

## USM Bylaws, Policies and Procedures of the Board of Regents

---

### VII – 2.30 – POLICY ON EMPLOYEE AND APPLICANT DISCLOSURE OF MISCONDUCT FOR NONEXEMPT AND EXEMPT STAFF EMPLOYEES AND APPLICANTS FOR USM STAFF POSITIONS

(Approved by the Board of Regents, December 13, 1996; Amended February 21, 2003; Amended October 9, 2015)

#### I. PURPOSE AND APPLICABILITY

The purpose of this policy is to set forth the University System of Maryland (USM) policy on employee and applicant disclosure of misconduct, and to protect employees and applicants from retaliation in the form of an adverse personnel action for disclosing what the employee or applicant believes evidences certain unlawful, wasteful or hazardous practices. This policy is applicable to all Nonexempt and Exempt Staff employees of the USM and to applicants for USM jobs in these categories

#### II. DEFINITIONS

The following terms and definitions shall apply for purposes of this policy:

**“Applicant”** - Means any USM or other state of Maryland employee or any external individual who is an applicant for a USM job.

**“Adverse Personnel Action”** - means any such actions as: a disciplinary suspension; a decision not to promote; a decision not to grant a salary increase; a decision not to hire; a termination; an involuntary demotion; rejection during probation; a performance evaluation in which the employee's performance is generally evaluated as unsatisfactory; an involuntary resignation; an involuntary retirement; an involuntary reassignment to a position with demonstrably less responsibility or status as the one held prior to the reassignment; or an unfavorable change in the general terms and conditions of employment.

#### III. STATEMENT OF POLICY

- A. It is the policy of the University System of Maryland that any Nonexempt or Exempt Staff employee or applicant may,

## USM Bylaws, Policies and Procedures of the Board of Regents

---

3. A violation of law.
  - B. A representative of the USM shall not take any adverse personnel action as retaliation against an employee or applicant who discloses information regarding misconduct under this policy or who, following such disclosure, seeks a remedy provided und

## USM Bylaws, Policies and Procedures of the Board of Regents

---

- B. The employee may choose to file the complaint either:
1. As a grievance filed with the institution and subject to the requirements and procedures of Title 13 of the Annotated Code of Maryland and USM Policy VII – 8.00 Policy on Grievances for Nonexempt and Exempt Staff Employees, or
  2. A complaint under the Maryland Whistleblower law, filed with the Secretary of the Department of Budget and Management and subject to the requirements and procedures of the State Personnel and Pensions Article, Title 5, Subtitle 3.

### **VI. DISCIPLINARY ACTION AGAINST THOSE RESPONSIBLE FOR THE RETALIATION**

If it is determined that an employee or applicant has been retaliated against for his/her prior disclosure of misconduct, appropriate disciplinary action shall be initiated against those responsible for the retaliation.

### **IMPLEMENTATION PROCEDURE:**

Each President shall identify his/her designee(s) as appropriate for this policy, develop procedures as necessary to implement this policy, communicate this policy and applicable procedures to his/her institutional community, and post it on its institutional website.

### **REFERENCES:**

State Personnel and Pensions Article, Section 5-302 and 5-307, October 1, 2002.