

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 798

(Senators Hayes and Guzzone)

Education, Health, and Environmental Affairs

Appropriations

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

This bill requires, by October 1, 2019, each institution of higher education to develop and adopt a written policy for receiving and addressing student concerns about the institution's athletic programs that includes specified elements. Each institution and the Maryland Higher Education Commission (MHEC) must submit the policy and report the number of students who shared concerns under the policy during the preceding fiscal year as specified. **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: Public four-year institutions of higher education and Baltimore City Community College can develop and adopt the policy and report on the policy using existing resources. MHEC can submit the required report using existing resources.

Local Effect: Local community colleges can develop and adopt the policy and report on the policy using existing resources.

Small Business Effect: None.

Analysis

Bill Summary: The policy must include: (1) 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; (2) an option for students to submit their concerns confidentially; and (3) a prohibition on retaliating or

discriminating against students who share their concerns under the policy. An institution may make changes to the policy if the changes meet the requirements of the bill.

Each institution must post the policy and any changes to the policy on the institution's website and 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.

By October 1, 2019, each institution must submit the policy to MHEC; the Senate Education, Health, and Environmental Affairs Committee; and the House Appropriations Committee. Each institution must also submit any changes to the policy.

By July 1, 2020, and each July 1 thereafter, each institution must report to MHEC the number of students who shared concerns under the policy during the preceding fiscal year.

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

Current Law/ Background: According to the University System of Maryland (USM), [V-2.00-Policy on Student Athletics](#), responsibility for adopting rules for the administration of student athletics, including programs of intercollegiate athletics, is delegated to the president of each institution, subject to USM board policies and to applicable federal and State law and any governing athletic association's rules. Income from student athletics must be used to support the costs of athletic programs and must be reflected in the budget of the institution.

State Fiscal Effect: The University of Maryland, College Park campus advises the bill subjects the athletic department to potentially significant compliance obligations and costs. Further, the bill might put the university in conflict with obligations it currently owes to the National College Athletics Association and the Big Ten conference, potentially jeopardizing its memberships. The Department of Legislative Services advises that the bill does not specify how an institution must address a student's complaints; thus, there is no fiscal impact.

Additional Information

Prior Introductions: None.

Cross File: HB 876 (Delegate Hettleman, *et al.*) - Appropriations.

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

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