

(a) It is the public policy of the State that endowment funds of public institutions of higher education and gifts, donations, bequests, private endowments, and private grants received by public institutions of higher education or their governing boards, including any income therefrom:

(1) [,shall] SHALL be used in accordance with the wishes of the donors [thereof to strengthen the services rendered by these institutions to the people of the State and shall]; and

(2) MAY not be used as a substitute for State General Fund appropriations.

(B) (1) THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION ARE ENCOURAGED TO PROMOTE PRIVATE FUNDRAISING BY STRENGTHENING INSTITUTIONAL DEVELOPMENT ACTIVITIES AND BY MAINTAINING RELATIONSHIPS WITH AFFILIATED FOUNDATIONS.

(2) AFFILIATED FOUNDATIONS THAT ARE INDEPENDENTLY ESTABLISHED FOR THIS PURPOSE SHALL OPERATE SUBJECT TO POLICIES ADOPTED BY THE GOVERNING BOARDS AND APPROVED FOR FORM AND LEGAL SUFFICIENCY BY THE ATTORNEY GENERAL.

(3) ARTICLE 40A, §§ 3-101, 3-103, AND 3-105 OF THE CODE DO NOT BAR AN OFFICIAL OR EMPLOYEE OF A PUBLIC INSTITUTION OF HIGHER EDUCATION FROM BECOMING A DIRECTOR, OFFICIAL, OR EMPLOYEE OF AN INDEPENDENT FOUNDATION ORGANIZED TO FOSTER FUNDRAISING AND PROVIDE RELATED SERVICES FOR THE BENEFIT OF THE INSTITUTION.

(4) NO FUNDS SHALL BE ACCEPTED FROM AN AFFILIATED FOUNDATION BY A PUBLIC INSTITUTION OF POSTSECONDARY EDUCATION UNLESS THE FISCAL AFFAIRS OF THE AFFILIATED FOUNDATION ARE AUDITED ANNUALLY BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT.

[11-202.] 15-105.

Notwithstanding any other provision of law to the contrary, the governing boards of the public institutions of higher education may transfer any personnel position from [1] ONE program to any other program under such governing board's jurisdiction without the approval of any other officer, board, department, or agency of the State, provided that the total number of positions for all of the programs under the governing board's jurisdiction does not exceed the total number of authorized positions for all the programs under the board's jurisdiction as provided in the annual budget bill or its supporting documents.

15-106.

EACH GOVERNING BOARD MAY DEVELOP A POLICY FOR THE WAIVER OF TUITION AND ROOM AND BOARD FOR FACULTY AND EMPLOYEES OF PUBLIC