



UNIVERSITY SYSTEM of MARYLAND

SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

Senate Bill 847

Higher Education - Antihate and Antidiscrimination Policies and Workgroup (Maryland Campus Accountability and Modernization to Protect University Students Act)

March 5, 2025

Letter of Information

Chair Feldman, Vice Chair Kagan and committee members, thank you for the opportunity to provide comment on Senate Bill 847. The University System of Maryland (USM) is committed to protecting free speech, the freedom of assembly, and the right to lawful expression. The USM is also committed to ensuring that every student feels supported and experiences an environment conducive to learning. That does not mean that there might not be difficult moments, but it does mean that all students should feel safe.

Senate Bill 847 has the potential to emerge as a productive response to campus hate and discrimination. The USM supports the establishment of a ***“Workgroup on Combating Antisemitism, Islamophobia, and Other Forms of Racial, Ethnic, and Religious Violence”*** in Senate Bill 847 to “...develop model policies, guidance, and best practices...”. Such a workgroup can leverage the collective experience and expertise of the many parties represented, and this statewide group could identify best practices identified across different segments and sectors of the state.

In 2005, the USM worked side-by-side with sponsors to pass [Senate Bill 440](#) – a bill establishing ***“The Task Force to Implement Holocaust, Genocide, Human Rights and Tolerance Education.”*** The Task Force was organized to create a Center, but participants focused instead on areas where existing campus programs were already hard at work and engaged in social justice advocacy and anti-discrimination work, first and foremost. The Task Force examined issues including, but not limited to, current course offerings on the subjects of the Holocaust, genocide, human rights, and tolerance at USM institutions; academic approaches taken in other states; and national best practices regarding training activities. A workgroup now might be similarly innovative and provide guidance on what best practices in policy, procedures, training, and communication might be. The workgroup’s recommendations could also identify what reporting might be most valuable to continuous improvement, as well as accountability.

Today, the USM Board of Regents (BOR) [Policy on Non-discrimination and Equal Opportunity](#) requires that USM not unlawfully discriminate against any person on the basis of protected characteristics or any other basis prohibited by federal law, the State of Maryland, or other applicable laws. This Board policy, like all the related policies at each USM institution, covers all programs, services, policies, activities, and procedures of the universities, including participation

in education programs and employment. Additionally, discrimination on the basis of sex or gender-related conduct is covered by the [USM's Policy on Sex Discrimination](#), which was updated as recently as July 2024.

The current bill does not include all protected classes, which is potentially confusing. Institutions noted that antidiscrimination policies, hate-bias procedures, and the law go beyond race, ethnicity, and religion. They question why (and believe it's problematic that) other protected groups are not being considered and are not clear whether that is the intent of the bill.

Again, the USM **supports** the intent of Senate Bill 847, but several provisions present potentially costly alternatives to rights and protections that are already established in a System policy, campus policies, as well as Federal, State, and other applicable laws. Awareness is key to creating a campus community based upon mutual respect. USM institutions work to increase awareness in a number of ways – many that are not part of an official policy. Institutions would have the flexibility needed if the provisions of this bill could be encompassed in university policies **or** procedures.

USM institutions cited significant challenges in relation to the **practical** implementation of Senate Bill 847. First, hate, unless it's a hate crime, is protected. So, including “antihate” in the title of the required policy can be practically and legally problematic. Next, having one policy for staff, faculty, and students also presents a challenge. Although training for all groups might be based on the same principles, the manifestations might express themselves differently for different stakeholder groups if the university determines that is best. It may be best to allow institutions to determine if this should be a single policy or not.

If Senate Bill 847 were to become law, USM institutions noted that the acceptance of anonymous complaints will affect the degree to which allegations can be investigated, adjudicated, and reported per this bill. Subsequently, Page 5 Line 1, which reads, “**ALL ALLEGATIONS OR COMPLAINTS OF RACIAL, ETHNIC...**” may pose a problem. Also, USM institutions have scores, if not hundreds, of student organizations. Language in Senate Bill 847 related to yearly “meetings” with student groups and organizations should recognize current work in this space and positively encourage communication but perhaps not meetings.

The timelines in Senate Bill 847 are challenging because of the reporting structures being created. An implementation date might be pushed out to at least September 1, 2026 or, preferably, until the time that the workgroup has had an opportunity to identify best practices, including for reporting. Many aspects of the mandated reporting requirements are related to federal Clery reporting, and USM institutions will need time to fashion tailored, and duplicative, information.

Lastly, as you know, USM's proposed budget reduction for FY26 is \$111 million. This cut is in addition to last year's cut and another mid-year cut to the FY25 budget, which collectively leave the USM down \$180 million. The proposed allocation of \$500,000 will not cover the costs of the additional reporting and training proposed. More generally, adding additional policies at this time creates additional challenges for our campuses at an already difficult time due to budget reductions and the uncertainty of changes being imposed or threatened by the federal government.

If this legislation is the vehicle to expand antidiscrimination policies and stand up a workgroup on best practices, then USM remains eager to help foster these conversations.

