



OFFICE OF THE BOARD OF REGENTS

October 30, 2009

Mr. Kevin O'Keefe
Chairman
Maryland Higher Education Commission
839 Bestgate Road, Suite 400
Annapolis, MD 21401

Dear Chairman O'Keefe:

I am writing on behalf of the University System of Maryland (USM) Board of Regents to protest the Maryland Higher Education Commission's concurrence with Secretary James Lyons' decision denying approval for the University of Maryland University College (UMUC) to offer a concentration in Community College Policy and Administration within its existing doctorate in management to Maryland residents. The Board of Regents finds this decision unconscionable, as it prevents UMUC from responding to a well-documented workforce need in the state, deprives Maryland citizens of a degree program offered by UMUC to citizens of other states, and countermands a directive issued to Maryland's higher education institutions in the recently approved State Plan for Higher Education. The Board strongly believes that UMUC should be approved to offer the program to students in Maryland based on the cogent reasons stated in the letters to you from Chancellor Brit Kirwan and President Susan Aldridge.

I want to address specific concerns the Chancellor and the Board have about the testimony at the Maryland Higher Education Commission (MHEC) appeal hearing and about the reasoning for the Commissioners' final decision, specifically:

- The Secretary's decision and testimony and the Commission's decision capriciously ignore MHEC's very own State Plan.
- MHEC's staff unprofessionally presented new data at the hearing, which had not been shared with UMUC and USM.
- Both the Secretary's decision and the Commission's support of the decision totally ignore the demonstrably different academic platforms—online vs. face-to-face.
- The inexplicable favoritism shown to Morgan State University (MSU) by allowing them two years to develop an online program raises questions about MHEC's impartiality and objectivity in addressing such program issues.

1807
University of Maryland,
Baltimore

1856
University of Maryland,
College Park

1865
Bowie State University

1866
Towson University

1886
University of Maryland
Eastern Shore

1898
Frostburg State University

1900
Coppin State University

1925
Salisbury University

1925
University of Baltimore

1925
University of Maryland
Center for Environmental
Science

1947
University of Maryland
University College

1966
University of Maryland,
Baltimore County

1985
University of Maryland
Biotechnology Institute

The decision completely ignores a stated priority in the 2009 Maryland State Plan for Higher Education. The State Plan supports access to degrees through online programs in order to meet “the needs of a largely working, adult population who require a flexible schedule.” This decision sets a potentially debilitating precedent that will discourage universities from doing the very thing that MHEC’s state plan charges them to do. It also jeopardizes the educational opportunities for the workforce in the state of Maryland and exacerbates existing workforce shortages.

Extremely disturbing testimony at the hearing from a senior MHEC official presented entirely new data which contradicted earlier data that MHEC, USM and UMUC were reviewing on market demand. The earlier MHEC data indicated that there was sufficient need for both MSU’s and UMUC’s programs. The data presented at the hearing were not provided to USM or UMUC until after the hearing, and then only when requested by our Assistant Attorney General. Interestingly, a front-page article in the October 28, 2009 *New York Times* supports the earlier data report noting the huge influx of students into community colleges and underscoring the need for an increase in community college administrators, a point Chancellor Kirwan made at the hearing.

In the past, MHEC seemed to be on a path that recognized the potential of online education to expand opportunities for working adults and place-bound students and to provide another avenue for addressing workforce needs. It has supported the view that online programs, by their very nature, serve different populations and, therefore, are not duplicative of traditional face-to-face programs. Indeed, until now, MHEC has never found an online program to be duplicative of a face-to-face program. The decision in this instance would appear to move Maryland back out of the internet age and place the state at a enormous competitive disadvantage against other states where the encouragement of ubiquitous online is commonplace.

We are at a loss to understand the reasoning for allowing Morgan two years to develop an online course of study for the doctorate. If UMUC’s program is “unreasonably duplicative” of Morgan’s program, then it seems contradictory for the Commissioners to conclude that an online program is needed for Marylanders. If the programs are the same, if they are truly duplicative, then why provide Morgan a two-year window to develop a program? You even acknowledge in your decision that Morgan may not be “willing and able” to do so, in which case another institution may offer it. Surely it cannot be in the state’s interest to encourage the expenditure of taxpayers’ money by letting, and even encouraging, Morgan State to “duplicate” an existing UMUC program, one offered to the citizens of the other 49 states but not to the citizens whose tax dollars sustain UMUC.

You have created an untenable situation for many Marylanders. At best, this decision will result in a two-year delay in the delivery of this particular program and a lost opportunity for citizens in areas of the state where MSU currently does not offer the program.

Finally, there is no precedent for denying one institution the ability to provide a program for a period of time in order that another institution can create such a program. We strongly question Morgan's readiness to offer the doctorate online. President Earl Richardson testified that Morgan occasionally offers courses online and there is a plan to add an online component to this program. However, the MSU website has no online courses for this program for either fall 2009 or spring 2010.

This decision is extremely unfortunate and, based on articles written in the media about the decision, has made Maryland a subject of bemusement and bewilderment across the country.

Sincerely yours,



Clifford M. Kendall
Chairperson

cc: Members of Maryland Higher Education Commission
Secretary James E. Lyons, Sr.
USM Board of Regents
USM Presidents
Governor Martin O'Malley
Lt. Governor Anthony Brown
Members of the Maryland General Assembly