



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 495 with Amendments

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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence in the State of Maryland. We urge the Ways & Means and Appropriations Committee to report favorably on House Bill 495 with Amendments.

House Bill 495 – Anti-discrimination Policies & Notice

HB495 provides specific requirements for the posting of antidiscrimination policies and adds or restates or perhaps alters current requirements regarding content. **MCASA applauds the intent of the bill and fully and completely supports the concept of ensuring that students, staff, faculty, and families have information about anti-discrimination policies and resources available to students.**

We gently express concern, however, that the specific language in this bill overlaps with current Maryland law on sex-based discrimination in schools and could cause confusion for survivors. Additionally, the proposed language does not incorporate Maryland's sexual assault services providers, leaving open the possibility that local schools could choose to connect students with service providers with specific viewpoints that are not supportive of all students. Similarly, MCASA respectfully suggests that provisions allowing schools to coordinate with "A COMMUNITY ORGANIZATION WITH EXPERTISE RELATED TO THE ANTIDISCRIMINATION POLICY TO PROVIDE TRAINING TO STUDENTS OR EMPLOYEES AT NO COST" is both too broad and too narrow. It is not sufficiently tailored to ensure appropriate training content, and is not clear that the community organization may be compensated.

If the Committees choose to use HB495 as a vehicle to change Maryland law, MCASA urges the Committees to make reference to certified rape crisis/sexual assault programs and to clarify who may provide training.

HB495 and Confusion with Current Law

Maryland law generally includes provisions regarding K-12 at Md. Code Ann., Educ. §§ 2-

101-9.11-103, and higher education at Educ. §§ 10-101-20–102. The General Assembly has done significant work to ensure sexual assault survivors have access to appropriate responses.

In particular, §11-601(a) of the Education Article requires that institutions of higher education have written policies on sexual assault and the other provisions of this section contain many specific mandates regarding the content of the policy and processes. This includes several provisions that HB495 proposes to also address, and it is unclear how these interrelate. Some examples in the higher education arena include:

- HB495, p.3, line 25 through p.4, line 14: (D) A SCHOOL THAT HAS ADOPTED AN ANTIDISCRIMINATION POLICY SHALL MAKE THE ANTIDISCRIMINATION POLICY AVAILABLE TO STUDENTS, EMPLOYEES, VOLUNTEERS, AND PARENTS OR GUARDIANS BY: (1) (I) INCLUDING THE ANTIDISCRIMINATION POLICY IN ANY HANDBOOK OR OTHER PUBLICATION DESCRIBING THE RULES, PROCEDURES, AND STANDARDS OF CONDUCT FOR THE SCHOOL PROVIDED TO STUDENTS, EMPLOYEES, VOLUNTEERS, OR PARENTS OR GUARDIANS EACH SCHOOL YEAR; OR (II) PROVIDING A WRITTEN COPY OF THE ANTIDISCRIMINATION POLICY TO STUDENTS, EMPLOYEES, VOLUNTEERS, AND PARENTS OR GUARDIANS 3 EACH SCHOOL YEAR; (2) DISTRIBUTING COPIES OF THE ANTIDISCRIMINATION POLICY ELECTRONICALLY BY E-MAIL TO ALL ENROLLED STUDENTS AT LEAST ONE TIME EACH SCHOOL YEAR; (3) POSTING A COPY OF THE ANTIDISCRIMINATION POLICY AT APPROPRIATE LOCATIONS ON THE SCHOOL’S CAMPUS AT ALL TIMES; AND (4) POSTING THE ANTIDISCRIMINATION POLICY IN A PROMINENT LOCATION ON: (I) THE SCHOOL’S WEBSITE THAT IS ACCESSIBLE FROM THE HOMEPAGE OF THE WEBSITE BY USE OF NOT MORE THAN THREE LINKS; AND (II) THE LOCAL SCHOOL SYSTEM’S WEBSITE OR THE WEBSITE OF THE GOVERNING BODY OF AN INSTITUTION OF POSTSECONDARY EDUCATION”

whereas Education Article, § 11-601 says “(b)(1) Each institution of higher education shall post at appropriate locations on each campus and distribute to its students, faculty members, and employees a copy of the policy adopted under subsection (a) of this section.”

- HB495, p.3, lines 8-12: “(7) THE NAME AND LOCATION OF THE NEAREST MEDICAL FACILITY WHERE AN INDIVIDUAL MAY HAVE A RAPE KIT ADMINISTERED... INCLUDING AVAILABLE TRANSPORTATION OPTIONS AND FINANCIAL RESOURCES.”

Current law: Education Article § 11-601(c)(3), requires “Designation of the nearest hospitals equipped with the Department of State Police Sexual Assault Evidence Collection Kit” and “(4) Full and prompt cooperation from campus personnel in obtaining appropriate medical attention, including transporting the victim to the nearest designated hospital.”

- HB495, p.2, lines 23-24: “(1) REPORTING OPTIONS FOR AN ALLEGED VICTIM OF SEXUAL VIOLENCE OR ANY SEX-BASED CRIMINAL OFFENSE”

Current law: Education Article § 11-601(c)(1), requiring “Informing a victim of a sexual assault of the right to file criminal charges with the appropriate law

enforcement official.”

- HB495, p.3 lines 5-7: “(6) THE TELEPHONE NUMBER AND WEBSITE ADDRESS FOR THE LOCAL, STATE, OR NATIONAL HOTLINE PROVIDING INFORMATION TO VICTIMS OF SEXUAL VIOLENCE...”

Current law: Education Article § 11-601(c)(5), which states “Offering counseling to a victim of sexual assault from mental health services provided by the institution, other victim service entities, or the nearest State designated rape crisis program.”

- HB495, p.3, lines 3-4: “(5) POTENTIAL REASONABLE ACCOMMODATIONS THAT THE SCHOOL MAY PROVIDE TO AN ALLEGED VICTIM”

Current law: Education Article § 11-601(c)(6), which says “After a campus sexual assault has been reported, and upon the request of the alleged victim, the transfer of the alleged victim to alternative classes or housing, if such alternatives are available and feasible.”

In the K-12 arena, there are also overlaps with HB495 and current law. The Hear Our Voice Act requiring public schools to provide information to students, teachers, faculty, and parents on Title IX passed in 2023 and is codified at Educ. § 7-133. This Act addresses several issues also contained in HB495, albeit phrased slightly differently. For example, HB495 proposes that antidiscrimination policies in schools include “potential reasonable accommodations” for victims, whereas § 7-133 requires schools to provide information on “supportive measures” for individuals who file sexual misconduct complaints. Similarly, HB495 only requires providing the victim with a point of contact for the school as opposed to § 7-133 which requires information on who serves as the Title IX Coordinator. It is unclear how these interrelate.

At the federal level, Title IX prohibits schools that receive federal funding from discriminating on the basis of sex. The law remains in place. However, there are significant federal regulations which have changed with the occupant of the White House. Most recently, the U.S. District Court for the Eastern District of Kentucky issued a decision vacating the 2024 (Biden) Title IX Rules. Then on January 31, 2025, the Department of Education issued a letter confirming that effective immediately it will enforce the 2020 (Trump) Title IX regulations that were in place under the previous Trump administration. Because the federal government is going back to previous regulations, Maryland has experience navigating the overlap between Maryland law and those (Trump) regulations. In the past, MCASA found that the 2020 Title IX regulations for the most part do not conflict with Maryland law. One notable exception is that the Federal regulations are more restrictive regarding when an adjudicator can consider a complainant’s sexual history as evidence and requires cross examination during hearings, which Maryland law does not address.

As written, HB495 is has an excellent goal, but the details of the language in the bill need significant amendment to integrate with current law and prevent confusion.

MCASA reiterates its strong support for the concept of this bill and its appreciation of the intent of its sponsors, co-sponsors, and supporters.

**The Maryland Coalition Against Sexual Assault urges the
Ways & Means and the Appropriation Committee to
report favorably on House Bill 495 with Amendments**