



UNIVERSITY SYSTEM
of MARYLAND

Board of Regents
Committee on Intercollegiate Athletics and Student-Athlete Health and Welfare

November 22, 2021

Zoom Details to be Provided to Committee

Public Listen-Only Access 301-715-8592; Conference ID – 931 1483 4775;
Password: 462278

AGENDA FOR PUBLIC SESSION

Call to Order

Chairman Gonella

1. [Committee Organization, Charge, Ongoing issues, and Annual Meeting Plan \(information\)](#)
2. [Mid-year athletic directors updates – rotating – FSU, CSU, UMCP \(information\)](#)

Troy Dell, Frostburg State University
Derek Carter, Coppin State University
Damon Evans, University of Maryland, College Park
3. [Legislatively required annual report on institution and System policy changes impacting student-athletes - Jordan McNair Safe and Fair Play Act Report \(information\)](#)



BOARD OF REGENTS

SUMMARY OF ITEM FOR ACTION,
INFORMATION OR DISCUSSION

TOPIC: Committee Organization, Charge, Ongoing Issues and Annual Meeting Plan (Information)

COMMITTEE: Committee on Intercollegiate Athletics and Student-Athlete Health and Welfare

DATE OF COMMITTEE MEETING: November 22, 2021

SUMMARY: A review of the committee charge, the basic requirements of the Board of Regents Policies relating specifically to intercollegiate athletics, staff resources available in support of the committee’s work, and the annual recurring review of materials and oversight cycle planned for the committee.

The Board of Regents appointed a workgroup to review materials submitted relating to intercollegiate athletics in 2012 and developed a routine of oversight and communication with institution presidents, athletic directors and their staff to assess financial status of each athletics program, the academic profile and progress of student-athletes, consider and propose Board of Regents policy relating to athletics, and gain an understanding of issues relevant and of concern to institutions relating to athletics.

Staff will review with the committee the historical issues and values underlying the Board of Regents policies on intercollegiate athletics, the approach to collecting information from institutions annually, solicit feedback from committee members on future special areas of interest concerning athletics that may be the subject of future agenda items, and preview the annual, recurring cycle of annual oversight and review of materials.

ALTERNATIVE(S): This item is presented for information purposes.

FISCAL IMPACT: This item is presented for information purposes.

CHANCELLOR’S RECOMMENDATION: This item is presented for information purposes.

COMMITTEE RECOMMENDATION:

DATE:

BOARD ACTION:

DATE:

SUBMITTED BY: Ellen Herbst (301) 445-1923



121.0 V-2.00-POLICY ON STUDENT ATHLETICS

(Approved by the Board of Regents on January 11, 1990)

Responsibility for adopting rules for the administration of student athletics, including programs of intercollegiate athletics, is delegated to the President of each institution, subject to Board policies and to applicable federal and State law and any governing Athletic Association's rules.

Income from student athletics shall be used to support the costs of athletic programs and shall be reflected in the budget of the institution.

Based on Senate Bill 459, Section 12-109(11)
Replacement for: BOR V-13.00

USM Bylaws, Policies and Procedures of the Board of Regents

V-2.10 – UNIVERSITY SYSTEM OF MARYLAND POLICY ON INTERCOLLEGIATE ATHLETICS

(Approved by the Board of Regents, April 25, 1991; amended June 19, 1991; amended December 7, 2001; amended June 17, 2021)

General

A well-managed and successful intercollegiate athletic program enhances the educational goals of a college or university regardless of the particular mix of teaching, research and service activities inherent in its approved mission. Athletic competition under the fundamental principles of fair play and amateurism can be of value to individual students, to members of the immediate collegiate community, and to the larger institutional constituency.

The institutions of the University System of Maryland subscribe to a philosophy of athletics that reflects a clear understanding of the role the athletics program is expected to play in furthering the broader institutional mission. Fundamental to the effective management of the intercollegiate athletic program is the commitment of the president of the institution to maintain regular oversight of the enterprise. All institutions within the System, whether they have intercollegiate athletic programs or not, are affected by public perceptions of the athletic programs or teams at particular System campuses and the attendant publicity the programs receive.

Each institution that has an intercollegiate athletics program must have in place procedures, internal and external, which provide careful and thorough scrutiny of the sports program and deliver required information to the president and, as appropriate, to the Chancellor and the Board of Regents.

Student-athletes are first and foremost students, and it is the expectation of the Board of Regents that their academic performance and progress will be comparable to that of non-athletes. Contracts for coaches and other athletic department staff will include objectives and minimum expectations for academic as well as athletic success.

Management of the athletics program, both along financial expectations as well as with respect to academic goals and expectations, are among those elements to be considered in the annual evaluations of presidential performance.

Reporting and accountability requirements

Institutions that participate in intercollegiate athletics are to comply with all reporting requirements developed by the Chancellor as a set of annual information requirements, which will be distributed to institutions with intercollegiate athletics programs and updated as changes occur, as well as satisfying the reporting and communication expectations detailed in the Ongoing Reporting Obligations section below. All other institutions that have intercollegiate

athletics programs are expected to satisfy all ongoing reporting obligations and provide the annual presidents' and athletic directors' affirmations detailed in Chancellor's set of annual information requirements; the Board of Regents may request that those institutions provide additional information on particular aspects of their intercollegiate athletics programs as follow-up.

In order to ensure that the Board of Regents is informed and knowledgeable about intercollegiate athletics and the role it plays at each of the institutions, each president whose institution fields competitive intercollegiate sports teams shall furnish to the Board of Regents, on an annual basis, reports that address academic issues, fiscal issues, and compliance issues within intercollegiate athletics, which include the information called for in the Chancellor's set of annual information requirements.

Academic Issues

The annual report on academic issues related to intercollegiate athletics will be presented to the appropriate Board of Regents committee in March and June of each year, as data are available, and will provide data on the preceding fiscal year and on the fall semester of the current year as outlined in the Chancellor's set of annual information requirements. In addition to institutional data, the report should include the prior year's NCAA Academic Program Rates (APR) and, if institutions had unsatisfactory scores, a report on corrective actions the institution has taken to prevent future problems.

Institutions should adopt minimum standards for academic progress and consequences for failure to meet those standards on a continuing basis that include suspension from participation in athletic activities.

Fiscal Issues

While each president is responsible for the operations of the intercollegiate athletic program on his/her campus, it is mandatory that there be transparency in fiscal reporting. The annual report on fiscal issues related to intercollegiate athletics will be presented to the appropriate Board of Regents committee in March of each year and will include the current year's budget as well as actual revenues and expenses from the prior fiscal year. The Board of Regents is to be kept informed of any long-term financial commitments that may affect the budget in future years. In addition to required annual reporting, institutions shall report to the Chancellor's Office and the Director of Internal Audit all developing or anticipated fiscal shortfalls that may result in financial deficits both short and long term as they become known.

To the extent allowable under NCAA regulations, institutions may agree to waive the difference between non-resident and resident tuition rates for student-athletes without charge or impact on the intercollegiate athletics program operating budget or the assessment of whether the program is operated on a self-supporting basis. Note that the NCAA recognizes such waivers as a charge to the ICA program, so that the revenue and expenditure reports for the NCAA will not be directly comparable to those required by this Board of Regents policy.

Intercollegiate athletics programs are to be managed on a self-supporting basis, meaning that all spending and expenses are to be paid for by revenues and resources generated by the intercollegiate athletic program within the institution. Any institution that seeks to use other self-support activity revenues or resources to support Intercollegiate Athletics must seek approval by the Board of Regents in advance of the beginning of the fiscal year. Intercollegiate athletics programs that end a fiscal year with an operating deficit after taking into account approved use of other self-support activity revenues or resources, or have an accumulated deficit, are to record and reflect these amounts as liabilities back to the self-support activity that funded the deficit, and are to develop and adopt an operating plan to eliminate the accumulated deficit and return the program to a self-supporting operating basis.

Institutions seeking to 'forgive' deficits of intercollegiate athletics programs must be approved by the Board of Regents.

Compliance Issues

Institutions must comply with state law (the Jordan McNair Safe and Fair Play Act as an example), NCAA and conference rules, Title IX requirements, and other formal and legal expectations relevant to each institutions' athletics program.

It is expected that institutions will immediately notify the Chancellor and the Director of Internal Audit of all NCAA major infractions, NCAA investigations, and conference (ACC, MEAC, etc.) investigations. In addition, it is understood that institutions are to submit to the NCAA in a timely manner all NCAA Reports and Agreed-Upon Procedure Reports as may be required as well as periodic conference review reports.

In particular the President should inform the Chancellor, who will inform the Board of Regents in a timely manner, regarding any events or situations which might spark unusual public interest in the athletic program, particular team(s), or individual student athlete(s) at that institution and should provide sufficient detail concerning these events or situations to permit the Chancellor and the Board of Regents to respond appropriately to inquiries.

Distribution and use of sensitive information

In order to ensure that the Board of Regents is fully informed but that the privacy of individuals is protected, reporting on the academic performance of student athletes and the terms, commitments and incentives reported for coaches' and athletic directors' contracts will be done in closed session as permitted in special circumstances outlined in Subtitle 5, section §10-508(a) of the Open Meetings Act.

Ongoing Reporting Obligations

1. Institutions are to immediately notify the Chancellor's Office and the Director of Internal Audit of all NCAA major infractions, NCAA investigations and conference investigations.

2. Institutions are to submit all required annual NCAA Reports, annual Agreed-Upon Procedure Reports and periodic conference (eg. ACC) review reports to the appropriate governing bodies.
3. Compliance with Board of Regents Policy VII-10.0 Policy on Board of Regents Review of Contracts for Highly-Compensated Personnel requires institutions to provide proposed employment contracts to the Office of the Attorney General prior to execution. The contracts for highly-compensated personnel in intercollegiate athletics programs are to be provided to the Chancellor concurrently with the Office of the Attorney General. The policy provides that 'Before a contract is executed, it must be submitted to the Office of the Attorney General for review and approval for legal form and sufficiency. The Office of the Attorney General may communicate any significant legal concerns with the draft contract to the institution's president and the Chancellor. It should be understood that proposed contracts provided to the Office of the Attorney General and Chancellor are to include all relevant provisions and terms of the proposed contract including detailed notes concerning provisions remaining to be negotiated. The Chancellor will notify the Board of Regents of any contract provisions of an unusual or sensitive nature or those that conflict with expectations and values of the Board of Regents.
4. Institutions will report to the Chancellor's Office and the Director of Internal Audit all fiscal shortfalls that may result in financial deficits both short and long term as they become known.

USM Bylaws, Policies and Procedures of the Board of Regents



UNIVERSITY SYSTEM OF MARYLAND

V - 2.20 Policy on Academic Achievement in Intercollegiate Athletics
(approved by the Board of Regents on October 24, 2014)

Introduction

Successful academic achievement is an expectation of every student at each University System of Maryland institution. Athletic departments serve the educational mission of each institution. Student-athletes are expected to progress and achieve academically at least at the levels established by the National Collegiate Athletics Association in terms of the Academic Progress Rate (APR), and while there should be higher expectations of student-athlete academic performance and achievement, for the purposes of this policy, the minimum standards established by the NCAA are to be considered threshold levels of minimally acceptable academic achievement and performance standards.

Athletic directors and coaches balance a wide range of goals and objectives. Some institutions incentivize performance for athletic directors and coaches through the possibility of additional (or incentive-based) compensation that is awarded when certain goals or objectives are met.

This policy is intended to ensure that each institution's documents reflect the importance of the educational aspects of athletic programs. Further, this policy requires that incentive-based compensation arrangements with athletic directors and coaches are conditioned on minimum academic progress and achievement for student-athletes.

Scope and Requirements

- I. Each institution in the University System of Maryland with an intercollegiate athletics program will reflect in appropriate documents the responsibility of the athletics department to support the educational mission of the institution. Job descriptions, employment contracts, and performance evaluations of coaches and athletic directors shall include the institution's expectation that the coach or athletic director must support the academic performance of student-athletes. Additional appropriate documents might include mission statements, marketing brochures, and employment documents for other personnel.
- II. For each institution participating in Division 1 intercollegiate athletics programs, all employment contracts with athletic directors or coaches of Division 1 sports that include incentive-based compensation, must also include a provision that precludes payout of incentive-based compensation if the sport does not satisfy minimum annual APR* levels at the time at which the incentive-based compensation would have otherwise been earned. For athletic directors, academic progress and success standards for APR must be met as an average for all sports. Institutions are to ensure that employment contracts and compensation arrangements are

USM Bylaws, Policies and Procedures of the Board of Regents

explicit that incentive-based compensation amounts are neither earned or payable unless satisfactory academic progress has been achieved, as indicated by applicable APR level(s) .

Reporting

As part of the annual reporting items detailed in Board of Regents Policy V-2.10, Policy on Reports on Intercollegiate Athletics, the president of each institution will certify compliance with this policy. Further, in addition to such annual reporting, each institution participating in Division 1 intercollegiate athletics programs will provide a listing of those individuals with incentive-based compensation provisions in employment contracts (including both academic and athletic), the expiration date of the current contract, and whether the contract includes a provision precluding payout of incentive-based compensation in circumstances where the sport (or sports) fall below minimum APR standards.

*Minimum APR standards refer to benchmark academic performance for the year as set by the NCAA appropriate for the institution.



From BYLAWS OF THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF MARYLAND:

Section 10. Committee on Intercollegiate Athletics and Student-Athlete Health and Welfare.

- A. The Committee on Intercollegiate Athletics and Student-Athlete Health and Welfare shall perform all necessary oversight of compliance with Board of Regents policy expectations, consider issues associated with intercollegiate athletics and student-athlete health and welfare concerns and the need for further or changed Board of Regents policy requirements. The Committee shall be responsible for regular communications to ensure that the Board is apprised of the Committee's work.
- B. The Committee shall review presidential performance in managing institutional intercollegiate athletics in accordance with policy requirements and communicate the results to the Board on a regular basis. Concerns with presidential management of intercollegiate athletics will be brought to the attention of the full Board as soon as possible.
- C. The Committee shall monitor developments in intercollegiate athletics nationally, including with the NCAA, athletic conferences, and Federal and State legislation, rule making and other forms of national accountability, and assess implications for USM institutions, and shall keep the full Board apprised of developments and implications.
- D. To perform its function, the Committee may request and may expect to receive information from the institutions including but not limited to:
 - 1. Information on health and academic support protocols provided to student-athletes;
 - 2. Information on Title IX compliance and complaints;
 - 3. Information on institution's student-athletes academic progress and graduation success;
 - 4. Institution submitted reports documenting athletic program status or performance relative to student-athlete health, safety, and well-being standards or expectations;
 - 5. Institution submitted reports documenting athletic program status or performance relative to academic, financial or other standards as required by the NCAA, athletic conferences or other organized bodies that may impose sanctions or influence the ICA program's resources or operations; and
 - 6. Financial status, commitments and obligations, results of operations and financial projections for the coming five-year period.
- E. The Committee shall meet as needed but no fewer than three times each fiscal year.

Board of Regents Committee on Intercollegiate Athletics and Student-athlete Health and Welfare - Organization, Charge, Ongoing Issues and Annual Meeting plan

November 22, 2021



The Stakeholders:

Board of Regents Committee members

Student-athletes, parents and families

Presidents

Athletic Directors and staff

Chancellor

System Office cross-functional staff





Board policies on Intercollegiate Athletics

BOR Policy V-2.00 – Policy on Student Athletics

General statement as to institution presidents authority and responsibility for athletics

BOR Policy V-2.10 - Policy on Reports on Intercollegiate Athletics

Sets values and expectations for intercollegiate athletics:

- Student-athletes are students first
- Health and welfare issues
- Athletics should be funded on its own resources generally

BOR Policy V-2.20 - Policy on Academic Achievement in Intercollegiate Athletics

Ties incentive compensation (e.g. performance bonuses) to satisfying minimum APR standard expectations



Committee charge

- Compliance with Board of Regents policy expectations and constraints
- Focuses on institution presidents' responsibilities for intercollegiate athletics
- Ensuring USM is focused on national and conference developments and changes
- Review of a standard set of information collected relating to intercollegiate athletics



System Office staff support

- Ellen Herbst – Vice Chancellor for Administration and Finance
- Jo Boughman – Senior Vice Chancellor for Academic and Student Affairs
- Robert Page - Associate Vice Chancellor for Financial Affairs
- Carolyn Skolnik - Associate Vice Chancellor for Human Resources
- Monica West - Associate Vice Chancellor for Budget Analysis
- Chad Muntz - Assistant Vice Chancellor of Institutional Research, Data & Analytics
- Zakiya Lee - Assistant Vice Chancellor for Academic and Student Affairs
- Dave Mosca – Director of Internal Audits
- Celeste Denson - Comptroller



Past issues and focus of oversight

- Financial
- Academic
- Student-athlete health and welfare
- Title IX compliance



Plan for ongoing and recurring oversight

Three routine committee meetings annually:

1. November/December – educational sessions, mid-year updates
2. March/April – financial review of athletic programs
3. June – student-athlete academic success, Title IX, health and welfare issues

Keeping Regents Current

Routine updates from a rotating set of athletic directors

Educational sessions?

1. Emerging and evolving issues
 - Name, Image, Likeness
 - Alston
 - Constitutional Convention
 - NCAA changes
 - Legal framework changes
2. Best practices
3. Other topics?



BOARD OF REGENTS

SUMMARY OF ITEM FOR ACTION,
INFORMATION OR DISCUSSION

TOPIC: Mid-year athletic directors updates – rotating – UMCP, CSU, FSU (Information)

COMMITTEE: Committee on Intercollegiate Athletics and Student-Athlete Health and Welfare

DATE OF COMMITTEE MEETING: November 22, 2021

SUMMARY: Each committee meeting a set of institution athletic directors are invited to provide a mid-year update focused on the unique issues and challenges facing the athletic program currently, and discuss nationwide trends, developments and future potential actions with an impact on athletics in higher education.

This meeting we have invited the following athletic directors to each spend 15-20 minutes discussing:

- a discussion of the lines of reporting within the institution and responsibility for athletics
- the institutions current challenges,
- institution efforts to prepare or facilitate for student-athletes use of name, image or likeness
- potential impacts of the Alston case on the institution’s athletic department, and
- concerns about the national constitutional convention changes and the expected impacts

Athletic directors asked to present at this meeting include:

1. Damon Evans, University of Maryland, College Park
2. Derek Carter, Coppin State University
3. Troy Dell, Frostburg State University

ALTERNATIVE(S): This item is presented for information purposes.

FISCAL IMPACT: This item is presented for information purposes.

CHANCELLOR’S RECOMMENDATION: This item is presented for information purposes.

COMMITTEE RECOMMENDATION:

DATE:

BOARD ACTION:

DATE:

SUBMITTED BY: Ellen Herbst (301) 445-1923



TOPIC: The Jordan McNair Safe and Fair Play Act Report (Information)

COMMITTEE: Committee on Intercollegiate Athletics and Student-Athlete Health and Welfare

DATE OF COMMITTEE MEETING: November 22, 2021

SUMMARY: The Jordan McNair Safe and Fair Play Act, adopted in the spring of 2021, established an annual reporting requirement for Maryland public higher education institutions to report on student athletes in the University System of Maryland, including any student athlete policy changes related to the health and safety of student athletes.

In August 2021 System institutions with intercollegiate athletics were asked for an inventory of every policy and procedure that related to student athlete safety, health, and wellness. Institutions were also asked to provide a link to or attachment of the policies/procedures and asked to note when the policies were established and if changes had been made since August 2020.

All institutions complied with this request. The information collected was compiled into a report that was submitted to the General Assembly by the October 1, 2021 deadline.

Dr Zakiya Lee, Assistant Vice Chancellor for Academic and Student Affairs, will provide a summary of the report, which demonstrates the depth and breadth of campus policies related to the health and safety of student athletes.

ALTERNATIVE(S): This item is presented for information purposes.

FISCAL IMPACT: This item is presented for information purposes.

CHANCELLOR'S RECOMMENDATION: This item is presented for information purposes.

COMMITTEE RECOMMENDATION: Information Only

DATE: November 22, 2021

BOARD ACTION:

DATE:

SUBMITTED BY: Ellen Herbst 301-445-1923 and Joann Boughman 301-445-1992



3300 METZEROTT ROAD // ADELPHI, MD 20783
WWW.USMD.EDU // 301.445.1911

October 1, 2021

The Honorable Bill Ferguson
President
Senate of Maryland
State House, H-107
Annapolis Maryland 21401

The Honorable Adrienne A. Jones
Speaker
Maryland House of Delegates
State House, H-101
Annapolis Maryland 21401

Re: Report Required by §2-1257 of the State Government Article (Jordan McNair Safe and Fair Play Act)

Dear President Ferguson and Speaker Jones:

On behalf of the Board of Regents Committee on Intercollegiate Athletics and Student-Athlete Health and Welfare, I offer the University System of Maryland's report to comply with the Jordan McNair Safe and Fair Play Act, which states, "On or before October 1, 2021, and each October 1 thereafter, the University System of Maryland Intercollegiate Athletics Workgroup shall submit a report to the General Assembly, in accordance with §2-1257 of the State Government Article, on student athletes in the University System of Maryland, including any student athlete policy changes at each institution related to the health and safety of student athletes."

Please contact me at zlee@usmd.edu or 301-445-1991 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zakiya S. Lee'.

Zakiya S. Lee
Assistant Vice Chancellor for Academic and Student Affairs

CC: Sarah Albert, Department of Legislative Services (5 copies); Geoff Gonella, USM Board of Regents Committee on Intercollegiate Athletics and Student-Athlete Health and Welfare; Robert Page, USM Administration and Finance; Joann Boughman, USM Academic and Student Affairs; Patrick Hogan, USM Government Relations

INSTITUTIONS // BOWIE STATE UNIVERSITY • COPPIN STATE UNIVERSITY • FROSTBURG STATE UNIVERSITY • SALISBURY UNIVERSITY
TOWSON UNIVERSITY • UNIVERSITY OF BALTIMORE • UNIVERSITY OF MARYLAND, BALTIMORE • UNIVERSITY OF MARYLAND, BALTIMORE COUNTY
UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE • UNIVERSITY OF MARYLAND, COLLEGE PARK • UNIVERSITY OF MARYLAND
EASTERN SHORE • UNIVERSITY OF MARYLAND GLOBAL CAMPUS REGIONAL CENTERS // UNIVERSITIES AT SHADY GROVE • UNIVERSITY SYSTEM
OF MARYLAND AT HAGERSTOWN • UNIVERSITY SYSTEM OF MARYLAND AT SOUTHERN MARYLAND

The Jordan McNair Safe and Fair Play Act

University System of Maryland

Final
October 1, 2021



The University System of Maryland's Board of Regents Committee on Intercollegiate Athletics and Student-Athlete Health and Welfare submits the following report as mandated by The Jordan McNair Safe and Fair Play Act, which states, "The University System of Maryland Intercollegiate Athletics Workgroup shall submit a report to the General Assembly, in accordance with §2-1257 of the State Government Article, on student athletes in the University System of Maryland, including any student athlete policy changes at each institution related to the health and safety of student athletes."

University System of Maryland and Oversight of Intercollegiate Athletics

The University System of Maryland (USM) has collaborated with and gathered information and data on the intercollegiate athletics programs at its institutions for many years with a policy on athletics oversight first adopted in 1990 and then further refined in 1991. In 2013, the Board of Regents established the Workgroup on Intercollegiate Athletics to formalize processes, procedures, and the oversight of the athletics programs. The Workgroup diligently worked reviewing and assessing the academics, health and wellness, Title IX compliance, and financial status of athletics programs. Information was reviewed by and presented to the Workgroup and also reported up to the standing committees on Education Policy and Student Life and Finance, as appropriate.

After months of deliberation on the most effective and transparent way to continue oversight of intercollegiate athletics (ICA), in 2020, the Board of Regents approved the dissolution of the aforementioned workgroup and approved the creation of a more formal, robust, long-standing, public-facing entity – the Committee on Intercollegiate Athletics and Student-Athlete Health and Welfare. In April 2021, the charge of that committee was approved and incorporated into the Bylaws of the USM Board of Regents. Broadly, the Committee on Intercollegiate Athletics and Student-Athlete Health and Welfare is charged with performing all necessary oversight of compliance with Board of Regents policy expectations, considering issues associated with intercollegiate athletics and student-athlete health and welfare concerns, and determining the need for further or amended Board of Regents policy requirements. This includes, but is not limited to: (1) reviewing presidential performance in managing institutional intercollegiate athletics, (2) monitoring developments in intercollegiate athletics nationally, (3) requesting information from the institutions on the health and welfare of athletes and academic support protocols provided to student-athletes; Title IX compliance and complaints; and institutions' student-athletes academic progress and graduation success; and (4) analyzing financial status, commitments, and obligations. The Committee will meet as needed but no fewer than three times each fiscal year.

University System of Maryland Board of Regents Policies on Intercollegiate Athletics

Following are the intercollegiate athletics-specific policies maintained by the University System of Maryland Board of Regents:

V-2.00 – Policy on Student Athletics (approved in January 1990) – This policy establishes that the responsibility for adopting rules for the administration of intercollegiate athletics is delegated to the President of each institution, subject to Board policies and to applicable federal and State law and any governing athletic association's rules.

V-2.10 – Policy on Intercollegiate Athletics (approved in April 1991; most recently amended in June 2021) – This policy establishes the general philosophy of and expectations surrounding ICA as well as describing institutions’ reporting and accountability requirements (including compliance with the Jordan McNair Act); academic, fiscal, and compliance responsibilities; ongoing reporting obligations; and the distribution and use of sensitive information. This policy also mandates that institutions with intercollegiate athletics program, “have in place procedures, internal and external, which provide careful and thorough scrutiny of the sports program and deliver required information to the president and, as appropriate, to the Chancellor and the Board of Regents.”

V-2.20 – Policy on Academic Achievement in Intercollegiate Athletics (approved October 2014) – This policy establishes the importance of successful academic achievement for student athletes and associated reporting requirements.

All Board of Regents ICA-related policies and the work of the former workgroup and current standing committee are based on the philosophy that student-athletes are, first and foremost students, and it is the expectation of the Board of Regents that student-athletes’ academic performance and progress will be comparable to that of non-athletes. Management of the athletics programs, with focus on financial expectations as well as academic and health and wellness goals and expectations, are among those elements to be considered in the annual evaluations of presidential performance.

The July 2021 transition of the Workgroup on Intercollegiate Athletics to the Committee on Intercollegiate Athletics and Student-Athlete Health and Welfare and the June 2021 amendments to the Policy on Intercollegiate Athletics (V-2.10) are the most substantive, system-wide changes that have taken place in years. It is possible that amendments will be in order for the Policy on Academic Achievement in Intercollegiate Athletics (V-2.20) and the Policy on Student Athletics (V-2.00) considering the recent amendments to the more robust Policy on Intercollegiate Athletics (V-2.10). That will be examined by the Committee during the 2021-2022 academic year. Changes will be reported in USM’s 2022 submission of the Jordan McNair Safe and Fair Play Act Report.

University System of Maryland’s Institutions’ and the System Office’s Compliance with the McNair Act Reporting Mandates

The McNair Act states, “The University System of Maryland Intercollegiate Athletics Workgroup shall submit a report to the General Assembly, in accordance with §2-1257 of the State Government Article, on student athletes in the University System of Maryland, including any student athlete policy changes at each institution related to the health and safety of student athletes.”

To satisfy this requirement, the staff to the Committee on Intercollegiate Athletics and Student-Athlete Health and Welfare asked the institutions with NCAA intercollegiate athletics to submit a report detailing their policies and procedures related to the safety, health, and wellness of student-athletes. The Committee also requested links or hard copies of each policy or procedure, the date it was established, and a brief description of changes and motivating factors since August 2020. The reporting requirement from the General Assembly only asked for *policy* changes, but the Committee expanded the request to include procedures/guidelines, as much of the infrastructure designed to address student-athlete health and wellness is contained in procedures or protocols that are not always official policies. Additionally, in this inaugural year for the report, the Committee needed a baseline of all policies and procedures – not just ones that have recently been amended. With this foundation established, future iterations of this report will focus on changes to the policies and procedures listed and on newly established policies and procedures.

Eight University System of Maryland institutions have intercollegiate athletics.

- Bowie State University – Division II
- Coppin State University – Division I
- Frostburg State University – Division II
- Salisbury University – Division III
- Towson University – Division I
- University of Maryland, Baltimore County – Division I
- University of Maryland, College Park – Division I
- University of Maryland Eastern Shore – Division I

Following is a chart of the policies and procedures related to the safety, health, and wellness of student-athletes for each USM institution with intercollegiate athletics and the University System of Maryland Board of Regents.

Bowie State University		
Policy or Procedure Name	Policy or Procedure Established	Brief Description of Changes and Motivating Factors since August 2020
Yearly Medical Requirements for Athletic Participation	2018	No Changes
Non-Athletic Related Injuries	2018	No Changes
Medical Referrals	2018	No Changes
Dietary Supplements	2018	No Changes
Blood-Borne Pathogens	2018	No Changes
Eating Disorders	2018	No Changes
Methicillin-Resistant Staphylococcus Aureus	2018	No Changes
Concussion Management Policy	2018	No Changes
Lightning Policy	2018	No Changes
Indoor Heat Policy	2018	No Changes
Cold Weather Policy	2018	No Changes
Heat Index Policy	2018	No Changes
Prevention of Heat Illness	2018	No Changes
Pregnancy Policy	2018	No Changes
Mental Health Policy	2018	No Changes
Sickle Cell Trait/Disease Policy	2018	No Changes
AED Policy	2018	No Changes
Coverage Guidelines	2018	Follow NATA and NCAA guidelines as updates occur
Emergency Care and Coverage	2018	
COVID Policy	2020	Made changes to university policy regarding vaccination and testing schedule
Reporting Student Concerns Regarding Athletic Programs and Activities	2019	No Changes

Coppin State University		
Policy or Procedure Name	Policy or Procedure Established	Brief Description of Changes and Motivating Factors since August 2020
Athletic Training Room Rules, Guidelines, & Procedures		Updated 8/21/2021
Concussion Safety Protocol	2015; last updated in 2016	No Changes
Sickle Cell Trait Testing Policy and Procedure	2010	No Changes
Reporting Student Concerns Regarding Athletic Programs and Activities	2019	No Changes
Necessary Medical Requirements and Information for Student-Athletes before CSU Athletic Scheduled Activity (COVID-19)	2021	Changes in University, City, and State guidelines
Frostburg State University		
Most of Frostburg's policies existed before June 2019, but that date marks the policy overhaul done when the athletics teams moved from Division III to Division II.		
Policy or Procedure Name	Policy or Procedure Established	Brief Description of Changes and Motivating Factors since August 2020
Student-Athlete Ethical Behavior	June 2019	No Changes
FSU Student-Athlete Code of Conduct	June 2019	No Changes
Student-Athlete Advisory Committee Structure	June 2019	No Changes
Student-Athlete Media Policy	June 2019	No Changes
Athletic Training Clinic General Rules	June 2019	No Changes
Injury Clearance Chain of Command	June 2019	No Changes
Communication Regarding Clearance to Participate After an Injury/Illness	June 2019	No Changes
Student-Athlete Medical Information	June 2019	No Changes
Student-Athlete Insurance	June 2019	No Changes
Medical Testing and Clearance	June 2019	Added Baseline EKG Testing
Treatment Procedures – Infectious Diseases	June 2019	No Changes
Treatment Procedures – Concussion	June 2019	No Changes
Treatment Procedures – Sickle Cell	June 2019	No Changes
Treatment Procedures – Mental Health & Illness	June 2019	No Changes
Treatment Procedures – Nutrition and Eating Disorder/Disordered Eating Policies	June 2019	No Changes
Treatment Procedures - Student-Athlete Pregnancy	June 2019	No Changes
Inclement Weather – Heat Exposure	June 2019	No Changes
Inclement Weather – Cold Exposure	June 2019	No Changes
Inclement Weather – Air Quality	June 2019	No Changes
Inclement Weather – Lightning	June 2019	No Changes
Initial Grant-In-Aid for New Students	June 2019	No Changes

Frostburg State University (con't)		
Non-Renewal/Reduction of Athletic Scholarships	June 2019	No Changes
Procedures for Appealing Reduction/Cancellation/Non-Renewal	June 2019	No Changes
Student-Athlete Development & Well Being – Student Handbook Defined	June 2019	No Changes
Student-Athlete Development & Well Being – Academics	June 2019	No Changes
Student-Athlete Development & Well Being – Frostburg State University Missed Class Policy	June 2019	No Changes
Student-Athlete Development & Well Being – Policy on Transgender Participation in Athletics	June 2019	No Changes
Student-Athlete Development & Well Being – Harassment Policies and Grievance Reporting	June 2019	No Changes
Student-Athlete Development & Well Being – Harassment Policies and Grievance Reporting – Sexual Harassment	June 2019	No Changes
Student-Athlete Development & Well Being – Harassment Policies and Grievance Reporting – Hazing	June 2019	No Changes
Student-Athlete Development & Well Being – Harassment Policies and Grievance Reporting – Unethical, improper, Illegal Behavior	June 2019	No Changes
Student-Athlete Development & Well Being – Governance	June 2019	No Changes
Student-Athlete Development & Well Being – Departmental Evaluation and Exit Survey/Interview	June 2019	No Changes
Student-Athlete Development & Well Being – Community Engagement	June 2019	No Changes
Student-Athlete Development & Well Being – Athletic Awards Banquet	June 2019	No Changes
Student-Athlete Development & Well Being – Wellness Policies and Resources	June 2019	No Changes
Department of Athletics Grievance Reporting – Reporting Student Concerns Regarding Athletic Programs and Activities	2019	No Changes
Salisbury University		
Policy or Procedure Name	Policy or Procedure Established	Brief Description of Changes and Motivating Factors since August 2020
Reporting Student-Athlete Concerns about Athletic Programs and Activities (State-Mandated)	2019	No Changes

Salisbury University (con't)		
Concussion Management	2012 - updated annually	Concussion management procedures
Heat Related Procedures	2018 - updated and reviewed annually	Practice and game heat management procedures
Emergency Action Plan	2012 - updated annually	Comprehensive and detailed listing and explanation of all EAP procedures
Towson University		
Policy or Procedure Name	Policy or Procedure Established	Brief Description of Changes and Motivating Factors since August 2020
05-03.00 Reporting Student-Athlete Concerns about Athletic Programs and Activities	2020	N/A
Student Athlete Handbook – Procedures for Reporting Student-Athlete Concerns about Athletic Programs and Activities	2020	Last revised July 21, 2021 Added additional procedures related to anonymous reporting
Student-Athlete Handbook – Drug Testing Procedures	2018	N/A
Student-Athlete Handbook – Patient Privacy, Chaperones and Informed Consent	2018	N/A
Student-Athlete Handbook – Sports Medicine	2019	N/A
Student-Athlete Handbook – Strength & Conditioning	2018	N/A
Towson Sports Medicine Procedure Manual	2011	Annually for best practice updates
Conditioning Best Practices	2019	N/A
Mental Health Best Practices	2018	N/A
Towson Strength & Conditioning Operations Manual	January 2020	N/A
Inclement Weather Procedure	2015	3/8/21 – Updated staffing & added language related to COVID cancellations/postponements
Sport Program Evaluations, Surveys and Exit Interviews	2013	N/A
University of Maryland, Baltimore County		
Policy or Procedure Name	Policy or Procedure Established	Brief Description of Changes and Motivating Factors since August 2020
UMBC Student Concerns About Athletic Programs And Activities Interim Policy # V-2.00.01	October 1, 2019	No Changes
UMBC Hazing Policy #V-8.00.01	June 12, 2018	No Changes
UMBC Policy on Sexual Misconduct, Sexual Harassment and Gender Discrimination # VI-1.60.01	August 14, 2020	Changes were made consistent with the release of new Title IX regulations by the United States Department of Education.
UMBC Substance Abuse Policy # III-5.00.04	May 31, 2018	No Changes

University of Maryland, Baltimore County (con't)		
UMBC Interim Policy on Student Social Media Privacy # V-1.20.01	February 28, 2017	No Changes
UMBC Smoking Policy # VI-8.10.01	March 1, 2016	No Changes
UMBC Athletics Collapse/Cardiac Arrest Emergency Action Plan	June 20, 2019	No Changes
UMBC Athletics Critical Incident Internal Communication Protocol	August 1, 2021	Changes made due to staff changes
UMBC Athletics Clinical Management Guideline: Sickle Cell Trait Crisis Management	July 2018	No Changes
UMBC Athletics Asthma Management Guideline	June 2019	No Changes
UMBC Athletics Body Composition Assessment Policy and Procedure	July 5, 2018	No Changes
UMBC Athletics Cardiac Arrest Overview	August 20, 2018	No Changes
UMBC Athletics: Diabetes Management in the Athlete	July 2018	No Changes
UMBC Athletics Progressive Spine Injury Assessment	July 2018	No Changes
UMBC Athletics Final Heat Illness Prevention & Management	July 2018	No Changes
America East Hot & Cold Weather Competition Policy	July 1, 2019	No Changes
UMBC Athletics Cold Weather Policy	January 2019	No Changes
UMBC Athletics Lightning Safety Policy	July 2019	No Changes
UMBC Athletics Baseball & Softball Emergency Action Plan	June 2021	Changes made to reflect staffing change
UMBC Athletics Basketball Volleyball Aux Gym Emergency Action Plan	June 2021	Changes made to reflect staffing change
UMBC Athletics Basketball Volleyball Main Gym Emergency Action Plan	June 2021	Changes made to reflect staffing change
UMBC Athletics Lacrosse Emergency Action Plan	June 2021	Changes made to reflect staffing change
UMBC Athletics Soccer Emergency Action Plan	June 2021	Changes made to reflect staffing change
UMBC Athletics Concussion Management Program	June 2018	No Changes
University of Maryland, College Park		
Policy or Procedure Name	Policy or Procedure Established	Brief Description of Changes and Motivating Factors since August 2020
Sports Medicine Services Overview	Updated 2021	N/A, reviewed annually
Medical Model Organizational Chart	Updated 2021	Moved sports medicine staff (physicians, athletic trainers, dieticians, mental health providers) from Athletics to University Health Center - July 2020

University of Maryland, College Park (con't)		
Big Ten Institutional Control	Updated 2020	Changed language to reflect the reporting lines for the new medical model
Emergency Action Plan	Updated 2021	Added new Jones-Hill House practice fields and medical spaces
Medical Clearance to Participate	Updated 2020	Added COVID Screening in 2020-21, removed screening in 2021-22
Stimulant Medication Guidelines	Updated 2019	N/A, Reviewed Annually
Return to Play	2013	N/A, Reviewed Annually
Mental Health Emergency Plan	2018	N/A, Reviewed Annually
Medical Expenses and Insurance	Updated 2019	N/A, Reviewed Annually
Confidentiality	2013	N/A, Reviewed Annually
Athletic Medical Review Board	2019	N/A, Reviewed Annually
Environmental Heat Practice Guideline	Updated 2019	N/A, Reviewed Annually
Exertional Heat Stroke Plan	Updated 2018	N/A, Reviewed Annually
Lightning Monitoring Plan	Updated 2018	N/A, Reviewed Annually
Concussion Management Plan	Updated 2021	Added NCAA update about reducing head impacts in collision sports
Drug Testing	Updated 2019	N/A, Reviewed Annually
Student-Athlete Medical Consent Forms	Updated 2021	N/A, Reviewed Annually
Student-Athlete Feedback	September 2019	N/A
Staff Code of Ethical Conduct	August 2019	N/A
Mental Health First Aid Training	August 2021	Campus & Athletics Partnership
Student Concerns About Athletic Programs And Activities Policy	2019	No Changes
University of Maryland Eastern Shore		
Policy or Procedure Name	Policy or Procedure Established	Brief Description of Changes and Motivating Factors since August 2020
Concussion Safety Protocol	Fall 2017	Staff update, NCAA protocols via their medical administrative board
Emergency Action Plan	Fall 2019	No Changes
Lightning Safety Protocol	Fall 2019	No Changes
Exertional Heat & Cold Emergencies	Fall 2019	No Changes
Weight Room Rules & Regulations	Fall 2021	NEW
Facility Emergency Plans	Fall 2019	Staff update, added formal names of the facilities
Reporting Student-Athlete Concerns about Athletic Programs and Activities	2019	No Changes
University System of Maryland		
Policy or Procedure Name	Policy or Procedure Established	Brief Description of Changes and Motivating Factors since August 2020
V-2.00 – Policy on Student Athletics	January 1990	No Changes
V-2.20 – Policy on Academic Achievement in Intercollegiate Athletics	October 2014	No Changes

University System of Maryland (con't)		
V-2.10 – Policy on Intercollegiate Athletics	April 1991	<p>June 2021</p> <p>-Deleted an appendix which listed materials that the institutions submitted annually—and substituted a provision that requires institutions to submit materials in accordance with Chancellor-approved information requirements that can be changed and updated as necessary, without further Board approval. This action will provide flexibility at the direction of the Chancellor to adjust information requirements as circumstances change</p> <p>-Expectation of compliance with the Jordan McNair Safe and Fair Play Act, which calls for implementing greater health and safety measures, with certain standards to be met by institutions operating intercollegiate athletics programs</p>

Finally, per Section 15-128 of the Jordan McNair Act, “An athletic program should adopt and implement: 1) guidelines to prevent, assess, and treat serious sports-related conditions, including: brain injury; heat illness; and rhabdomyolysis (rhabdo); 2) exercise and supervision guidelines for any student athlete who participates in an athletic program and is identified with potential life-threatening health conditions, including sickle cell trait, and asthma; and 3) return-to-play protocols for athletes who experience injury or illness during practice or play.

Our examination of the institutional policies noted above indicates that all institutions have protocols and guidelines relating to brain injury or concussion and the majority have protocols for heat illness and sickle cell trait. Many institutions must develop or make evident guidelines for rhabdomyolysis, asthma, and return-to-play. Since the law became effective on July 1 and institutions had to submit information to USM for this report weeks later, institutions did not have sufficient time to develop the procedures they are missing. However, staff to the Committee on Intercollegiate Athletics and Student-Athlete Health and Welfare have reminded the institutions of this requirement and will monitor and support institutions’ development of the necessary guidelines and protocols. Updates will be reported in the University System of Maryland’s 2022 Jordan McNair Safe and Play Act Report.

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Chapter 138

(Senate Bill 439)

AN ACT concerning

**Public Institutions of Higher Education – Student Athletes
(Jordan McNair Safe and Fair Play Act)**

FOR the purpose of ~~requiring certain public institutions of higher education to provide certain scholarships to student athletes until certain conditions are met; authorizing a public institution of higher education to expand certain scholarships under certain circumstances; requiring an athletic program to renew an athletic scholarship under certain circumstances; providing for the duration of a scholarship if a student athlete takes a leave of absence; requiring an athletic program to provide an equivalent scholarship to a student athlete who has exhausted athletic eligibility under certain circumstances; prohibiting a certain student athlete from receiving certain benefits; providing for a certain student athlete's right to appeal a certain decision in certain circumstances; requiring each athletic program to conduct a financial and life skills workshop for certain student athletes; specifying required and prohibited content for the workshop; requiring a public institution of higher education to grant student athletes the same rights as other students in certain circumstances; specifying required and prohibited actions for an athletic program when a student athlete is in the process of transferring to another institution; requiring an athletic program to pay certain premiums and insurance deductibles for certain student athletes under certain circumstances; requiring an athletic program to make certain payments on a certain student athlete's behalf in certain circumstances; requiring an athletic program to adopt and implement certain guidelines; requiring athletic programs to monitor certain compliance with federal law and periodically report certain evaluations; requiring a public institution of higher education to designate a certain employee for a certain purpose; providing for the suspension protocols of an athletic director who remains in violation of a certain federal law for a certain period of time; providing for the content of a certain required notice regarding the rights of student athletes; requiring the notice to be conspicuously posted; requiring a public institution of higher education to provide certain health information to student athletes; providing that certain provisions may not be construed to limit the authority of a public institution of higher education under certain circumstances; prohibiting a public institution of higher education from taking certain actions related to student athletes;~~ declaring certain findings of the General Assembly; requiring certain athletic programs to adopt certain guidelines and protocols; requiring the University System of Maryland Intercollegiate Athletics Workgroup, Morgan State University, and St. Mary's College of Maryland each to submit a report on certain policy changes to the General Assembly on or before a certain date each year; prohibiting a public institution of higher education from taking certain actions related to student athletes; prohibiting certain groups or organizations with authority over intercollegiate athletics from preventing a certain student athlete from participating in intercollegiate athletics under certain circumstances;

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~~(II) TESTIFYING OR OTHERWISE ASSISTING IN ANY INVESTIGATION INTO VIOLATIONS OF THE RIGHTS GRANTED TO STUDENT ATHLETES UNDER ANY APPLICABLE STATUTE, REGULATION, OR POLICY; OR~~

~~(III) OPPOSING ANY PRACTICES THAT A STUDENT ATHLETE BELIEVES ARE A VIOLATION OF THE RIGHTS GRANTED TO STUDENT ATHLETES UNDER ANY APPLICABLE STATUTE, REGULATION, OR POLICY.~~

~~(4) THIS SUBSECTION MAY NOT BE CONSTRUED TO RESTRICT THE AUTHORITY OF AN INSTITUTION OF HIGHER EDUCATION TO IMPOSE INTERIM MEASURES OR, AFTER A FINDING OF RESPONSIBILITY, PERMANENT CONSEQUENCES ON A STUDENT ATHLETE WHO HAS BEEN ACCUSED OF SEXUAL HARASSMENT OR VIOLENCE.~~

~~15-127.~~

15-128.

(A) IN THIS SECTION, "ATHLETIC PROGRAM" MEANS ANY INTERCOLLEGIATE ATHLETIC PROGRAM AT A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE.

(B) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(1) MEETING THE EDUCATIONAL NEEDS OF STUDENT ATHLETES SHOULD BE THE PRIORITY FOR INTERCOLLEGIATE ATHLETIC PROGRAMS IN THE STATE; AND

(2) PROVIDING ADEQUATE HEALTH AND SAFETY PROTECTIONS FOR STUDENT ATHLETES CAN HELP PREVENT SERIOUS INJURY AND DEATH.

(C) AN ATHLETIC PROGRAM SHALL ADOPT AND IMPLEMENT:

(1) GUIDELINES TO PREVENT, ASSESS, AND TREAT SERIOUS SPORTS-RELATED CONDITIONS, INCLUDING:

(I) BRAIN INJURY;

(II) HEAT ILLNESS; AND

(III) RHABDOMYOLYSIS;

(2) EXERCISE AND SUPERVISION GUIDELINES FOR ANY STUDENT ATHLETE WHO PARTICIPATES IN AN ATHLETIC PROGRAM AND IS IDENTIFIED WITH POTENTIAL LIFE-THREATENING HEALTH CONDITIONS, INCLUDING:

(i) SICKLE CELL TRAIT; AND

(ii) ASTHMA; AND

(3) RETURN-TO-PLAY PROTOCOLS FOR ATHLETES WHO EXPERIENCE INJURY OR ILLNESS DURING PRACTICE OR PLAY.

(D) (1) ON OR BEFORE OCTOBER 1, 2021, AND EACH OCTOBER 1 THEREAFTER, THE UNIVERSITY SYSTEM OF MARYLAND INTERCOLLEGIATE ATHLETICS WORKGROUP SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON STUDENT ATHLETES IN THE UNIVERSITY SYSTEM OF MARYLAND, INCLUDING ANY STUDENT ATHLETE POLICY CHANGES AT EACH INSTITUTION RELATED TO THE HEALTH AND SAFETY OF STUDENT ATHLETES.

(2) ON OR BEFORE OCTOBER 1, 2021, AND EACH OCTOBER 1 THEREAFTER, MORGAN STATE UNIVERSITY AND ST. MARY'S COLLEGE OF MARYLAND SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON STUDENT ATHLETES AT EACH INSTITUTION, INCLUDING ANY STUDENT ATHLETE POLICY CHANGES AT EACH INSTITUTION RELATED TO THE HEALTH AND SAFETY OF STUDENT ATHLETES.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

15-129.

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

(2) “PUBLIC INSTITUTION OF HIGHER EDUCATION” MEANS:

(i) THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY SYSTEM OF MARYLAND; AND

(ii) MORGAN STATE UNIVERSITY.