

SENATE BILL 847

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By: **Senator Hettleman**

Introduced and read first time: January 28, 2025

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Antihate and Antidiscrimination Policies and Workgroup**
3 **(Maryland Campus Accountability and Modernization to Protect University**
4 **Students Act)**

5 FOR the purpose of requiring institutions of higher education to adopt and enforce certain
6 policies regarding antihate and antidiscrimination and time, place, and manner
7 requirements for expressive conduct for certain individuals at the institution;
8 requiring institutions of higher education to conduct certain meetings with certain
9 approved student organizations for a certain purpose; establishing the Campus
10 Community Grant Program; establishing the Workgroup on Combating
11 Antisemitism, Islamophobia, and Other Forms of Racial, Ethnic, and Religious
12 Violence, Harassment, and Intimidation; and generally relating to antihate and
13 antidiscrimination policies at institutions of higher education.

14 BY adding to
15 Article – Education
16 Section 11–2001 through 11–2006 to be under the new subtitle “Subtitle 20.
17 Antihate and Antidiscrimination Policies”
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2024 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Education**

23 **SUBTITLE 20. ANTIHATE AND ANTIDISCRIMINATION POLICIES.**

24 **11–2001.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(A) (1) THE GOVERNING BODY OF EACH INSTITUTION OF HIGHER EDUCATION SHALL ADOPT, ENFORCE, AND SUBMIT TO THE COMMISSION A POLICY TO ADDRESS RACIAL, ETHNIC, AND RELIGIOUS VIOLENCE, HARASSMENT, AND INTIMIDATION AT THE INSTITUTION.

(2) THE POLICY ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL APPLY TO EACH STUDENT, FACULTY MEMBER, ADMINISTRATOR, AND EMPLOYEE OF THE INSTITUTION AND INFORM THE STUDENTS, FACULTY MEMBERS, ADMINISTRATORS, AND EMPLOYEES OF THEIR RIGHTS AND DUTIES UNDER THE POLICY.

(B) THE POLICY ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) TRAINING PROVIDED BY THE INSTITUTION TO ALL FACULTY MEMBERS, ADMINISTRATORS, AND EMPLOYEES ON:

(I) APPROPRIATE RESPONSES TO HATE INCIDENTS OR INCIDENTS OF VIOLENCE, HARASSMENT, OR INTIMIDATION THAT OCCUR DURING A CLASS OR AN EVENT HELD AT THE INSTITUTION AT THE TIME AN INCIDENT OCCURS; AND

(II) PROCEDURES FOR INITIATING, FILING, INVESTIGATING, AND ADJUDICATING COMPLAINTS AND ALLEGATIONS OF RACIAL, ETHNIC, AND RELIGIOUS VIOLENCE, HARASSMENT, OR INTIMIDATION AGAINST ANY STUDENT, FACULTY MEMBER, ADMINISTRATOR, OR EMPLOYEE; AND

(2) A COMPLAINT, ADJUDICATION, AND DISCIPLINARY PROCEDURE, INCLUDING:

(I) AN OPTION TO SUBMIT COMPLAINTS AND REPORT THREATS ANONYMOUSLY;

(II) DISCIPLINARY ACTIONS THAT MAY BE TAKEN AFTER AN INVESTIGATION IS CONDUCTED; AND

(III) THE COMMUNICATIONS THAT MUST BE MADE AT THE CONCLUSION OF THE COMPLAINT ADJUDICATION PROCESS, REGARDLESS OF WHETHER DISCIPLINARY ACTION IS TAKEN AGAINST AN INDIVIDUAL THAT IS THE SUBJECT OF A COMPLAINT, INCLUDING EDUCATIONAL INFORMATION ON THE INSTITUTION'S POLICY AGAINST RACIAL, ETHNIC, AND RELIGIOUS VIOLENCE, HARASSMENT, AND INTIMIDATION.

1 11-2002.

2 (A) THE GOVERNING BODY OF EACH INSTITUTION OF HIGHER EDUCATION
3 SHALL ADOPT AND PUBLISH ON ITS WEBSITE A TIME, PLACE, AND MANNER POLICY
4 FOR THE EXPRESSIVE ACTIVITIES OF STUDENTS, FACULTY MEMBERS,
5 ADMINISTRATORS, AND EMPLOYEES AT THE INSTITUTION.

6 (B) THE POLICY REQUIRED UNDER SUBSECTION (A) OF THIS SECTION
7 SHALL INCLUDE PROCEDURES FOR:

8 (1) INSTITUTIONAL PREPARATION FOR AND RESPONSE TO
9 EXPRESSIVE ACTIVITY ON CAMPUS THAT DISRUPTS EDUCATIONAL ACTIVITIES OR
10 THREATENS PUBLIC SAFETY;

11 (2) NOTIFYING THE CAMPUS COMMUNITY ABOUT ANY DISRUPTIONS
12 TO EDUCATIONAL ACTIVITIES OR THREATS TO PUBLIC SAFETY; AND

13 (3) INVOLVING ITS CAMPUS SECURITY OR POLICE FORCE OR LAW
14 ENFORCEMENT IN RESPONSE TO SIGNIFICANT DISRUPTIONS.

15 (C) EACH INSTITUTION OF HIGHER EDUCATION SHALL ENSURE THAT ITS
16 CAMPUS SECURITY OR POLICE FORCE COLLABORATE WITH LOCAL LAW
17 ENFORCEMENT, THE MARYLAND STATE POLICE, AND STUDENT COMMUNITIES OR
18 ORGANIZATIONS TO PROVIDE SECURITY FOR APPROVED STUDENT ORGANIZATIONS
19 THAT HAVE RECEIVED THREATS OF TERROR ATTACKS OR VIOLENCE OR HAVE BEEN
20 SUBJECT TO HATE CRIMES.

21 11-2003.

22 EACH YEAR, AN INSTITUTION OF HIGHER EDUCATION SHALL DESIGNATE A
23 SENIOR ADMINISTRATOR TO MEET WITH REPRESENTATIVES OF APPROVED
24 STUDENT ORGANIZATIONS, INCLUDING RELIGIOUSLY AFFILIATED ORGANIZATIONS,
25 TO DISCUSS THE FOLLOWING POLICIES AND TOPICS:

26 (1) AN ANTIHATE AND ANTIDISCRIMINATION POLICY ADOPTED
27 UNDER § 11-2001 OF THIS SUBTITLE;

28 (2) ANY INCIDENTS OF RACIAL, ETHNIC, OR RELIGIOUS VIOLENCE,
29 HARASSMENT, OR INTIMIDATION AGAINST ANY STUDENT, FACULTY MEMBER,
30 ADMINISTRATOR, OR EMPLOYEE THAT OCCURRED ON CAMPUS;

(3) THE INSTITUTION'S TIME, PLACE, AND MANNER POLICY FOR THE EXPRESSIVE ACTIVITIES OF STUDENTS, FACULTY MEMBERS, ADMINISTRATORS, AND EMPLOYEES ADOPTED UNDER § 11-2002 OF THIS SUBTITLE; AND

(4) ANY OTHER POLICY OR ISSUE IMPORTANT TO THE INSTITUTION'S STUDENT COMMUNITY.

11-2004.

(A) IN THIS SECTION, "STATE OF MARYLAND HATE BIAS REPORT" MEANS THE REPORT PUBLISHED EACH YEAR BY THE MARYLAND STATE POLICE, IN PARTNERSHIP WITH THE MARYLAND COORDINATION AND ANALYSIS CENTER, UNDER § 2-307 OF THE PUBLIC SAFETY ARTICLE THAT PROVIDES AN OVERVIEW OF TRENDS IN HATE BIAS-RELATED INCIDENTS WITHIN THE STATE SEEMINGLY MOTIVATED BY AN INDIVIDUAL'S RACE, COLOR, RELIGIOUS BELIEFS, SEXUAL ORIENTATION, GENDER, DISABILITY, NATIONAL ORIGIN, OR HOMELESSNESS.

(B) (1) EACH INSTITUTION OF HIGHER EDUCATION SHALL RECOGNIZE AND INCLUDE IN THE MISSION AND PROGRAMMING OF THE INSTITUTION'S OFFICE OF DIVERSITY AND INCLUSION OR ITS EQUIVALENT, AT MINIMUM, THE FIVE DEMOGRAPHIC GROUPS IN THE STATE SUBJECT TO THE HIGHEST PERCENTAGE OF HATE BIAS-RELATED INCIDENTS AS DETERMINED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) THE FIVE DEMOGRAPHIC GROUPS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DETERMINED BY REFERENCE TO THE SUBCATEGORIES IN THE BIAS MOTIVATION CHART WITH THE HIGHEST PERCENTAGE OF HATE BIAS-RELATED INCIDENTS IN THE STATE OF MARYLAND HATE BIAS REPORT.

(C) NOTHING IN THIS SECTION MAY BE CONSTRUED TO DIMINISH OR INFRINGE ON ANY RIGHT PROTECTED UNDER THE FIRST AMENDMENT TO THE U.S. CONSTITUTION, ANY PROVISION OF THE MARYLAND CONSTITUTION OR THE MARYLAND DECLARATION OF RIGHTS, OR ANY FEDERAL LAW APPLICABLE TO INSTITUTIONS OF HIGHER EDUCATION.

11-2005.

(A) (1) ON OR BEFORE DECEMBER 1, 2025, AND EACH DECEMBER 1 THEREAFTER, EACH INSTITUTION OF HIGHER EDUCATION SHALL SUBMIT TO THE COMMISSION A REPORT ON:

1 **(I) ALL ALLEGATIONS OR COMPLAINTS OF RACIAL, ETHNIC,**
2 **AND RELIGIOUS VIOLENCE, HARASSMENT, OR INTIMIDATION REPORTED TO THE**
3 **INSTITUTION; AND**

4 **(II) ANY OTHER DOCUMENTED INCIDENTS OF RACIAL, ETHNIC,**
5 **AND RELIGIOUS VIOLENCE, HARASSMENT, OR INTIMIDATION AT THE INSTITUTION**
6 **IN THAT YEAR.**

7 **(2) THE INFORMATION REPORTED UNDER PARAGRAPH (1) OF THIS**
8 **SUBSECTION SHALL BE DISAGGREGATED BY:**

9 **(I) THE TARGETED DEMOGRAPHIC GROUP SUBCATEGORY**
10 **FROM THE CATEGORIES LISTED IN THE STATE OF MARYLAND HATE BIAS REPORT;**

11 **(II) THE TYPE OF INCIDENT;**

12 **(III) THE LOCATION OF THE INCIDENT;**

13 **(IV) THE STATUS OF ALL INVESTIGATIONS AND WHETHER THE**
14 **ALLEGATION OR COMPLAINT INITIATING AN INVESTIGATION WAS SUBSTANTIATED;**
15 **AND**

16 **(V) ANY CHANGES TO INSTITUTIONAL POLICY AS A RESULT OF**
17 **AN ALLEGATION, A COMPLAINT, OR AN INVESTIGATION.**

18 **(3) AN INSTITUTION'S REPORT UNDER THIS SUBSECTION SHALL**
19 **INCLUDE DATA FROM PRIOR YEARS AND ANALYZE THE PRIOR DATA TO IDENTIFY**
20 **TRENDS OR ANY OTHER NOTABLE DEVELOPMENTS.**

21 **(B) BEGINNING IN 2026, THE REPORT REQUIRED UNDER SUBSECTION (A)**
22 **OF THIS SECTION SHALL INCLUDE A SUMMARY OF THE INSTITUTION'S DISCUSSIONS**
23 **WITH STUDENT ORGANIZATIONS AND ANY CHANGES TO INSTITUTIONAL POLICIES**
24 **RESULTING FROM THE DISCUSSIONS CONDUCTED UNDER § 11-2003 OF THIS**
25 **SUBTITLE.**

26 **(C) ON OR BEFORE DECEMBER 31, 2025, AND EACH DECEMBER 31**
27 **THEREAFTER, THE COMMISSION SHALL SUBMIT A REPORT THAT SUMMARIZES THE**
28 **INFORMATION REPORTED BY INSTITUTIONS IN THE REPORTS REQUIRED UNDER**
29 **SUBSECTION (A) OF THIS SECTION TO THE GENERAL ASSEMBLY, IN ACCORDANCE**
30 **WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.**

31 **11-2006.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CHANCELLOR" MEANS THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND.

(3) "PROGRAM" MEANS THE CAMPUS COMMUNITY GRANT PROGRAM.

(B) THE CHANCELLOR SHALL ESTABLISH AND ADMINISTER A CAMPUS COMMUNITY GRANT PROGRAM TO PROVIDE GRANTS TO APPROVED STUDENT ORGANIZATIONS AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION TO SUPPORT INTERGROUP AND INTERFAITH OUTREACH AND CULTURAL COMPETENCY BETWEEN APPROVED STUDENT ORGANIZATIONS.

(C) THE CHANCELLOR SHALL ADOPT GUIDELINES AND PROCEDURES FOR THE PROGRAM, INCLUDING AN APPLICATION PROCESS, CRITERIA FOR AWARDS, AND A METHOD TO DETERMINE THE DISTRIBUTION OF AWARDS.

(D) FOR FISCAL YEAR 2027, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$500,000 TO THE PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Secretary of Higher Education shall convene a Workgroup on Combating Antisemitism, Islamophobia, and Other Forms of Racial, Ethnic, and Religious Violence, Harassment, and Intimidation.

(b) The Workgroup shall consist of the following members:

(1) the Chancellor of the University System of Maryland, or the Chancellor's designee;

(2) the President of Morgan State University, or the President's designee;

(3) the President of St. Mary's College of Maryland, or the President's designee;

(4) the following members, appointed by the Secretary of Higher Education:

(i) at least one representative of the Maryland Independent College and University Association;

(ii) at least one representative of the Maryland Association of Community Colleges;

(iii) at least one representative of an office of legal counsel or the equivalent office at an institution of higher education;

(iv) at least one representative of an office of student life or the equivalent office at an institution of higher education;

(v) at least one representative of an approved student organization at an institution of higher education;

(vi) at least one representative of an organization representing faith-based communities; and

(vii) at least one representative of an organization representing racial and ethnic communities; and

(5) any other stakeholders chosen by the Secretary of Higher Education.

(c) The Workgroup shall develop model policies, guidance, best practices, and recommendations for the policies and requirements established under Title 11, Subtitle 20 of the Education Article, as enacted under Section 1 of this Act, that includes:

(1) a review of current complaint investigation and adjudication procedures and recommendations to increase transparency of processes in accordance with State and federal laws;

(2) model requirements for the training provided by institutions of higher education to administrators, faculty members, and staff on appropriate responses to hate crimes or incidents of racial, ethnic, or religious violence, harassment, or intimidation that occur during a class or event held at the institution at the time an incident occurs;

(3) best practices for collaboration with local, State, and federal law enforcement to enhance security for students that face threats of terror attacks or violence and hate crimes;

(4) a framework to promote an institution of higher education's conduct policies;

(5) recommended definitions for harassment, intimidation, and bullying; and

(6) model procedures for investigating complaints submitted to an institution of higher education regarding incidents of racial, ethnic, and religious violence, harassment, or intimidation against any student, faculty member, administrator, or employee.

1 (d) On or before January 1, 2026, the Secretary of Higher Education shall submit
2 a report on the findings and recommendations of the Workgroup to the Governor and, in
3 accordance with § 2–1257 of the State Government Article, the General Assembly.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2025. Section 2 of this Act shall remain effective for a period of 1 year and, at the end of
6 June 30, 2026, Section 2 of this Act, with no further action required by the General
7 Assembly, shall be abrogated and of no further force and effect.