

HOUSE BILL 905

F2

(8lr2789)

ENROLLED BILL

—Appropriations/ Education, Health, and Environmental Affairs—

Introduced by **Delegates Gutierrez, Ali, Anderson, Barnes, Bobo, Branch, Braveboy, Carr, Gaines, Haynes, Heller, Hucker, Ivey, Jones, Kaiser, Lee, Manno, Nathan-Pulliam, Niemann, Pena-Melnyk, Proctor, Ramirez, Reznik, Rice, Robinson, Stukes, Taylor, V. Turner, and Valderrama**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Institutions of Higher Education - Plans for Programs of Cultural Diversity**

3 FOR the purpose of requiring certain nonpublic institutions of higher education to
4 submit a certain report regarding cultural diversity programs to the Maryland
5 Independent College and University Association on or before a certain date each
6 year; requiring the Association to submit a certain report on the status of
7 certain cultural diversity programs to the Maryland Higher Education
8 Commission on or before a certain date each year; requiring the report to
9 include a certain analysis; requiring certain public institutions of higher
10 education to develop and implement certain plans for a program of cultural
11 diversity; requiring certain plans to include certain improvements to certain

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.

Italics indicate opposite chamber / conference committee amendments.



1 programs under certain circumstances; requiring certain plans to include
 2 certain implementation strategies and time lines for meeting certain goals;
 3 providing for the contents of a certain plan; requiring certain plans to enhance
 4 certain programming and certain sensitivity through certain instruction and
 5 training; requiring certain public institutions of higher education to submit
 6 certain plans to the governing body of the institution for review on or before a
 7 certain date each year; requiring the governing body of certain institutions to
 8 submit a certain progress report to the Commission on or before a certain date
 9 each year; requiring the Commission to review the progress report to monitor
 10 compliance with the *diversity* goals of the State Plan for Higher Education;
 11 requiring the Commission to submit a certain report to certain committees of the
 12 General Assembly on or before a certain date each year; defining a certain term;
 13 and generally relating to plans for programs of cultural diversity.

14 BY repealing and reenacting, with amendments,
 15 Article – Education
 16 Section 10–211
 17 Annotated Code of Maryland
 18 (2006 Replacement Volume and 2007 Supplement)

19 BY adding to
 20 Article – Education
 21 Section 11–406
 22 Annotated Code of Maryland
 23 (2006 Replacement Volume and 2007 Supplement)

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

26 **Article – Education**

27 10–211.

28 (a) The nonpublic institutions of higher education in the State are an
 29 important educational resource and are vital to the provision of postsecondary
 30 education in the State.

31 (b) The State shall continue to provide financial aid as provided by law to
 32 nonpublic institutions of higher education to foster this important educational
 33 resource.

34 (c) (1) **IN THIS SUBSECTION, “CULTURAL DIVERSITY” MEANS THE**
 35 **INCLUSION OF THOSE RACIAL AND ETHNIC GROUPS AND INDIVIDUALS THAT ARE**
 36 **OR HAVE BEEN UNDERREPRESENTED IN HIGHER EDUCATION.**

1 **(2)** ON OR BEFORE MAY 1 OF EACH YEAR, EACH NONPUBLIC
2 INSTITUTION OF HIGHER EDUCATION ELIGIBLE FOR STATE AID UNDER § 17-103
3 OF THIS ARTICLE SHALL SUBMIT A REPORT ON THE INSTITUTION'S PROGRAMS
4 TO PROMOTE AND ENHANCE CULTURAL DIVERSITY ON ITS CAMPUS TO THE
5 MARYLAND INDEPENDENT COLLEGE AND UNIVERSITY ASSOCIATION.

6 ~~(2)~~ **(3)** (I) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE
7 MARYLAND INDEPENDENT COLLEGE AND UNIVERSITY ASSOCIATION SHALL
8 SUBMIT A REPORT ON THE STATUS OF THE PROGRAMS REPORTED TO THE
9 ASSOCIATION UNDER PARAGRAPH ~~(1)~~ **(2)** OF THIS SUBSECTION TO THE
10 COMMISSION.

11 (II) THE REPORT SUBMITTED TO THE COMMISSION UNDER
12 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE AN ANALYSIS OF THE
13 BEST PRACTICES USED BY NONPUBLIC INSTITUTIONS OF HIGHER EDUCATION
14 TO PROMOTE AND ENHANCE CULTURAL DIVERSITY ON THEIR CAMPUSES.

15 **11-406.**

16 **(A)** IN THIS SECTION, "CULTURAL DIVERSITY" MEANS THE INCLUSION
17 OF THOSE RACIAL AND ETHNIC GROUPS AND INDIVIDUALS THAT ARE OR HAVE
18 BEEN UNDERREPRESENTED IN HIGHER EDUCATION.

19 **(B)** (1) (I) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION IN
20 THE STATE SHALL DEVELOP AND IMPLEMENT A PLAN FOR A PROGRAM OF
21 CULTURAL DIVERSITY.

22 (II) IF AN INSTITUTION OF HIGHER EDUCATION ALREADY
23 HAS A PROGRAM OF CULTURAL DIVERSITY, THE INSTITUTION OF HIGHER
24 EDUCATION SHALL DEVELOP AND IMPLEMENT A PLAN FOR IMPROVING THE
25 PROGRAM.

26 (III) A PLAN DEVELOPED AND IMPLEMENTED UNDER THIS
27 SUBSECTION SHALL INCLUDE AN IMPLEMENTATION STRATEGY AND A TIME LINE
28 FOR MEETING GOALS WITHIN THE PLAN.

29 **(2)** A PLAN DEVELOPED UNDER PARAGRAPH (1) OF THIS
30 SUBSECTION SHALL INCLUDE:

31 (I) A DESCRIPTION OF THE WAY THE INSTITUTION
32 ADDRESSES CULTURAL DIVERSITY AMONG ITS STUDENT, FACULTY, AND STAFF
33 POPULATIONS;

1 (II) A DESCRIPTION OF HOW THE INSTITUTION PLANS TO
2 ENHANCE CULTURAL DIVERSITY, IF IMPROVEMENT IS NEEDED;

3 (III) A PROCESS FOR ~~RESPONDING TO~~ REPORTING
4 CAMPUS-BASED HATE CRIMES AND BIAS-MOTIVATED INCIDENTS THAT MAY
5 OCCUR ON CAMPUS, AS DEFINED UNDER TITLE 10, SUBTITLE 3 OF THE
6 CRIMINAL LAW ARTICLE AND CONSISTENT WITH FEDERAL REQUIREMENTS
7 UNDER 20 U.S.C. 1092(F), KNOWN AS THE JEANNE CLERY DISCLOSURE OF
8 CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT; AND

9 (IV) A SUMMARY OF ANY RESOURCES, INCLUDING STATE
10 GRANTS, NEEDED BY THE INSTITUTION TO EFFECTIVELY RECRUIT AND RETAIN
11 A CULTURALLY DIVERSE STUDENT BODY.

12 (3) A PLAN DEVELOPED UNDER PARAGRAPH (1) OF THIS
13 SUBSECTION SHALL ENHANCE CULTURAL DIVERSITY PROGRAMMING AND
14 SENSITIVITY TO CULTURAL DIVERSITY THROUGH INSTRUCTION AND TRAINING
15 OF THE STUDENT BODY, FACULTY, AND STAFF AT THE INSTITUTION OF HIGHER
16 EDUCATION.

17 ~~(B)~~ (C) (1) ON OR BEFORE MAY 1 OF EACH YEAR, EACH
18 INSTITUTION SHALL SUBMIT THE PLAN DEVELOPED UNDER SUBSECTION ~~(A)~~ (B)
19 OF THIS SECTION TO THE GOVERNING BODY OF THE INSTITUTION FOR THE
20 GOVERNING BODY'S REVIEW.

21 (2) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE GOVERNING
22 BODY OF AN INSTITUTION SHALL SUBMIT A PROGRESS REPORT REGARDING THE
23 INSTITUTION'S IMPLEMENTATION OF ITS PLAN TO THE COMMISSION.

24 ~~(C)~~ (D) (1) THE COMMISSION SHALL REVIEW THE PROGRESS
25 REPORT SUBMITTED BY EACH GOVERNING BODY UNDER SUBSECTION ~~(B)~~ (C) OF
26 THIS SECTION TO MONITOR COMPLIANCE WITH THE GOALS OF THE STATE PLAN
27 FOR HIGHER EDUCATION.

28 (2) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE COMMISSION
29 SHALL SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE
30 GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND
31 ENVIRONMENTAL AFFAIRS COMMITTEE, THE SENATE BUDGET AND TAXATION
32 COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE
33 COMMITTEE ON WAYS AND MEANS ON THE EXTENT TO WHICH THE
34 INSTITUTIONS OF HIGHER EDUCATION IN THE STATE ARE IN COMPLIANCE WITH
35 THE DIVERSITY GOALS OF THE STATE PLAN FOR HIGHER EDUCATION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.