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New Law Gives Student-Athletes Mandatory Whistleblower Protections

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In the aftermath of concerns on student-athlete safety following the death of a Maryland football player during conditioning drills last year, [new legislation](#) takes aim by providing protections on the right of college athletes to report concerns outside of the athletic department. Under this new legislation, which was signed into law in Maryland earlier this week, each university with an athletics program must establish and maintain a compliance policy to address student concerns on athletic programs and activities. Universities are required to develop these policies by no later than October 1, 2019.

Under the law's requirements, the mandatory written policy of each school must include a process by which students can share concerns on athletic programs and activities with university administration, including "senior officials within the administration who are not directly involved with the management of athletic programs or activities". The reporting process must allow students to report such information confidentially and prohibits retaliation or discrimination against students reporting information.

Universities are further required to disclose to the Maryland Higher Education Commission any changes to their policy, as well as annual reporting of the number of students who shared concerns each year. Although the law is clearly designed to target student-athlete safety, it is interesting to note that the retaliation/discrimination protections do not distinguish student-athletes from students not participating in athletics for purposes of reporting information.

Since other states have shown an interest in the Maryland legislation, it will be key to monitor whether similar laws are passed in other jurisdictions. However, as a best practice, all universities with athletic programs should proactively plan as though such obligations will be mandatory in the near future.

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