

UNIVERSITY OF MARYLAND WHISTLEBLOWER POLICY ON REPORTING FISCAL IRREGULARITIES, ILLEGAL ACTIVITY, AND VIOLATIONS OF POLICY

UM Policy VIII-7.11(B)

Effective Date: June 1, 2011

I. Purpose and Scope of Policy

The University of Maryland, Baltimore (“UM”) encourages its employees, students, and the public to report serious issues of suspected or known fiscal irregularities, illegal activity, and violations of policy by UM and by its administrative and academic officers, faculty, employees, fellows, students and volunteers (collectively, “UM Personnel”). UM operates a UM Hotline to provide a means for such reports to be made. The UM Hotline may be accessed by telephone or the internet. Reporters, or whistleblowers, may remain anonymous, may request that their identity not be disclosed to those who are the subjects of reports, or may identify themselves.

The UM Hotline may be used by any person among UM Personnel or any person in the public who interacts with UM; for example, a contractor, an applicant for employment, a clinic patient, or a campus visitor may use the UM Hotline.

The UM Hotline is not intended to replace normal channels for UM Personnel and the public to make suggestions for improvement of UM business practices or academic programs, or to resolve errors or omissions in the performance of UM Personnel. In an academic community, resolution of issues through open dialog is a preferred means of addressing issues. UM recognizes that an alternative process may be required in some cases, and may be the most efficient means for some UM Personnel and the public to communicate with UM concerning serious problems. The UM Hotline should not be used to report emergencies that may affect safety of persons or property. The UM Police Department is the appropriate contact for emergencies.

This Policy is a UM implementing Policy for reports under the UM Code of Ethics and Conduct, the University System of Maryland Policy on the Communication of Suspected Fraud, Unethical and Illegal Business Activity, and the University System of Maryland Policy on Reporting Suspected or Known Fiscal Irregularities. This Policy is a whistleblower policy as required by federal regulations as a result of UM's status as a major federal contractor. Reports of improper use or diversion of federal funds, especially federal grants and contracts, are strongly encouraged.

II. Procedures to Implement this Policy

The UM Hotline will be broadly publicized through appropriate communications with UM Personnel and by postings on appropriate UM websites accessible to UM Personnel and to the public. The University has issued procedures ("Report Procedures") that will be followed for making reports to the UM Hotline, evaluating reports to determine whether they fall under this Policy, investigating reports that fall under this Policy, protecting reporters from reprisals, and making appropriate referrals of issues for investigation (for example, referrals to existing campus resources, USM auditors, the State Ethics Commission, federal agencies, and law enforcement agencies).

III. Making Reports

UM encourages members of UM Personnel and the public, to follow this Policy and the Report Procedures to report known or reasonably suspected serious fiscal irregularities, violations of law and regulation, serious departures from University policy, and other matters under the scope of this Policy. Generally, a report under this Policy should follow efforts to resolve issues through normal channels of communication within UM. However, such efforts are not a precondition for a report. Uncertainty about the best means to make a report of a serious concern should not delay or prevent use of the UM Hotline to bring the concern to UM's attention.

A report should provide information and, when possible and lawful, documents or data to support the allegations in the report.

This Policy and the UM Hotline are not intended to replace existing reporting procedures of UM for matters such as employment-related complaints, including complaints of discrimination; sexual and other unlawful harassment; student

academic and residential life problems; health and safety hazards; criminal activity (other than emergencies); and violations of policies relating to research. Activity reportable under those procedures may be reported through the UM Hotline at the discretion of the reporter.

The UM Hotline does not replace the USM Fraud Hotline for reporting fraud, theft and other suspected unethical or illegal business activity, under the USM Policy on the Communication of Suspected Fraud, Unethical and Illegal Business Activity (USM Policy VIII-7.11). A person considering a report to the USM Fraud Hotline may choose to report instead to the UM Hotline, or may report to both hotlines. UM will work cooperatively with USM when such reports come through the UM Hotline.

The UM Hotline does not replace the USM Policy on Reporting Suspected or Known Fiscal Irregularities (USM Policy VIII-7.10). In accordance with that Policy, persons who suspect financial misconduct may initially report suspicion to the Internal Audit Office of USM for investigation. The UM Hotline is an additional means of making those reports.

THE UM HOTLINE IS NOT INTENDED FOR REPORTS TO MANAGEMENT OF THE UNIVERSITY OF MARYLAND MEDICAL CENTER, UNIVERSITY OF MARYLAND FACULTY PHYSICIANS, INC., THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM, OR ANY INSTITUTION IN THE UNIVERSITY SYSTEM OF MARYLAND OTHER THAN THE UNIVERSITY OF MARYLAND, BALTIMORE. SEE THE UMB PROCEDURES, APPENDIX I, FOR MORE INFORMATION REGARDING CONTACTING THESE ORGANIZATIONS TO MAKE REPORTS TO THEM.

IV. Anonymity and Confidentiality

UM encourages direct and open discussion of issues between and among its management, staff, faculty, and students. A person may seek to report concern about a serious matter on a confidential basis (so that the reporter's identity is not disclosed to the persons whose actions are the subject of the report) or to report anonymously (so that UM itself does not know the reporter's identity). The Report Procedures will address these concerns. The UM Hotline will be operated in a manner that allows dialog between UM and an anonymous reporter without identification of the reporter to UM management.

To the extent practical, consistent with UM's responsibility to investigate reports and resolve issues cited in reports, the confidentiality or anonymity of a reporter will be protected if that is the reporter's preference. It is possible that a person whose actions are being investigated will be able to identify a reporter as a result of the investigation. UM therefore cannot guarantee confidentiality or anonymity of a reporter.

V. Recording, Evaluating and Investigating Reports

The Chief Accountability Officer will designate a UM report monitor who will record all reports received by UM through the UM Hotline and track the actions taken by UM or other entities to evaluate reports, investigate the reports that fall under this Policy, and resolve any confirmed issues brought to UM's attention through reports under this Policy.

Each report will be evaluated to determine whether it falls under this Policy. If it is determined that a report does not fall under this Policy, the reporter will be notified, if possible. If a report falls under this Policy, the reporter will be advised, if possible, that the report is under review. The Report Procedures will be followed to investigate the report.

VI. Protection Against Reprisal Actions

Reporters who use the UM Hotline consistent with this Policy will be protected against reprisal actions. A reprisal action is a disciplinary or other adverse action against a member of UM Personnel that is taken solely in response to making a report under this Policy. An action that has a basis under law and policy is not a reprisal action. An action is not presumed to be a reprisal action because it is taken after a report is received, regardless of the merits of the report.

The Report Procedures will address means to file allegations of reprisal actions. Allegations of reprisal actions that are made in accordance with the Report Procedures will be thoroughly investigated.

Supervisors, faculty and administrators responsible for actions will be disciplined. A reprisal action will be reversed or rescinded to the extent practicable, and appropriate action will be taken to eliminate or mitigate any damage to the reputation or position of the reporter.

Protection against reprisal actions does not shield a reporter from an adverse action, such as an employment decision or academic evaluation, that would have been taken, consistent with policy and law, regardless of a report being made by the reporter.

A reporter who is a UM employee may be able to report reprisal as provided in the Maryland Whistleblower Law, in addition to reporting reprisal action under the Report Procedures. Details of the Maryland Whistleblower Law are beyond the scope of this Policy and the Report Procedures.

VII. Cautions to Reporters

It is important that reporters be free to disclose known or reasonably suspected serious violations of law and policy. A person considering whether to make a UM Hotline report must bear in mind that making a report is a serious matter which should be undertaken responsibly. False, malicious, and unfounded reports, and reports relating to trivial concerns, can result in harm to UM, to persons accused of wrongdoing, and to the reporter.

Making frivolous, malicious or knowingly baseless reports is a violation of this Policy and will be disciplined.

Persons who access information or documents in violation of law or policy, and use the information or documents in a UM Hotline report or disclose the information or documents in a manner that violates law or policy, are not protected from discipline or prosecution for their wrongful actions.

This Policy and related laws do not protect reporters from civil suits against them for defamation, libel, invasion of privacy, or other causes of action.

APPROVED by President 8/10/2012