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SENATE BILL 402

Maryland Higher Education Commission - Review of Duplicative Academic Programs

By William E. Kirwan, Chancellor

Good afternoon. I want to thank the Chair and members of the committee for the opportunity to comment on SB 402.

As our Regent mentioned, the University System of Maryland supports the *intent* of this legislation—avoiding unnecessary duplication of academic programs and we have great respect for its sponsors. However, we believe this bill would have unfortunate unintended consequences and for that reason cannot support it. Let me mention just a few of our concerns.

1. With the introduction of review by the courts, the possibility of major delays in needed academic program approvals is a distinct possibility; resolving a dispute under judicial review can easily become a multi-year process.
 - This threatens higher education's ability to respond rapidly to ever-changing demands from students, business and the state.
 - For example, steps to accommodate the needs of the Base Realignment and Closure Commission and other rapidly changing workforce demands may be delayed or even derailed.
2. The retroactive nature of the bill is especially troubling. MHEC has approved a significant number of new degree programs during the timeframe specified in this legislation.
 - This proposal, therefore, has the potential to place a number of students in jeopardy of forfeiting investments of time and tuition in programs that could be eliminated.
 - Place yourselves in the position of a student who has paid substantial tuition and is well on his or her way to a degree and then suddenly finds the degree could be eliminated by the courts.
 - Even if the student has time to finish the degree, the elimination of the degree would devalue it in the eyes of potential future employers.
 - Students who entered programs approved by a legislatively mandated process have every right to believe that the legislature will not now come back and place their degrees at risk.
3. With the option of "judicial review" available to any party that wishes to oppose an MHEC decision,
 - This legislation creates the potential for public institutions and agencies to bring suits against one another, at considerable expense to tax payers. This would create a situation in Maryland that I believe is unprecedented in higher education nationally.

Finally, as noted, the current program approval process has proven to be effective in addressing the concerns of HBUs in the program approval process. Given that the program approval that has given rise to this bill—the UB/TU MBA program—is actually in the court system for judicial review at present, the need for such problematic legislation is surely called into question.

Of course—again as noted—we stand ready to work with the sponsors of the bill and our colleagues in higher education to seek an acceptable compromise that will address the concerns of unnecessary duplication, while at the same time permitting an orderly and timely process for reaching decisions on program approvals and without jeopardizing the future of students who, in good faith, enrolled in previously approved programs.

Thank you Madam Chair and members of the committee for this opportunity to speak.