

SENATE BILL 438

F2
SB 416/07 – EHE

8lr1508

By: **Senators Jones, Conway, Currie, Gladden, King, McFadden, Muse, Pugh, and Raskin**

Introduced and read first time: January 31, 2008

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 21, 2008

CHAPTER _____

1 AN ACT concerning

2 **Institutions of Higher Education – Plans for Programs of Cultural Diversity**

3 FOR the purpose of requiring certain nonpublic institutions of higher education to
4 submit a certain report regarding cultural diversity programs to the Maryland
5 Independent College and University Association on or before a certain date each
6 year; requiring the Association to submit a certain report on the status of
7 certain cultural diversity programs to the Maryland Higher Education
8 Commission on or before a certain date each year; requiring the report to
9 include a certain analysis; requiring certain public institutions of higher
10 education to develop and implement certain plans for a program of cultural
11 diversity; requiring certain plans to include certain improvements to certain
12 programs under certain circumstances; requiring certain plans to include
13 certain implementation strategies and timelines for meeting certain goals;
14 providing for the contents of a certain plan; requiring certain plans to enhance
15 certain programming and certain sensitivity through certain instruction and
16 training; requiring certain public institutions of higher education to submit
17 certain plans to the governing body of the institution for review on or before a
18 certain date each year; requiring the governing body of certain institutions to
19 submit a certain progress report to the Commission on or before a certain date
20 each year; requiring the Commission to review the progress report to monitor
21 compliance with the diversity goals of the State Plan for Higher Education;
22 requiring the Commission to submit a certain report to certain committees of
23 the General Assembly on or before a certain date each year; defining a certain
24 term; and generally relating to plans for programs of cultural diversity.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – Education
 3 Section 10–211
 4 Annotated Code of Maryland
 5 (2006 Replacement Volume and 2007 Supplement)

6 BY adding to
 7 Article – Education
 8 Section 11–406
 9 Annotated Code of Maryland
 10 (2006 Replacement Volume and 2007 Supplement)

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

13 **Article – Education**

14 10–211.

15 (a) The nonpublic institutions of higher education in the State are an
 16 important educational resource and are vital to the provision of postsecondary
 17 education in the State.

18 (b) The State shall continue to provide financial aid as provided by law to
 19 nonpublic institutions of higher education to foster this important educational
 20 resource.

21 (c) (1) **IN THIS SUBSECTION, “CULTURAL DIVERSITY” MEANS THE**
 22 **INCLUSION OF THOSE RACIAL AND ETHNIC GROUPS AND INDIVIDUALS THAT ARE**
 23 **OR HAVE BEEN UNDERREPRESENTED IN HIGHER EDUCATION.**

24 **(2) ON OR BEFORE MAY 1 OF EACH YEAR, EACH NONPUBLIC**
 25 **INSTITUTION OF HIGHER EDUCATION ELIGIBLE FOR STATE AID UNDER § 17–103**
 26 **OF THIS ARTICLE SHALL SUBMIT A REPORT ON THE INSTITUTION’S PROGRAMS**
 27 **TO PROMOTE AND ENHANCE CULTURAL DIVERSITY ON ITS CAMPUS TO THE**
 28 **MARYLAND INDEPENDENT COLLEGE AND UNIVERSITY ASSOCIATION.**

29 ~~(2)~~ **(3) (I) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE**
 30 **MARYLAND INDEPENDENT COLLEGE AND UNIVERSITY ASSOCIATION SHALL**
 31 **SUBMIT A REPORT ON THE STATUS OF THE PROGRAMS REPORTED TO THE**
 32 **ASSOCIATION UNDER PARAGRAPH ~~(1)~~ (2) OF THIS SUBSECTION TO THE**
 33 **COMMISSION.**

34 **(II) THE REPORT SUBMITTED TO THE COMMISSION UNDER**
 35 **SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE AN ANALYSIS OF THE**
 36 **~~THE~~**

1 ~~1. THE BEST PRACTICES USED BY NONPUBLIC~~
2 ~~INSTITUTIONS OF HIGHER EDUCATION TO PROMOTE AND ENHANCE CULTURAL~~
3 ~~DIVERSITY ON THEIR CAMPUSES; AND~~

4 ~~2. WHETHER THE ENHANCEMENT OF CULTURAL~~
5 ~~DIVERSITY HAS IMPROVED THE RETENTION AND GRADUATION RATE OF A~~
6 ~~CULTURALLY DIVERSE STUDENT BODY.~~

7 11-406.

8 (A) ~~IN THIS SECTION, "CULTURAL DIVERSITY" MEANS THE VARIETY OF~~
9 ~~CHARACTERISTICS AND EXPERIENCES THAT DEFINE AN INDIVIDUAL,~~
10 ~~INCLUDING THE PRIMARY DIMENSIONS OF RACE, ETHNICITY, GENDER, AGE,~~
11 ~~RELIGION, DISABILITY, AND SEXUAL ORIENTATION AND THE SECONDARY~~
12 ~~DIMENSIONS OF COMMUNICATION STYLE, WORK STYLE, ORGANIZATIONAL ROLE~~
13 ~~AND LEVEL, ECONOMIC STATUS, AND GEOGRAPHIC ORIGIN INCLUSION OF~~
14 ~~THOSE RACIAL AND ETHNIC GROUPS AND INDIVIDUALS THAT ARE OR HAVE~~
15 ~~BEEN UNDERREPRESENTED IN HIGHER EDUCATION.~~

16 (B) (1) (I) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION IN
17 THE STATE SHALL DEVELOP AND IMPLEMENT A PLAN FOR A PROGRAM OF
18 CULTURAL DIVERSITY.

19 (II) IF AN INSTITUTION OF HIGHER EDUCATION ALREADY
20 HAS A PROGRAM OF CULTURAL DIVERSITY, THE INSTITUTION OF HIGHER
21 EDUCATION SHALL DEVELOP AND IMPLEMENT A PLAN FOR IMPROVING THE
22 PROGRAM.

23 (III) A PLAN DEVELOPED AND IMPLEMENTED UNDER THIS
24 SUBSECTION SHALL INCLUDE AN IMPLEMENTATION STRATEGY AND A TIMELINE
25 FOR MEETING GOALS WITHIN THE PLAN.

26 (2) A PLAN DEVELOPED UNDER PARAGRAPH (1) OF THIS
27 SUBSECTION SHALL INCLUDE:

28 (I) A DESCRIPTION OF THE WAY THE INSTITUTION
29 ADDRESSES CULTURAL DIVERSITY AMONG ITS STUDENT, FACULTY, AND STAFF
30 POPULATIONS;

31 (II) A DESCRIPTION OF HOW THE INSTITUTION PLANS TO
32 ENHANCE CULTURAL DIVERSITY, IF IMPROVEMENT IS NEEDED;

33 (III) A PROCESS FOR ~~RESPONDING TO REPORTING~~
34 ~~CAMPUS-BASED HATE CRIMES AND BIAS-MOTIVATED INCIDENTS THAT MAY~~

1 ~~OCCUR ON CAMPUS~~, AS DEFINED UNDER TITLE 10, SUBTITLE 3 OF THE
 2 CRIMINAL LAW ARTICLE AND CONSISTENT WITH FEDERAL REQUIREMENTS
 3 UNDER 20 U.S.C. 1092(F), KNOWN AS THE JEANNE CLERY DISCLOSURE OF
 4 CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT; AND

5 (IV) A SUMMARY OF ANY RESOURCES, INCLUDING STATE
 6 GRANTS, NEEDED BY THE INSTITUTION TO EFFECTIVELY RECRUIT AND RETAIN
 7 A CULTURALLY DIVERSE STUDENT BODY, FACULTY, AND STAFF.

8 (3) A PLAN DEVELOPED UNDER PARAGRAPH (1) OF THIS
 9 SUBSECTION SHALL ENHANCE CULTURAL DIVERSITY PROGRAMMING AND
 10 SENSITIVITY TO CULTURAL DIVERSITY THROUGH INSTRUCTION AND TRAINING
 11 OF THE STUDENT BODY, FACULTY, AND STAFF AT THE INSTITUTION OF HIGHER
 12 EDUCATION.

13 ~~(B)~~ (C) (1) ON OR BEFORE MAY 1 OF EACH YEAR, EACH
 14 INSTITUTION SHALL SUBMIT THE PLAN DEVELOPED UNDER SUBSECTION ~~(A)~~ (B)
 15 OF THIS SECTION TO THE GOVERNING BODY OF THE INSTITUTION FOR THE
 16 GOVERNING BODY'S REVIEW.

17 (2) ~~(F)~~ ON OR BEFORE AUGUST 1 OF EACH YEAR, THE
 18 GOVERNING BODY OF AN INSTITUTION SHALL SUBMIT A PROGRESS REPORT
 19 REGARDING THE INSTITUTION'S IMPLEMENTATION OF ITS PLAN TO THE
 20 COMMISSION.

21 ~~(H) THE PROGRESS REPORT SUBMITTED UNDER~~
 22 ~~SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE AN ANALYSIS OF~~
 23 ~~WHETHER THE ENHANCEMENT OF CULTURAL DIVERSITY HAS IMPROVED THE~~
 24 ~~RETENTION AND GRADUATION RATE OF A CULTURALLY DIVERSE STUDENT~~
 25 ~~BODY.~~

26 ~~(E)~~ (D) (1) THE COMMISSION SHALL REVIEW THE PROGRESS
 27 REPORT SUBMITTED BY EACH GOVERNING BODY UNDER SUBSECTION ~~(B)~~ (C) OF
 28 THIS SECTION TO MONITOR COMPLIANCE WITH THE DIVERSITY GOALS OF THE
 29 STATE PLAN FOR HIGHER EDUCATION.

30 (2) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE COMMISSION
 31 SHALL SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE
 32 GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND
 33 ENVIRONMENTAL AFFAIRS COMMITTEE, THE SENATE BUDGET AND TAXATION
 34 COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE
 35 COMMITTEE ON WAYS AND MEANS ON THE EXTENT TO WHICH THE
 36 INSTITUTIONS OF HIGHER EDUCATION IN THE STATE ARE IN COMPLIANCE WITH
 37 THE DIVERSITY GOALS OF THE STATE PLAN FOR HIGHER EDUCATION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2008.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.