

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE
First Reader

House Bill 368
Appropriations

(Delegate Gibson, *et al.*)

Institutions of Higher Education - Hazing - Required Reporting and Education

This bill requires each institution of higher education to adopt and submit a written policy on hazing to the Maryland Higher Education Commission (MHEC) and annually submit information related to hazing incidents at the institution to MHEC. Each institution must also provide students with an educational program on hazing. MHEC must coordinate the development of the policies, periodically review them, and report annually to the General Assembly on both the policies and hazing incidents.

Fiscal Summary

State Effect: Public institutions of higher education can likely provide the required educational program and submit information to MHEC with existing processes and resources. To the extent this is not the case for a particular institution, higher education expenditures increase for any staff and/or educational materials. MHEC can handle the bill's requirements with existing budgeted resources. Revenues are not affected.

Local Effect: Community colleges can likely provide the required educational program and submit information to MHEC with existing processes and resources. To the extent this is not the case for a particular community college, local expenditures increase for any necessary staff or programming expenses. Revenues are not affected.

Small Business Effect: None. For-profit institutions that are small businesses can likely provide the required educational program and submit information to MHEC with existing processes and resources.

Analysis

Bill Summary: The governing board of each institution of higher education must adopt and submit the institution's written policy on hazing, as described in the Criminal Law Article, to MHEC. Each institution must provide students with an educational program on hazing, which must include information on awareness, prevention, and the written policy.

Current Law/Background: Under current law, a person may not recklessly or intentionally do an act or create a situation that subjects a student to the risk of serious bodily injury for the purpose of an initiation into a student organization of a school, college, or university. Violation is a misdemeanor, subject to a maximum penalty of a \$500 fine and/or six months imprisonment. The implied or express consent of a student to hazing is not a defense.

The University System of Maryland (USM) does not have a systemwide hazing policy. However, USM's policy on student affairs requires each president to establish rules for the administration of student affairs, including, but not limited to, resident life, student discipline, and the handling of student grievances at the institution.

Based on research conducted by the Department of Legislative Services (DLS), most institutions of higher education in the State, including community colleges, have a written hazing policy, although the detail and information included varies by institution. Towson University's [policy](#) and the University of Maryland Baltimore County's [policy](#) are examples of the distinct policies that many of the larger institutions have. Other institutions have policies that address harm or risk to students but do not mention hazing specifically. For an example, see the University of Maryland, University College's code of student conduct [policy](#).

The only institution that DLS has confirmed has *no* policy is the University of Maryland Center for Environmental Science, which is technically a research institute within USM.

State Expenditures: As discussed above, most institutions already have a written policy on hazing. Minor changes to individual policies to conform to the bill and any administrative costs associated with tracking and reporting hazing incidents to MHEC are assumed to be minimal and absorbable within existing budgeted resources.

Specific to the educational program requirement, USM advises that providing training for each student has a fiscal impact – up to \$75,000 annually for software to provide training and staff time to track compliance. St. Mary's College of Maryland estimates that it would cost \$20,000 annually to provide online training to its students. DLS disagrees with these assessments. Each institution can likely provide the educational program, which simply requires information on hazing awareness and prevention and the institution's policy on

hazing be given to students through existing processes for providing information to students. However, to the extent that this is not the case or institutions choose to provide more information than required, higher education expenditures increase for any necessary staff or programming expenses.

Local Expenditures: For the same reasons as discussed above, community colleges can likely provide the required educational program and submit information to MHEC within existing processes and with existing resources. To the extent this is not the case for a particular community college, local expenditures increase for any necessary staff or programming expenses.

Additional Comments: The Maryland Independent College and University Association advises that the bill is not anticipated to have a significant fiscal or operational impact on its member institutions. All 13 State-aided nonprofit institutions have a policy prohibiting hazing, and most institutions provide anti-hazing awareness and prevention programs.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Higher Education Commission; University System of Maryland; Morgan State University; St. Mary's College of Maryland; Baltimore City Community College; Maryland Association of Community Colleges; Maryland Independent College and University Association; Department of Legislative Services

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