

# SENATE BILL 798

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9lr1917  
CF HB 876

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By: **Senators Hayes and Guzzone**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 15, 2019

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## CHAPTER \_\_\_\_\_

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

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(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.

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

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

7 (2) ANY CHANGES TO THE POLICY.

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
19 1, 2019.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.