



**SENATE EDUCATION, ENERGY, and the ENVIRONMENT COMMITTEE**

**Senate Bill 812**

**Higher Education – Disciplinary Records – Use in Admissions and Disciplinary Proceedings**

**February 24, 2023**

**Unfavorable**

Chair Feldman, Vice Chair Kagan, and committee members, thank you for the opportunity to share our position on Senate Bill 812. The bill prohibits institutions of higher education from using an admissions application that contains questions about the disciplinary record of the applicant. The bill would allow institutions of higher education to use third-party admissions applications that contain questions about the disciplinary record of the applicant as long as that application is not used to disqualify an applicant based on the applicant's disciplinary record. Here, a disciplinary record is defined as any information relating to the discipline of a student from a school in any state including a public or private primary or secondary school; a private career school; a community college; and an institution of higher education.

Presently, institutions within the University System of Maryland (USM) may exercise the option to ask about students' disciplinary records. This is a standard part of the admissions process that has never been used automatically or systematically to disqualify an applicant. Students are reviewed without looking at the disciplinary record. Then, once the general determination has been made, the disciplinary record is reviewed. Rarely has a decision ever been changed based on that record. The information is, however, used as one of many mechanisms to keep our university communities safe.

It is also important to note that this information should be accessible to professionals, so they can make informed decisions about admissions, as many of our degree programs are preparing students for careers in fields that have character and fitness requirements that must be satisfied in order to work in that field. USM institutions would not want students to have paid tuition for years and not be eligible for the job(s) for which they trained.

When a student indicates they have an issue on their disciplinary record, admissions professionals reach out to learn from the applicant more about the issue on their record. Every admissions cycle, students with previous disciplinary record issues are granted admission to USM institutions when admissions officer thoroughly and fairly review students' records from high school or another level of education and determine that the issue has little to no chance of affecting the safety and security of a campus if the applicant enrolls in the institution. On the other hand, when a student's record and subsequent examination and conversations reveal the possibility of continued, substantive disruptive behavior (including but not limited to stalking, violence to others, racially motivated violence or harassment), schools do have and should continue to have the ability to individually assess those situations and deny admission if it is in the best interest of the larger campus community.

USM institutions have employed this process in a fair and just manner for years and are committed to continuing to do so. However, we must urge an unfavorable report on Senate Bill 812, as institutions need the ability to address students' disciplinary records on a case-by-case basis with the goal of admitting students while keeping the campus community safe.



### **About the University System of Maryland**

The University System of Maryland (USM)—one system made up of twelve institutions, three regional centers, and a central office—awards eight out of every ten bachelor’s degrees in the State of Maryland. The USM is governed by a Board of Regents, comprised of twenty-one members from diverse professional and personal backgrounds. The chancellor, Dr. Jay Perman, oversees and manages the operations of USM. However, each constituent institution is run by its own president who has authority over that university. Each of USM’s 12 institutions has a distinct and unique approach to the mission of educating students and promoting the economic, intellectual, and cultural growth of its surrounding community. These institutions are located throughout the state, from western Maryland to the Eastern Shore, with the flagship campus in the Washington suburbs. The USM includes Historically Black Colleges and Universities, comprehensive institutions, research universities, and the country’s largest public online institution.

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