Fund to receive such funds withdrawn from the Transportation Fund when the specified conditions have been met and amounts withdrawn are transferred; and

WHEREAS, expenditures from the fund were limited starting in FY2008 in order to secure the revenue stream required by the Bond Trustee to support the issuance of revenue bonds and to begin to build fund balances to support future projects with the exception that the Bond Trustee allowed the Ride-On bus fee to continue to be charged to the fund; and

WHEREAS, the revenue stream and fund balances are now at a level at which the College can resume charging other transportation-related costs to the Transportation Capital Projects Fund without affecting the bond payments or the accumulation of fund balance; and

WHEREAS, given the projected Operating Budget situation over the next few years, identifying alternate funding sources has been suggested and the Chief Business Officer certifies that moving transportation-related expenses back to the Transportation Fund Capital Projects Fund in FY11 is now fiscally possible; and

WHEREAS, the President of the College recommends the following action; now therefore be it

Resolved, That the Board of Trustees hereby authorizes use of the Transportation Facilities Capital Projects Fund to allow resumption of charges for transportation-related costs as originally authorized by Resolution #04-78, namely transportation-related facilities enhancements to parking lots, enforcement, administration, security, and Ride-on and shuttle bus services up to \$1,000,000 per year; and be it further

Resolved, That these funds continue to be expended only as authorized in Board Resolutions #04-78, #07-04-045, #07-12-151, and #08-10-124; and be it further

Resolved, That the use of these funds for future transportation-related projects, such as construction of new garages, continue to be expended only with the prior approval of each project by the Board of Trustees.

DPP:abg

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 11
November 15, 2010

ADOPTION OF FY2012 CAPITAL BUDGET

BACKGROUND

The Proposed FY2012 Capital Budget and six-year FY2011-2016 Capital Improvement Program was presented and discussed at the October 25, 2010 Board of Trustees meeting. The request FY2012 totals \$53,634,000 and includes recommendations made during the President's review held in September as well as updated estimates for several projects. A copy of the Proposed Capital Budget was distributed to the Board at the October meeting. Attached is a summary table which includes the proposed FY2012 request, as well as the FY2011 project appropriations.

RECOMMENDATION

It is recommended that the Board of Trustees adopt the FY2012 Capital Budget which requests a total of \$53,634,000 in FY2012 and authorize the transmittal of the budget to the County.

BACK-UP INFORMATION

Board Resolution
FY 2012 Capital Budget Summary (Board members only)

RESOURCE PERSON(S)

Mr. Capp

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **10-11-085**
Adopted on: **11/15/2010**

Agenda Item Number: 11
November 15, 2010

Subject: Adoption of the FY 2012 Capital Budget

WHEREAS, on the basis of the College's Facilities Master Plan and future enrollment projections, the Proposed FY2012 Capital Budget and Six-Year FY2011-2016 Capital Improvement Program has been developed by appropriate College personnel; and

WHEREAS, the Proposed FY2012 Biennial Capital Budget and Six-Year FY2011-2016 Capital Improvement Program must be transmitted to the Montgomery County Government for inclusion in the County Executive's recommended Capital Improvements Program; and

WHEREAS, the President of the College recommends the following action; now therefore be it

Resolved, That the Board of Trustees adopt the Proposed FY2012 Capital Budget and Six-Year FY2011-2016 Capital Improvement Program and authorize the President of the College to transmit the Project Description Forms to the County Executive for review and recommendation to the Montgomery County Council.

DPP:abg

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 12
November 15, 2010

**MODIFICATION TO COLLEGE POLICY 45003
DETERMINATION OF APPLICABLE TUITION AND FEES RATES; STATE AID**

BACKGROUND

Maryland law grants authority to the Board of Trustees to set tuition and fees for Montgomery College students, including the authority to "...operate one or more community colleges." (Ann. Code of Maryland, § 16-103 (b)) and to "...charge students reasonable tuition and fees set by it with a view to making college education available to all qualified individuals at low cost." (Ann. Code of Maryland, § 16-103 (j)).

In addition, the administrative policy of the Maryland Higher Education Commission ("MHEC") permits approved categories of students to be included in the submission of FTE enrollment of the College for purposes of State Aid; there is no requirement that a category of students not approved for State Aid submission be otherwise submitted for approval by MHEC, unless State Aid is sought for that category of students.

As a part of the recent audit of the College's operations for FY10, the auditors informally recommended that the Board of Trustees adopt public tuition policies that clarified and confirmed tuition and fees practices previously authorized by the Board but not contained in the public policies on tuition.

The purpose of the proposed policy modification is to modify the current tuition policy in order to set forth the approved basic tuition structure in the College's public policies and to direct the compliance with MHEC requirements for submission for State aid, specifically excluding students from the FTE count if not within a category of students approved by MHEC for State Aid FTE submission.

RECOMMENDATION

It is recommended that the Board of Trustees approve a modification to the present College Policy 45003 Determination of Residence for Tuition Purposes to respond to the recommendations of the Auditors.

BACK-UP INFORMATION

Board Resolution
Policy 45003 Determination of Applicable Tuition and Fees; State Aid

RESOURCE PERSON(S):

Mr. Moore Mr. Sheeran Mr. Preston Ms. Hopkins Mr. Sorrell

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **10-11-086**
Adopted on: **11/15/2010**

Agenda Item Number: 12
November 15, 2010

Subject: Modification to College Policy 45003, Determination of Application Tuition and Fees Rates; State Aid

WHEREAS, the Board of Trustees has the authority to set tuition and fees, and submit certain students for State Aid, pursuant to State Law; and

WHEREAS, it is recommended that the public policies of the College be updated to clarify and confirm tuition and fees practices previously authorized by the Board but not contained in the present public policies on tuition; and

WHEREAS, the Board of Trustees confirms and directs that appropriate students be submitted for State Aid purposes, consistent with State law and regulations; and

WHEREAS, the President of the College recommends the following action; now therefore be it

Resolved, That the Board of Trustees modifies policy 45003 to provide for determination of appropriate tuition and fees to be charged to students at the College and to direct certain students be submitted for State Aid, as provided in the attached Policy 45003 Determination of Applicable Tuition and Fees Rates; State Aid, incorporated herein; and be it further

Resolved, That the President, or designee, is authorized to modify and update the relevant procedures as necessary to implement this policy

DPP:abg

Chapter: Student Affairs

Modification No. 008

Subject: **Determination of Applicable Tuition and Fees Rates; State Aid**

Maryland law grants authority to the Board of Trustees to set tuition and fees for Montgomery College students, including the authority to "...operate one or more community colleges." (Ann. Code of Maryland, § 16-103 (b)) and to "...charge students reasonable tuition and fees set by it with a view to making college education available to all qualified individuals at low cost." (Ann. Code of Maryland, § 16-103 (j)).

In addition, the administrative policy of the Maryland Higher Education Commission ("MHEC") permits approved categories of students to be included in the submission of FTE enrollment of the College for purposes of State Aid; there is no requirement that a category of students not approved for State Aid submission be otherwise submitted for approval by MHEC, unless State Aid is sought for that category of students.

The purpose of this policy is to set forth the basic tuition structure and to meet the MHEC requirements for submission for State aid, specifically excluding such students from the FTE count if not within a category of students approved by MHEC for State Aid FTE submission.

In meeting its responsibilities under the law, and in order to promote the education of all qualified students in the community, it is the policy of the Board of Trustees to provide a quality education at the least cost for residents of Montgomery County and to recent graduates of Montgomery County public schools, leveraging public investment in these students and providing a seamless educational path from grades K to 14. For each fiscal year, and more often as may be necessary, the Board of Trustees shall set appropriate fees and tuition rates in at least three categories: 1. The "C Rate"; 2. The "S Rate," and; 3. The "OS" Rate." The determination of which rate of tuition is applicable to a particular student shall be governed by the following policies.

I. Credit Students

A. Applicability of Tuition Rates

- a. Students attending Montgomery College will pay the "C Rate" if any of the following is determined to be applicable by the President or designee, in the following order:
 1. Residence in Montgomery County;
 2. Qualification as a Regional Student;
 3. Current student in a Montgomery County Public School;
 4. A graduate from a Montgomery County Public School within the past three years.
- b. Students attending Montgomery College that do not qualify for the "C Rate" shall pay the "OS Rate" unless it is determined by the President or designee that the student is a Maryland resident from outside of Montgomery County in which case the student shall pay the "S Rate."

- B. Determination of Residence and Domicile
- a. To qualify as a resident of Montgomery County or the State of Maryland for purposes of determining the applicable tuition rate to be applied, legal domicile must have been maintained for a period not less than three months prior to the first regularly scheduled class for the semester.
 - b. For a student to be considered as a resident of Montgomery County or the State of Maryland for purposes of determining the applicable tuition rate to be applied, the student must possess the legal capacity under State and Federal law to establish Maryland domicile.
- C. The following criteria shall be used to establish the domicile of a person for purposes of determining the applicable tuition rate to be applied:
- a. Domicile shall be considered as "a person's permanent place of abode, where physical presence and possessions are maintained and where he/she intends to remain indefinitely. The domicile of a person who received more than one-half of his/her financial support from others in the most recently completed year is the domicile of the person contributing the greatest proportion of support, without regard to whether the parties are related by blood or marriage."
 - b. At the time of admission to or initial enrollment in any credit course at Montgomery College, each student shall sign a statement affirming domicile and the factual basis for the claim of domicile. If facts indicate the domicile has changed, the student shall indicate whether his/her domicile is the same or different from previous signed statement affirming domicile.
 - c. In determining the adequacy of the factual basis for domicile provided by the student, the College will consider any of the following factors and request evidence for substantiation:
 1. Ownership or rental of local living quarters;
 2. Substantially uninterrupted physical presence including the months when the student is not in attendance at the College;
 3. Maintenance in Maryland and in the County of all, or substantially all, of the student's possessions;
 4. Payment of Maryland State and local piggyback income taxes on all taxable income earned, including all taxable income earned outside the State;
 5. Registration to vote in the State and County;
 6. Registration of a motor vehicle in the State, with a local address specified, if the student owns or uses such a vehicle; or
 7. Possession of a valid Maryland driver's license, with a local address specified, if the student is licensed anywhere to drive a motor vehicle.

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- d. A domicile in Montgomery County or the State of Maryland is lost when a new domicile is established for a period of three months at a location outside the County or State.
 - e. In addition to the general requirements above, the following provisions apply to the specific categories of students indicated:
 - 1. Military personnel and their dependents who were domiciliaries of Maryland at the time of entrance into the armed forces and who are stationed outside the State may retain Maryland domicile as long as they do not establish domicile elsewhere.
 - 2. Military personnel and their dependents who are on active duty for a period of more than 30 days and whose domicile or permanent duty station is in the State may retain Maryland domicile as long as they are continuously enrolled.
 - 3. An individual's immigration status shall not preclude award of Maryland residency under this policy if the individual has the legal capacity to establish domicile in Maryland.

D. Qualification as a Regional Student

A student enrolled in a program designated as statewide or regional by the State Board for Community Colleges may be qualified for tuition at the "C Rate" if domiciled in the approved region for the program.

E. Reciprocity Students

A student from outside the State who enrolls as part of a reciprocity agreement negotiated between Maryland and another state may be considered a resident for tuition purposes and qualified for the appropriate "C Rate" or "S Rate."

- F. A person shall be provided the opportunity to request a change in residence classification or to appeal current classification within a reasonable time after the initial decision by the College. Appeals for changes of resident classification must be accompanied by evidence justifying such changes and must be processed prior to the end of the third week of fall and spring classes or the first week of winter and summer classes. Any changes processed after the third week of classes will be effective the following semester. Appeals shall be submitted in writing to the appropriate Campus Registrar.

II. Noncredit Students

In establishing the domicile of a person enrolling in a noncredit continuing education course, a person shall indicate on a signed registration document whether he/she is a resident of the State, County, or region.

III. Contracted Education and Training

Montgomery College may enter into a contract with any public or private sector employer or non-profit organization that maintains facilities, operates, or does business in the State to provide education or training for public or private sector employees or members for a set contractual fee in place of payment of tuition and fees under the following conditions:

- A. The employee or member is enrolled in credit or noncredit courses which will benefit the employer;
 - B. The employer or non-profit organization pays the fee charged by the College;
 - C. The fee reasonably reflects the usual costs borne by students in the same or similar courses;
 - D. The employees or members enrolled under this program shall be treated as any other students in accordance with Montgomery College policies and procedures and the general policies of the State Board for Community Colleges, with the exception of payment of tuition.
 - E. Contractual arrangements under this section may include customized training as well as employer paid tuition and tuition reimbursement plans.
- IV. The Board of Trustees authorizes the President or designee to develop specific processes and procedures to implement the above tuition, fees and State aid policies, including the development of forms and collection of information as may be deemed appropriate.

_____ Board Approval: January 18, 1982; July 19, 1982; March 21, 1983; July 17, 1989, effective July 1, 1989; October 28, 1991; May 20, 1996; June 15, 2009; November ____, 2010.

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 13
November 15, 2010

**ACCEPTANCE OF THE MONTGOMERY COLLEGE
AUDITED FINANCIAL STATEMENTS FOR JUNE 30, 2010 AND 2009**

BACKGROUND

Montgomery College is required to conduct an annual audit of the College's financial statements.

The audited financial statements for June 30, 2010 and 2009 were conducted by Clifton Gunderson, LLP, Certified Public Accountants and Consultants and certified by the President and the Senior Vice President for Administrative and Fiscal Services.

The Annual Audit Report was presented to the Board Audit Committee and to the Board of Trustees for their review and comment.

RECOMMENDATION

It is recommended that the Board of Trustees accept the Audited Financial Statements for June 30, 2010 and 2009.

BACK-UP INFORMATION

Board Resolution

RESOURCE PERSONS

Mr. Moore
Mr. Sheeran

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: **10-11-087**
Adopted on: **11/15/2010**

Agenda Item Number: 13
November 15, 2010

**Subject: Acceptance of the Montgomery College Audited Financial Statements for
June 30, 2010 and 2009**

WHEREAS, Montgomery College is required to conduct an annual audit of the College's financial statements; and

WHEREAS, the audited financial statements for June 30, 2010 and 2009 were conducted by Clifton Gunderson, LLP, Certified Public Accountants and Consultants and certified by the President and the Senior Vice President for Administrative and Fiscal Services; and

WHEREAS, the audit was conducted in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; and

WHEREAS, the Annual Audit Report was presented to the Board Audit Committee and to the Board of Trustees for their review and comment; and

WHEREAS, the Board Audit Committee and the Board of Trustees were informed that the College's financial statements are free of material misstatement and that the audit tests conducted by the firm did not uncover any material weakness; and

WHEREAS, the President of the College recommends that the Board of Trustees accept the following resolution; now therefore be it

Resolved, That the Board of Trustees accepts the Audited Financial Statements for June 30, 2010 and 2009.

DPP:abg