

SENATE BILL 798

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9lr1917
CF 9lr1520

By: **Senators Hayes and Guzzone**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Policy on Student Concerns About Athletic Programs and**
3 **Activities**

4 FOR the purpose of requiring each institution of higher education to develop and adopt a
5 certain policy that meets certain requirements on or before a certain date;
6 authorizing an institution of higher education to make changes to the policy under
7 certain circumstances; requiring each institution of higher education to post the
8 policy and any changes to the policy on the institution’s website; requiring each
9 institution of higher education to ensure that each student who participates in the
10 institution’s athletic programs or activities has a copy of the policy and any changes
11 to the policy; requiring each institution of higher education to submit to the
12 Maryland Higher Education Commission and certain committees of the General
13 Assembly the policy and any changes to the policy by a certain date; requiring each
14 institution of higher education to submit to the Commission on or before a certain
15 date each year the number of students who shared concerns under the policy;
16 requiring the Commission to report a summary of certain submissions to certain
17 committees of the General Assembly on or before a certain date each year; providing
18 for the application of this Act; and generally relating to a policy on student concerns
19 about athletic programs and activities.

20 BY adding to

21 Article – Education

22 Section 11–1601 to be under the new subtitle “Subtitle 16. Policy on Student
23 Concerns About Athletic Programs and Activities”

24 Annotated Code of Maryland

25 (2018 Replacement Volume and 2018 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
27 That the Laws of Maryland read as follows:

28 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **SUBTITLE 16. POLICY ON STUDENT CONCERNS ABOUT ATHLETIC PROGRAMS AND**
2 **ACTIVITIES.**

3 **11-1601.**

4 (A) THIS SECTION DOES NOT APPLY TO AN INSTITUTION OF HIGHER
5 EDUCATION THAT DOES NOT HAVE AN ATHLETIC PROGRAM OR ADMINISTER
6 ATHLETIC ACTIVITIES.

7 (B) (1) ON OR BEFORE OCTOBER 1, 2019, EACH INSTITUTION OF HIGHER
8 EDUCATION SHALL DEVELOP AND ADOPT A WRITTEN POLICY FOR RECEIVING AND
9 ADDRESSING STUDENT CONCERNS ABOUT THE INSTITUTION'S ATHLETIC PROGRAMS
10 AND ACTIVITIES THAT INCLUDES:

11 (I) A PROCESS THROUGH WHICH STUDENTS CAN SHARE
12 CONCERNS ABOUT THE INSTITUTION'S ATHLETIC PROGRAMS AND ACTIVITIES WITH
13 THE INSTITUTION'S ADMINISTRATION, INCLUDING SENIOR OFFICIALS WITHIN THE
14 ADMINISTRATION WHO ARE NOT DIRECTLY INVOLVED WITH THE MANAGEMENT OF
15 ATHLETIC PROGRAMS OR ACTIVITIES;

16 (II) AN OPTION FOR STUDENTS TO SUBMIT THEIR CONCERNS
17 CONFIDENTIALLY; AND

18 (III) A PROHIBITION ON RETALIATING OR DISCRIMINATING
19 AGAINST STUDENTS WHO SHARE THEIR CONCERNS UNDER THE POLICY.

20 (2) AN INSTITUTION OF HIGHER EDUCATION MAY MAKE CHANGES TO
21 THE POLICY IF THE CHANGES MEET THE REQUIREMENTS OF THIS SECTION.

22 (C) EACH INSTITUTION OF HIGHER EDUCATION SHALL:

23 (1) POST THE POLICY AND ANY CHANGES TO THE POLICY ON THE
24 INSTITUTION'S WEBSITE; AND

25 (2) ENSURE THAT EACH STUDENT WHO PARTICIPATES IN THE
26 INSTITUTION'S ATHLETIC PROGRAMS OR ACTIVITIES HAS A COPY OF THE POLICY
27 AND ANY CHANGES TO THE POLICY.

28 (D) EACH INSTITUTION OF HIGHER EDUCATION SHALL SUBMIT TO THE
29 COMMISSION AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
30 ARTICLE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS
31 COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE:

1 **(1) ON OR BEFORE OCTOBER 1, 2019, THE WRITTEN POLICY**
2 **ADOPTED IN ACCORDANCE WITH SUBSECTION (B)(1) OF THIS SECTION; AND**

3 **(2) ANY CHANGES TO THE POLICY.**

4 **(E) (1) ON OR BEFORE JULY 1, 2020, AND EACH JULY 1 THEREAFTER,**
5 **EACH INSTITUTION OF HIGHER EDUCATION SHALL REPORT TO THE COMMISSION ON**
6 **THE NUMBER OF STUDENTS WHO SHARED CONCERNS UNDER THE INSTITUTION'S**
7 **POLICY DURING THE IMMEDIATELY PRECEDING FISCAL YEAR.**

8 **(2) ON OR BEFORE AUGUST 1, 2020, AND EACH AUGUST 1**
9 **THEREAFTER, THE COMMISSION SHALL REPORT, IN ACCORDANCE WITH § 2-1246 OF**
10 **THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND**
11 **ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE APPROPRIATIONS**
12 **COMMITTEE A SUMMARY OF THE SUBMISSIONS UNDER PARAGRAPH (1) OF THIS**
13 **SUBSECTION.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2019.