



**MONTGOMERY COLLEGE
BOARD OF TRUSTEES**

**RECORD OF RESOLUTIONS
January 25, 2013**

<u>Board Resolution#</u>		<u>Pages</u>
13-01-012	Adoption of the FY14 Current, Enterprise, and Other Funds Budgets	2-4
13-01-013	Approval of Memorandum of Agreement–American Federation of State, County, and Municipal Employees, AFL-CIO, Council 67, Local 2380	5-6
13-01-014	Approval of Memorandum of Agreement–American Association of University Professors, Montgomery College Chapter	7-8
13-01-015	New Policy 66003–Identity Theft Prevention Program	9-11
13-01-016	Modification of Policy 45003–Determination of Applicable Tuition Fees Rates; State Aid	12-17

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

Agenda Item Number: 7
January 25, 2013

ADOPTION OF THE FY14 CURRENT, ENTERPRISE, AND OTHER FUNDS BUDGETS

BACKGROUND

On January 14, 2013, the proposed FY14 current fund, enterprise, and other funds budgets were presented to the Board of Trustees.

The Board realizes the fiscal constraints facing county and state decision-makers. The board also recognizes that the College needs to meet its mission by protecting and enhancing access, affordability, and quality education. The proposed current fund budget is \$229,530,499, which is approximately a five percent increase over the FY13 College request. This budget includes support for salary improvement and benefit cost increases. In addition, consistent with the Board's priorities, the proposed budget supports high priority programs and initiatives including tuition stabilization, classification and succession planning, enrollment management, and implementation of the Achieving Collegiate Excellence and Success (ACES) program. Fees for the Ride On bus service will be supported through the transportation fund. The current fund budget assumes \$132,425,022 in support from the county and state.

RECOMMENDATION

It is recommended that the Board of Trustees adopt the proposed FY14 current fund, enterprise, and other funds budgets.

BACKUP INFORMATION

Board Resolutions

Part A: Adoption of the FY14 Current and Enterprise Budgets

Part B: Adoption of the FY14 Other Funds Budgets

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Jones

RESOURCE PERSONS

Ms. Sherman

Mr. Preston

Dr. Wormack

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

Resolution Number: **13-01-012**
Adopted on: **1/25/2013**

Agenda Item Number: 7
January 25, 2012

Subject: Adoption of the FY14 Current and Enterprise Budgets

WHEREAS, on January 14, 2013, the proposed FY14 current fund, enterprise, and other funds budgets were presented to the Board of Trustees; and

WHEREAS, every effort was made to develop a budget that is sustainable and affordable within the context of the budget environment faced by the county and state; and

WHEREAS, this budget assumes \$132,425,022 from county and state funds; and

WHEREAS, this budget includes salary improvement and benefit cost increases; and

WHEREAS, every effort was made in budget development to maintain the quality of programs and services at Montgomery College, while realizing the need to conserve public funds and maintain reasonable tuition and fee rates; and

WHEREAS, the Board of Trustees held a public hearing to present the budget to the College and the community; and

WHEREAS, appropriate changes to the proposed budget have been made in compliance with Board of Trustees action; now therefore be it

Resolved, That the Board of Trustees adopts the FY14 operating budget in the amount of \$229,530,499 for the current fund, \$17,411,500 for the Workforce Development & Continuing Education fund, and \$5,771,815 for the Auxiliary Enterprises fund. These amounts are subject to funding appropriate action by the Montgomery County Government. The amounts are subject to further technical refinement before the budget is submitted for recommendation to the county executive and the county council.

DPP:abg

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

Resolution Number: **13-01-012**
Adopted on: **1/25/2013**

Agenda Item Number: 7
January 25, 2013

Subject: Adoption of the FY14 Other Funds Budgets

WHEREAS, the College endeavors to obtain funding from external sources for specific purposes in keeping with its mission and goals; and

WHEREAS, the exact funding of special College projects and/or proposals is not certain; and

WHEREAS, amounts shown in the budget document for student activities and athletics, cable television, emergency plant maintenance and repair fund, major facilities reserve fund, Montgomery College 50th anniversary endowment fund, transportation fund, and federal, state, and private grants and contracts are the best estimates at this time and actual amounts may be more or less than the budgeted amounts; and

WHEREAS, it is essential to the success of these special programs for the president to have flexibility to deal with the changing external circumstances associated with these programs; and now therefore be it

Resolved, That the Board of Trustees hereby approves the aforementioned sections of the budget as presented with the understanding that these amounts are estimates; and be it further

Resolved, That the president is hereby authorized to negotiate for, accept, and expend such "other funds" as indicated in the budget and as may become available during FY14, provided expenditures do not exceed revenues.

DPP:abg

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

Agenda Item Number: 8A
January 25, 2013

**APPROVAL OF MEMORANDUM OF AGREEMENT—COLLECTIVE BARGAINING
AGREEMENT BETWEEN MONTGOMERY COLLEGE AND THE AMERICAN FEDERATION
OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, AFL-CIO, COUNCIL 67, LOCAL 2380**

BACKGROUND

Representatives of the Board of Trustees and the American Federation of State, County, and Municipal Employees, AFL-CIO, Council 67, Local 2380, reached an agreement as a result of re-opener negotiations, which resulted in amendments to the staff collective bargaining agreement. The amendments to the agreement include: increment adjustments in FY14 and FY15 and general wage adjustments equal to two and a quarter percent (2.25%) of salary in FY14 and two and a half percent (2.5%) of salary in FY15. There shall be increases to the educational assistance program in each fiscal year. Further, the individual insurance premium share for part-time staff employees was increased. Amendments to the agreement also include additional paid days off during spring break in FY14 and FY15, and increases in shift differential and uniform allotment amounts. Additionally, the grievance procedure was amended to include grievance mediation and an informal hearing process.

RECOMMENDATION

It is recommended that the Board of Trustees adopt the attached resolution approving the collective bargaining agreement; authorize the Board Chair to execute the memorandum of agreement; and delegate to the president the authority and responsibility to implement and administer the agreement.

BACKUP INFORMATION

Tentative Agreement dated January 8, 2013 (Board Members only)
Side Letter (Board Members only)

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Jones

RESOURCE PERSONS

Ms. Espinosa
Ms. Smith

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

Resolution Number: **13-01-013**
Adopted on: **1/25/2013**

Agenda Item Number: 8A
January 25, 2013

Subject: Approval of Memorandum of Agreement—Collective Bargaining Agreement between Montgomery College and American Federation of State, County, and Municipal Employees, AFL-CIO, Council 67, Local 2380

WHEREAS, the American Federation of State, County, and Municipal Employees, AFL-CIO, Council 67, Local 2380, (AFSCME) is the exclusive representative authorized to negotiate on behalf of certain staff members at Montgomery College; and

WHEREAS, a tentative agreement with amendments to the collective bargaining agreement has been negotiated by teams representing the Board of Trustees and the AFSCME Local 2380; and

WHEREAS, on January 8, 2013, the members of the AFSCME Local 2380 ratified the tentative agreement; and

WHEREAS, the negotiating team representing the Board recommends approval of the tentative agreement by the Board; and

WHEREAS, the president recommends that the Board take the following action; now therefore be it

Resolved, That the Board of Trustees adopts and approves the amendments to the collective bargaining agreement set forth in the attached tentative agreement; and be it further

Resolved, That the Board of Trustees authorizes the Board Chair to execute the tentative agreement between the Board of Trustees of Montgomery Community College and the American Federation of State, County, and Municipal Employees, AFL-CIO, Council 67, Local 2380; and be it further

Resolved, That the Board of Trustees delegates to the president the responsibility and authority to implement and administer the collective bargaining agreement.

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

Agenda Item Number: 8B
January 25, 2013

**APPROVAL OF MEMORANDUM OF AGREEMENT—COLLECTIVE BARGAINING
AGREEMENT BETWEEN MONTGOMERY COLLEGE AND AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS, MONTGOMERY COLLEGE CHAPTER**

BACKGROUND

Representatives of the Board of Trustees and the American Association of University Professors, Montgomery College Chapter, reached an agreement as a result of re-opener negotiations resulting in amendments to the full-time faculty collective bargaining agreement.

The amendments to the agreement include: increment adjustments in FY14 and FY15 and general wage adjustments equal to two and a quarter percent (2.25%) of salary in FY14 and two and a half percent (2.5%) of salary in FY15. There shall be increases to the educational assistance program in each fiscal year. Further, there shall be increases to the overload pay amounts in FY14 and FY15.

RECOMMENDATION

It is recommended that the Board of Trustees adopt the attached resolution approving the collective bargaining agreement; authorize the Board Chair to execute the memorandum of agreement; and delegate to the president the authority and responsibility to implement and administer the agreement.

BACKUP INFORMATION

Tentative Agreement dated January 18, 2013 (Board Members Only)

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Jones

RESOURCE PERSONS

Ms. Espinosa
Ms. Smith

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

Resolution Number: 13-01-014
Adopted on: 1/25/2013

Agenda Item Number: 8B
January 25, 2013

**Subject: Approval of Memorandum of Agreement—Collective Bargaining Agreement
Between Montgomery College and American Association of University
Professors, Montgomery College Chapter**

WHEREAS, the American Association of University Professors (AAUP), Montgomery College Chapter, is the exclusive representative authorized to negotiate on behalf of full-time faculty members at Montgomery College; and

WHEREAS, a tentative agreement with amendments to the collective bargaining agreement has been negotiated by teams representing the Board of Trustees and AAUP; and

WHEREAS, on January 18, 2013, the members of the AAUP ratified the tentative agreement; and

WHEREAS, the board negotiating team recommends approval of the tentative agreement by the Board; and

WHEREAS, the president recommends that the board take the following action; now therefore be it

Resolved, That the Board of Trustees adopts and approves the amendments to the collective bargaining agreement set forth in the attached tentative agreement; and be it further

Resolved, That the Board of Trustees authorizes the Board Chair to execute the tentative agreement between the Board of Trustees of Montgomery College and American Association of University Professors, Montgomery College Chapter; and be it further

Resolved, That the Board of Trustees delegates to the president the responsibility and authority to implement and administer the collective bargaining agreement.

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

Agenda Item Number: 9A
January 25, 2013

ADOPTION OF POLICY 66003–IDENTITY THEFT PREVENTION PROGRAM

BACKGROUND

The Red Flags Rule implementing Section 114 of the Fair and Accurate Credit Transactions Act of 2003 was established by the Federal Trade Commission to reduce the risk of identity theft by regulating how consumer account information is handled. Institutions must develop an identity theft prevention program through policy to ensure the safeguarding and protection of identifying information. Under recently released federal regulations, some activities at colleges and universities are subject to the provisions of the Red Flags Rule and must establish an identity theft prevention program. The Office of the General Counsel composed a new policy to comply with the Red Flags Rule. Prior to formalization of the policy, the College processes have been guided by the rule's intent. This policy also complies with the recently approved College Policy 66002–Confidential Data Management and Security. The president is authorized to establish procedures to implement this policy. Board of Trustees approval is required to establish new policies.

RECOMMENDATIONS

It is recommended that the Board of Trustees adopt a policy establishing an identity theft prevention program. It is also recommended that the president be authorized to establish procedures as necessary to implement this policy.

BACKUP INFORMATION

Policy 66003–Identity Theft Prevention Program

SENIOR RESPONSIBLE ADMINISTRATOR

Ms. Jones

RESOURCE PERSON

Mr. Dietz
Dr. Wormack

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

Resolution Number: 13-01-015
Adopted on: 1/25/2013

Agenda Item Number: 9A
January 25, 2013

Subject: Adoption of Policy 66003–Identity Theft Prevention Program

WHEREAS, consistent with the Federal Trade Commission’s Red Flags Rule implementation of Section 114 of the Fair and Accurate Credit Transaction Act of 2003, financial institutions shall develop and implement an identity theft prevention program to safeguard and protect identifying information; and

WHEREAS, under recently released federal regulations, some activities at colleges and universities are subject to the Red Flags Rule; and

WHEREAS, Montgomery College is committed to safeguarding and protecting identifying information; and

WHEREAS, the proposed policy is consistent with the red flags requirements of the Fair and Accurate Credit Transaction Act of 2003, as amended, and with College Policy 66002–Confidential Data Management and Security; and

WHEREAS, Board of Trustees approval is required for all new College policies; and

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

Resolved, That the Board of Trustees adopts the policy on implementing an Identity Theft Prevention Program in order to safeguard and protect identifying information; and be it further

Resolved, That the president is authorized to develop procedures as necessary to implement this policy.

DPP:abg

POLICY Board of Trustees – Montgomery College

Chapter: Administrative and Fiscal Services

Modification No. 66003

Subject: Identity Theft Prevention Program

- I. The Federal Trade Commission's Red Flags Rule, implementing Section 114 of the Fair and Accurate Credit Transactions Act of 2003, requires financial institutions and creditors to establish a policy to implement a written Identity Theft Prevention Program.
- II. The Board of Trustees recognizes that some activities of the College are subject to the provisions of the Fair and Accurate Credit Transactions Act and the Red Flags Rule. Accordingly, to the extent the Red Flags Rule may apply, the College hereby establishes an Identity Theft Prevention Program to detect, identify, and mitigate theft in its covered accounts.
- III. The president will implement an Identity Theft Prevention Program and procedures, as appropriate and as required by law.

Board Approval:

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

REVISED

Agenda Item Number: 9B
January 25, 2013

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

BACKGROUND

The Maryland Dream Act went into effect on December 6, 2102. The following modification to section II.A. of Policy 45003–Determination of Applicable Tuition and Fees Rates; State Aid reflects the Board’s intention that College policy conform to the law (new wording is underscored):

To the extent permitted by State law, 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 public or non-public secondary school in the State that meets the criteria set forth in SB 167, Chapter 191 of the 2011 Laws of Maryland.*

RECOMMENDATION

It is recommended that the Board of Trustees adopt this modification to Policy 45003–Determination of Applicable Tuition and Fees Rates; State Aid and that the president be authorized to establish procedures as necessary to implement it.

BACKUP INFORMATION

Policy 45003–Determination of Applicable Tuition and Fees Rates; State Aid

SENIOR RESPONSIBLE ADMINISTRATOR

Dr. Walker-Griffea

RESOURCE PERSONS

Mr. Dietz
Ms. Jones

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

Resolution Number: **13-01-016**
Adopted on: **1/25/2013**

Agenda Item Number: 9B
January 25, 2013

Subject: Modification of Policy 45003–Determination of Applicable Tuition and Fees Rates; State Aid

WHEREAS, the Maryland Dream Act went into effect on December 6, 2102; and

WHEREAS, the Board recognizes that a modification to section II.A. of Policy 45003–Determination of Applicable Tuition and Fees Rates; State Aid will reflect the Board’s intention that College policy conform to the law; and

WHEREAS, Board of Trustees approval is required for all new College policies or modification; and

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

Resolved, That the Board of Trustees adopts the additional words, which are underscored below, to be added to the existing Policy 45003–Determination of Applicable Tuition and Fees Rates; State Aid:

To the extent permitted by State law, 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 public or non-public secondary school in the State that meets the criteria set forth in SB 167, Chapter 191 of the 2011 Laws of Maryland.;*
and be it further

Resolved, That the president is authorized to develop procedures as necessary to implement this policy.

DPP:abg

Chapter: Student Affairs

Modification No. 009

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

I. Purpose

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 toward 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 addition, this policy conforms to any special State policies with respect to tuition rates, e.g. SB 167, Chapter 191 of the 2011 Laws of Maryland.

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.

II. Credit Students

A. Applicability of Tuition Rates

To the extent permitted by State law, 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 public or non-public secondary school in the State that meets the criteria set forth in SB 167, Chapter 191 of the 2011 Laws of Maryland.

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
 - 1. 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.
 - 2. 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:
 - 1. 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."
 - 2. 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.
 - 3. 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:
 - a. Ownership or rental of local living quarters;
 - b. Substantially uninterrupted physical presence including the months when the student is not in attendance at the College;
 - c. Maintenance in Maryland and in the County of all, or substantially all, of the student's possessions;
 - d. Payment of Maryland State and local piggyback income taxes on all taxable income earned, including all taxable income earned outside the State;
 - e. Registration to vote in the State and County;
 - f. Registration of a motor vehicle in the State, with a local address specified, if the student owns or uses such a vehicle; or

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 15, 2010; June 20, 2011 (*effective December 6, 2012*).