



MHEC

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MEMORANDUM

TO: Segmental Advisory Council

FROM: Dr. James D. Fielder, Secretary

DATE: June 3, 2019

SUBJECT: Policies Regarding Student Concerns about Athletic Programs and Activities

Please circulate this memo to appropriate campus personnel.

Recent legislation from the 2019 session (HB876/SB798) requires that on or before October 1, 2019, each institution of higher education shall develop and adopt a written policy for receiving and addressing student concerns about the institution's athletic programs and activities. **Please submit a copy of your institution's policy on student concerns about athletic programs and activities to <https://tinyurl.com/mhecAthleticPolicies> on or before October 1, 2019.**

Requirements of the policy can be found in the 2019 Laws of Maryland, Chapter 507, which will be codified at Education Article §11-1601.

On or before July 1, 2020, and each July 1 thereafter, each institution of higher education shall report to the Maryland Higher Education Commission (MHEC) on the number of students who shared concerns under the institution's policy during the immediately preceding fiscal year. Please take note of this requirement.

On or before August 1, 2020, and each August 1 thereafter, MHEC shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Appropriations Committee a summary of the submissions.

Enclosure: Ch. 507, 2019 Laws of Maryland.

Chapter 507

(Senate Bill 798)

AN ACT concerning

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

FOR the purpose of requiring each institution of higher education to develop and adopt a certain policy that meets certain requirements on or before a certain date; authorizing an institution of higher education to make changes to the policy under certain circumstances; requiring each institution of higher education to post the policy and any changes to the policy on the institution's website; requiring each institution of higher education to ensure that each student who participates in the institution's athletic programs or activities has a copy of the policy and any changes to the policy; requiring each institution of higher education to submit to the Maryland Higher Education Commission and certain committees of the General Assembly the policy and any changes to the policy by a certain date; requiring each institution of higher education to submit to the Commission on or before a certain date each year the number of students who shared concerns under the policy; requiring the Commission to report a summary of certain submissions to certain committees of the General Assembly on or before a certain date each year; providing for the application of this Act; and generally relating to a policy on student concerns about athletic programs and activities.

BY adding to

Article – Education

Section 11-1601 to be under the new subtitle "Subtitle 16. Policy on Student Concerns About Athletic Programs and Activities"

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)

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

Article – Education

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

11-1601.

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

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

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

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

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

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

(C) EACH INSTITUTION OF HIGHER EDUCATION SHALL:

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

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

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

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

(2) ANY CHANGES TO THE POLICY.

(E) (1) ON OR BEFORE JULY 1, 2020, AND EACH JULY 1 THEREAFTER, EACH INSTITUTION OF HIGHER EDUCATION SHALL REPORT TO THE COMMISSION ON

THE NUMBER OF STUDENTS WHO SHARED CONCERNS UNDER THE INSTITUTION'S POLICY DURING THE IMMEDIATELY PRECEDING FISCAL YEAR.

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

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

Approved by the Governor, May 13, 2019.