

HOUSE BILL 511

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8lr1228

By: **Delegates Angel, Ali, D. Barnes, Brooks, Fennell, Frush, Glenn, Hayes, Haynes, C. Howard, Jackson, Kelly, McCray, A. Miller, Morales, Mosby, Patterson, Pena–Melnyk, Platt, Queen, Robinson, Tarlau, Waldstreicher, A. Washington, and K. Young**

Introduced and read first time: January 26, 2018

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Institutions of Higher Education – Hate–Bias Incident Prevention**

3 FOR the purpose of requiring each public institution of higher education to develop,
4 implement, and submit to the Maryland Higher Education Commission a certain
5 plan for a program to prevent hate–bias incidents; requiring a public institution of
6 higher education to develop and implement a plan for improving an existing program
7 to prevent hate–bias incidents; requiring the plan to include certain information and
8 a certain educational program for certain students on hate–bias incidents; requiring
9 each public institution of higher education to develop and implement a hate–bias
10 incident response protocol that includes certain guidelines and certain information
11 that is accessible to certain individuals; requiring a certain electronic crime alert
12 notification system to include certain notifications of hate–bias incidents; requiring
13 public institutions of higher education to report to the Commission each year certain
14 information related to hate–bias incidents at the institution; requiring the
15 Commission to submit to the General Assembly certain reports on or before a certain
16 date each year; defining a certain term; and generally relating to hate–bias incident
17 prevention at public institutions of higher education.

18 BY repealing and reenacting, with amendments,
19 Article – Education
20 Section 11–406
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2017 Supplement)

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

25 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 11-406.

2 (a) (1) In this section[,“cultural] **THE FOLLOWING WORDS HAVE THE**
3 **MEANINGS INDICATED.**

4 (2) **“CULTURAL diversity”** means the inclusion of those racial and ethnic
5 groups and individuals that are or have been underrepresented in higher education.

6 (3) **“HATE-BIAS INCIDENT”** MEANS AN INCIDENT CHARACTERIZED BY
7 **THE EXPRESSION OF HATE OR BIAS AGAINST A PARTICULAR GROUP OR TOWARD AN**
8 **INDIVIDUAL BECAUSE OF THE INDIVIDUAL’S MEMBERSHIP OR PERCEIVED**
9 **MEMBERSHIP IN THAT GROUP.**

10 (b) (1) (i) Each public institution of higher education in the State shall
11 develop and implement a plan for:

12 1. A program of cultural diversity; **AND**

13 2. **A PROGRAM TO PREVENT HATE-BIAS INCIDENTS.**

14 (ii) If an institution of higher education already has a program of
15 cultural diversity **OR A PROGRAM TO PREVENT HATE-BIAS INCIDENTS**, the institution
16 of higher education shall develop and implement a plan for improving the program.

17 (iii) A plan developed and implemented under this subsection shall
18 include an implementation strategy and a time line for meeting goals within the plan.

19 (2) A plan developed under paragraph (1) of this subsection shall include:

20 (i) A description of the way the institution addresses cultural
21 diversity **AND HATE-BIAS INCIDENTS** among its student, faculty, and staff populations;

22 (ii) A description of how the institution plans to enhance cultural
23 diversity, if improvement is needed;

24 (iii) A process for reporting campus-based hate crimes, as defined
25 under Title 10, Subtitle 3 of the Criminal Law Article and consistent with federal
26 requirements under 20 U.S.C. 1092(f), known as the Jeanne Clery Disclosure of Campus
27 Security Policy and Campus Crime Statistics Act; **[and]**

28 (iv) A summary of any resources, including State grants, needed by
29 the institution to effectively recruit and retain a culturally diverse student body; **AND**

30 (v) **A MANDATORY INCOMING STUDENT EDUCATIONAL**

1 PROGRAM TO PROVIDE INSTRUCTION ON THE AWARENESS, PREVENTION, AND
2 REPORTING OF HATE-BIAS INCIDENTS.

3 (3) A plan developed under paragraph (1) of this subsection shall enhance
4 cultural diversity programming and sensitivity to cultural diversity through instruction
5 and training of the student body, faculty, and staff at the institution of higher education.

6 (c) (1) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL
7 DEVELOP AND IMPLEMENT A HATE-BIAS INCIDENT RESPONSE PROTOCOL.

8 (2) A PROTOCOL DEVELOPED UNDER PARAGRAPH (1) OF THIS
9 SUBSECTION SHALL ADOPT GUIDELINES FOR:

10 (I) REPORTING HATE-BIAS INCIDENTS;

11 (II) INVESTIGATING HATE-BIAS INCIDENTS; AND

12 (III) CONSULTING WITH RELEVANT CAMPUS ADMINISTRATION
13 REGARDING APPROPRIATE ACTION.

14 (3) A HATE-BIAS INCIDENT RESPONSE PROTOCOL SHALL INCLUDE A
15 LOG OF HATE-BIAS INCIDENTS, INCLUDING OUTCOMES, THAT IS ACCESSIBLE TO THE
16 STUDENT BODY, FACULTY, STAFF, AND THE PUBLIC.

17 (4) IF THE INSTITUTION HAS AN ELECTRONIC CRIME ALERT
18 NOTIFICATION SYSTEM, THE SYSTEM SHALL INCLUDE NOTIFICATIONS OF
19 HATE-BIAS INCIDENTS.

20 (D) (1) On or before July 1 of each year, each institution shall submit the [plan]
21 PLANS developed under subsection (b) of this section to the governing body of the
22 institution for the governing body's review.

23 (2) On or before September 1 of each year, the governing body of an
24 institution shall submit TO THE COMMISSION a progress report regarding the institution's
25 implementation of its [plan to the Commission] PLANS FOR:

26 (I) A PROGRAM OF CULTURAL DIVERSITY; AND

27 (II) A PROGRAM TO PREVENT HATE-BIAS INCIDENTS,
28 INCLUDING THE NUMBER AND DESCRIPTION OF HATE-BIAS INCIDENTS REPORTED
29 AND THE OUTCOMES OF THE INCIDENTS.

30 [(d)] (E) (1) The Commission shall review the progress report submitted by
31 each governing body under subsection [(c)] (D) of this section to monitor compliance with

1 the diversity goals of the State Plan for Higher Education.

2 (2) On or before December 1 of each year, the Commission shall submit [a
3 report] **TWO REPORTS**, in accordance with § 2–1246 of the State Government Article, to
4 the Senate Education, Health, and Environmental Affairs Committee, the Senate Budget
5 and Taxation Committee, the House Appropriations Committee, and the House Committee
6 on Ways and Means on the extent to which the institutions of higher education in the State
7 are in compliance with [the]:

8 (I) **THE diversity goals of the State Plan for Higher Education; AND**

9 (II) **THE REQUIREMENTS OF THIS SECTION REGARDING**
10 **HATE–BIAS INCIDENTS.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2018.