



**Education, Energy, and the Environment Committee  
Senate Bill 61**

**Higher Education - Disciplinary Records - Use in Admissions and Disciplinary Proceedings  
Wednesday, January 24, 2024  
Favorable with Amendments**

Chair Feldman, Vice Chair Kagan and members of the committee, thank you for the opportunity to offer testimony on Senate Bill 61.

The University System of Maryland (USM) is comprised of twelve distinguished institutions, and three regional centers. We award eight out of every ten bachelor's degrees in the State. 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 three Historically Black Institutions, comprehensive institutions and research universities, and the country's largest public online institution.

The USM institutions do not disqualify an applicant just because of the existence of a disciplinary record, so the USM supports the intent of this bill. Admissions personnel recognize that these records from a student's past can bear the traces of bias and could unfairly disadvantage students. Further, while a similar bill last year precluded the use of all discipline records, SB 61 precludes the use of disciplinary records from primary and secondary schools.

Senate Bill 61 allows institutions to make inquiries into and consider a student's disciplinary record for discipline related to academic dishonesty. However, the bill does not allow inquiries into the record for purposes of making decisions about access to campus residency or offering supportive counseling or services. Such inquiries can be made for people who have a criminal history and they should also be allowed for students with disciplinary records. It is extremely rare when a discipline record would impact a decision about residency, but when it happens, the situation has been deemed by professionals to carry serious risk either for the student or other students or staff.

A more common situation is that inquiry into a discipline record leads to better understanding of challenges that a student has had—and that enhanced understanding could help campus professionals assist the student's transition into, and general success in, college. There are a number of different kinds of situations that could lead a student with some kind of distress to behave in a manner that led to a disciplinary record. The concern in this instance is the student's welfare, particularly if the student is going to be living away from home. The transition to college

life can be challenging and the more information USM institutions are provided, the more supports can be in place before the students is on campus.

***We recommend amending 26-504(a) (line 24) so that “a student’s criminal history OR DISCIPLINARY RECORD” can be considered for decisions about access to campus residency or for offering supportive counseling. This change suggests that 26-504(a)(2) could also be amended so that the text after “or” pertains only to those with a criminal record.***

Thank you for considering what we believe is an important amendment to the bill.

