

CHAPTER 579

(Senate Bill 438)

AN ACT concerning

Institutions of Higher Education – Plans for Programs of Cultural Diversity

FOR the purpose of requiring certain nonpublic institutions of higher education to submit a certain report regarding cultural diversity programs to the Maryland Independent College and University Association on or before a certain date each year; requiring the Association to submit a certain report on the status of certain cultural diversity programs to the Maryland Higher Education Commission on or before a certain date each year; requiring the report to include a certain analysis; requiring certain public institutions of higher education to develop and implement certain plans for a program of cultural diversity; requiring certain plans to include certain improvements to certain programs under certain circumstances; requiring certain plans to include certain implementation strategies and timelines for meeting certain goals; providing for the contents of a certain plan; requiring certain plans to enhance certain programming and certain sensitivity through certain instruction and training; requiring certain public institutions of higher education to submit certain plans to the governing body of the institution for review on or before a certain date each year; requiring the governing body of certain institutions to submit a certain progress report to the Commission on or before a certain date each year; requiring the Commission to review the progress report to monitor compliance with the diversity goals of the State Plan for Higher Education; requiring the Commission to submit a certain report to certain committees of the General Assembly on or before a certain date each year; defining a certain term; and generally relating to plans for programs of cultural diversity.

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

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

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

Article – Education

10–211.

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

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

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

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

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

(II) THE REPORT SUBMITTED TO THE COMMISSION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE AN ANALYSIS OF THE
~~THE;~~

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

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

11–406.

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

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

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

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

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

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

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

(III) A PROCESS FOR ~~RESPONDING TO~~ REPORTING CAMPUS-BASED HATE CRIMES AND BIAS MOTIVATED INCIDENTS THAT MAY OCCUR ON CAMPUS, AS DEFINED UNDER TITLE 10, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE AND CONSISTENT WITH FEDERAL REQUIREMENTS UNDER 20 U.S.C. 1092(F), KNOWN AS THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT; AND

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

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

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

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

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

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

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

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

Approved by the Governor, May 22, 2008.