

~~(5) THE INCOME PRODUCED BY EACH INVESTMENT MANAGER;~~

~~18-1908:~~

(A) IN THIS SECTION, "FIDUCIARY" MEANS:

(1) A MEMBER OF THE MARYLAND HIGHER EDUCATION INVESTMENT PROGRAM BOARD; OR

(2) AN EMPLOYEE OF THE MARYLAND HIGHER EDUCATION INVESTMENT PROGRAM WHO EXERCISES ANY DISCRETIONARY AUTHORITY OR CONTROL OVER:

(I) THE MANAGEMENT OR ADMINISTRATION OF THE PROGRAM;  
OR

(II) THE MANAGEMENT OR DISPOSITION OF THE ASSETS OF THE PROGRAM.

(B) A FIDUCIARY SHALL DISCHARGE THE FIDUCIARY'S DUTIES WITH RESPECT TO THE PROGRAM:

(1) SOLELY IN THE INTEREST OF THE PARTICIPANTS;

(2) FOR THE EXCLUSIVE PURPOSES OF PROVIDING BENEFITS TO THE PARTICIPANTS AND PROVIDING REASONABLE EXPENSES OF ADMINISTERING THE PROGRAM;

(3) WITH THE CARE, SKILL, PRUDENCE, AND DILIGENCE UNDER THE CIRCUMSTANCES THEN PREVAILING, THAT A PRUDENT PERSON ACTING IN A LIKE CAPACITY AND FAMILIAR WITH SUCH MATTERS WOULD USE IN THE CONDUCT OF AN ENTERPRISE OF A LIKE CHARACTER WITH LIKE AIMS; AND

(4) BY DIVERSIFYING THE INVESTMENTS OF THE PROGRAM SO AS TO MINIMIZE THE RISK OF LARGE LOSSES, UNLESS UNDER THE CIRCUMSTANCES IT IS CLEARLY PRUDENT NOT TO DO SO;

(5) IN ACCORDANCE WITH THE LAWS GOVERNING THE PROGRAM; AND

(6) IN ACCORDANCE WITH THE DOCUMENTS AND INSTRUMENTS GOVERNING THE PROGRAM TO THE EXTENT THAT THE DOCUMENTS AND INSTRUMENTS ARE CONSISTENT WITH THIS SUBTITLE.

(C) IN EXERCISING AUTHORITY, CONTROL, OR DISCRETION WITH RESPECT TO THE PROGRAM, A FIDUCIARY MAY NOT:

(1) USE THE ASSETS OF THE PROGRAM FOR THE FIDUCIARY'S OWN INTEREST OR ACCOUNT;

(2) ACT IN A TRANSACTION INVOLVING THE PROGRAM ON BEHALF OF A PERSON, OR REPRESENT A PERSON, IF THE INTERESTS OF THE PERSON ARE ADVERSE TO THE INTERESTS OF THE PROGRAM OR THE INTEREST OF PARTICIPANTS;