

**SUMMARY OF UMD GUIDANCE  
for the Communication of Suspected Unethical or Illegal  
Conduct (Whistleblower Protections)**

Whistleblower Complaints

The University of Maryland, College Park (UMD or the University) has a responsibility to ensure that its employees act ethically and in compliance with the law. If you suspect that a University employee or contractor is engaged in improper or illegal conduct, the University policies and procedures encourage individuals to report this behavior and protect you from retaliation. The term “whistleblower” is used here to describe an individual who has reported in good faith actual or suspected improper or illegal conduct. The State of Maryland’s Whistleblower Law protects employees who make good faith reports about abuse of authority, gross mismanagement or waste, substantial and specific dangers to public health and safety, or violations of law. Maryland’s Whistleblower Law applies to all State employees.

Federal Grants & Contracts

Employees who work on Federal Government grants, contracts, cooperative agreements, or other awards (together, “Federal Awards”) may report complaints of actual or suspected misconduct to a variety of Federal employees and are protected from discharge, demotion, or other forms of discrimination or retaliation. (Employees who do not work on Federal Awards are also protected from retaliation and may report complaints to a variety of University and State of Maryland employees.)

UMD Guidance

The following UMD Guidance is necessary to comply with federal whistleblower protections. It sets forth the University’s guidelines and procedures related to filing a complaint of suspected or actual illegal or unethical conduct and complaints of retaliation for good faith reporting.

**UMD GUIDANCE**  
**for the Communication of Suspected Unethical or Illegal Conduct**  
**(Whistleblower Protections)**

- I. Purpose. The purpose of this guidance is to expand existing University System of Maryland (USM) and UMD procedures on the reporting of actual or suspected misconduct and protection from retaliation for such reporting, and to establish compliance with federal laws and regulations, including but not limited to:
- Maryland Code Annotated, State Personnel and Pensions Article, §§ 5-301 *et. seq.*, Maryland whistleblower law for executive branch state employees;
  - Maryland Code Annotated, Education Article, Sections 13-201 *et seq.*, additional whistleblower protections for employees of the University System of Maryland;
  - State of Maryland Executive Order 01.01.2015.08 Standards of Conduct for Executive Branch Employees and Reporting of Misconduct
  - USM Policy on Reporting Suspected or Known Fiscal Irregularities VIII-7.10 <https://www.usmd.edu/regents/bylaws/SectionVIII/VIII710.pdf>
  - UMD Procedures on Reporting Suspected or Known Fiscal Irregularities VIII-7.10(a)
  - <https://policies.umd.edu/fiscal-and-business-affairs/university-of-maryland-procedures-on-reporting-suspected-or-known-fiscal-irregularities>
  - 7 USC § 2131 *et. seq.*, Animal Welfare Act;
  - 10 USC § 2409, Contractor employees: protection from reprisal for disclosure of certain information;
  - 41 USC § 4712, Pilot program for enhancement of contractor protection from reprisal for disclosure of certain information;
  - 42 USC § 289b, Office of Research Integrity;
  - 42 CFR Part 93, Public Health Service Policies on Research Misconduct;
  - 45 CFR 689, Research Misconduct [National Science Foundation];
  - 9 CFR, Subchapter A, Animal welfare regulations;
  - 22 CFR Parts 120-130 International Traffic in Arms Regulations and 15 CFR Parts 734-774 Export Administration Regulations, collectively “export regulations”;
  - 48 CFR 52.203-17, Contractor employee whistleblower rights and requirement to inform employees of whistleblower rights; and
  - 48 CFR 252.203-7002, Requirement to inform employees of whistleblower rights.
- II. Definitions.
- a. **Anonymous reporting** – A method of making a good faith disclosure while withholding the identity of the Reporting Individual.
  - b. **Fraud** – Any act or instance of conscious deception made for personal gain. Fraud includes, but is not limited to, theft, embezzlement, improper reporting of time, illegal payments, misuse of University resources, and inappropriate communication of confidential information (*e.g.*, social security number, protected health information, confidential financial information).

- c. **Fraud Hotline** – Mechanisms to report potential fraud or ethical concerns. Hotlines exist at the Federal, State, University System and University levels.
- d. **Good Faith Disclosure** – Any communication or report about actual or suspected misconduct based upon a reasonable belief that the conduct has both occurred and is wrongful under applicable law, regulation, University policy, and/or ethical and professional standards. Good faith disclosures do not disregard facts that would refute the disclosure and are not based upon bias, malice, or other ill intent.
- e. **Misconduct** – Any act that violates a law, regulation, University policy, or ethical/professional standard.
- f. **Reporting Individual** – Any employee, student, volunteer, agent, contractor, or other person who reports a concern regarding improper conduct or other matters that compromise the working environment. Also known as a whistleblower.
- g. **Retaliation** – An adverse action or threat taken against an individual in response to a good faith complaint of a known or suspected violation of law, policy, ethical standards, or professional standards, or against an individual who assists, testifies, cooperates, or participates in good faith in the University’s assessment, investigation or resolution of a concern regarding improper conduct known or suspected violation of law, policy, ethical standards, or professional standards.
- h. **University Community Member** – UMD faculty, staff, affiliates, students, and contractors.
- i. **Witness** – Any person who sees or has direct knowledge of an event or other matters that compromise the working environment, and/or any person with direct or expert knowledge who assists, testifies, cooperates, or participates in good faith in the University’s assessment, investigation, or resolution of a concern regarding improper conduct or other matters that compromise the working environment.

### III. Statement of Guidance.

- a. Compliance & Reporting. The University must adhere to all applicable laws, regulations, award terms, and policies of sponsored funding agencies; the purpose of this guidance is to support the University’s goal of legal compliance. The support of all University community members is necessary to achieve compliance with various laws and regulations. The University has financial and operational controls in place to provide reasonable assurance that it can detect and prevent fraudulent, illegal, or unethical activity on the part of University faculty, staff, affiliates, officers, students, or business contacts, but the potential for inappropriate transactions and behavior still exists within the University, as it does within any organization.

All members of the University community are expected to report any potential misconduct. Potential misconduct includes but is not limited to:

- i. Illegal acts, such as corruption, bribery, theft, or misuse of University property;
- ii. Fraudulent claims, fraud, coercion, willful neglect of official duties, or economic waste;

- iii. Gross misconduct, incompetence, or inefficiency by University community members;
  - iv. Any condition that may significantly threaten the health and/or safety of University community members and the public; and
  - v. Research misconduct (fabrication, falsification, or plagiarism) and other forms of noncompliance with federal, state, or University requirements affecting research, including conflicts of interest and the mishandling of laboratory animals.
- b. Retaliation. The University will not tolerate any retaliatory actions against any Reporting Individual for making a good faith report of potential misconduct or against any Witness cooperating in good faith in the assessment or investigation of such a report. Any Reporting Individual or Witness, who, in good faith, reports or cooperates in a suspected or actual violation of law, regulation, university policy or procedure, or ethical or professional standards will be protected from retaliation as a result of such reporting regardless of whether a violation is found to have occurred. No member of the University community shall discharge, demote, suspend, threaten, harass, or discriminate against a Reporting Individual for reporting what they sincerely believe to be a serious actual or suspected violation or unethical act. This protection extends to any Witness cooperating in good faith in relation to an assessment or investigation of a report by a Reporting Individual.

#### IV. Procedures.

- a. Reporting a Claim of Suspected or Actual Misconduct. Except in cases of (i) suspected sexual harassment and other sexual misconduct, which must be reported to UMD's Office of Civil Rights and Sexual Misconduct, (ii) suspected research misconduct (fabrication, falsification, or plagiarism), which must be reported to UMD's Research Integrity Officer (RIO), or (iii) imminent threats of danger to individuals or property, which must be reported to UMPD, the preferred method of reporting any issue of concern is for the Reporting Individual to utilize the UMD Compliance reporting system. The Reporting Individual may choose to report the matter to a supervisor (unless the supervisor is involved in the suspected misconduct), a department manager, Human Resources – Staff Relations, the USM hotline, or one of the individuals or offices listed in Appendix A, Reporting Resources.

The USM hotline is available at <http://www.usmd.edu/usm/IAO/ReportFraud/index.php> or 877-330-2320.

The UMD Ethics, Integrity and Compliance reporting system is available at [compliance.umd.edu](http://compliance.umd.edu).

The Office of Civil Rights and Misconduct (for sexual misconduct reporting and discrimination as prescribed under Title VI) is available at <https://ocrsm.umd.edu/>.

The Research Integrity Officer (for research misconduct reporting) is available at [rio@umd.edu](mailto:rio@umd.edu) or 301-405-6803.

The University of Maryland Police Department is available at <https://www.umpd.umd.edu> or by calling 911 or 301-405-3333.

A report should be filed as soon as possible from the date on which the Reporting Individual has knowledge of the suspected or actual misconduct, except where other time periods are indicated by state or federal law or University policy.

Upon receiving a report of suspected or actual misconduct, the University will provide fair and objective procedures for examining and resolving complaints, disputes, and allegations of misconduct.

- b. Anonymous Reporting. Currently, Reporting Individuals who wish to remain anonymous may use the USM hotline, or the UMD Compliance reporting system.

Anonymous Reporting Individuals should provide as much information as possible to support a review. Anonymous allegations may be made; however, the inability to seek additional information from an anonymous complainant can impede the progress of the process to review the allegations.

- c. Reporting a Claim of Retaliation. Reporting Individuals and Witnesses who believe they have experienced retaliation are encouraged to submit a Complaint of Retaliation to Human Resources (or, in the case of an allegation of research misconduct, to the institution's Research Integrity Officer). The complaint should be filed as soon as possible and within 30 days of any alleged act or threat of retaliation, except where other time periods are indicated by state or federal law or University policy.

- V. Specific Rights under Maryland's Whistleblower Law. Employees of the Executive Branch of the State of Maryland, including a unit with an independent personnel system, may report suspected or actual misconduct to a supervisor, appointing authority, or head of a principal unit who is in a position to correct the misconduct, as well as the Office of the Attorney General. If an employee believes they have experienced retaliation, the employee may file a claim with the Office of the Statewide EEO Coordinator within six months after the employee knew of or reasonably should have known of the retaliation.

- VI. Specific Rights under Federal Grants and Contracts. Organizations that enter into grants, contracts, and other agreements with the Federal Government are required to inform employees who work on these agreements of specific whistleblower rights and protections and must flow these protections down to all subcontractors.

- a. Specific Violations. University employees and subcontractors are entitled to report information that they reasonably believe to be evidence of any of the following:

- i. Gross mismanagement of a federal contract;
  - ii. Gross waste of federal funds;
  - iii. Abuse of authority relating to a federal contract (any arbitrary or capricious exercise of authority that is inconsistent with the mission of the University or the successful performance of a federal grant, contract, or other agreement);
  - iv. Substantial and specific danger to public health or safety;
  - v. Violation of a law, rule, or regulation related to a federal grant, contract, or other agreement, including competition for and negotiation of said agreement; or
  - vi. Research misconduct (fabrication, falsification, or plagiarism).
- b. Entities to Whom Disclosure May be Made. A Reporting Individual concerned about the violations listed in Section VI(a) may disclose evidence to any of the following entities:
- i. A management official or other employee of the University or subcontractor who has the responsibility to investigate, discover, or address misconduct;
  - ii. A member of Congress or a representative of a committee of Congress;
  - iii. An inspector general;
  - iv. The U.S. Government Accountability Office;
  - v. A federal employee responsible for contract oversight or management at the relevant agency;
  - vi. An authorized official of the U.S. Department of Justice or other law enforcement agency; and
  - vii. A court or grant jury.

## APENDIX A – Reporting Resources

Subject	Contact	Telephone	URL
Animal Welfare	IACUC	301-405-5037	<a href="http://www.umresearch.umd.edu/IACUC">http://www.umresearch.umd.edu/IACUC</a>
	System Hotline	877-330-2320	<a href="http://www.usmd.edu/usm/IAO/ReportFraud">http://www.usmd.edu/usm/IAO/ReportFraud</a>
Anonymous Reporting	UMD Compliance reporting system	844-607-1491	<a href="https://compliance.umd.edu">https://compliance.umd.edu</a>
	OLA	877-FRAUD-11	<a href="https://www.ola.state.md.us/fraud/ola-fraud-hotline/">https://www.ola.state.md.us/fraud/ola-fraud-hotline/</a>
Athletics	Director of Compliance	301-314-1349	<a href="https://umterps.com/sports/2018/6/19/compliance-corner.aspx?path=compliance">https://umterps.com/sports/2018/6/19/compliance-corner.aspx?path=compliance</a>
Conflict of Interest	COI Administrator	301-405-1459	<a href="https://research.umd.edu/coi">https://research.umd.edu/coi</a>
Criminal matters	University Police	301-405-3333	<a href="http://www.umpd.umd.edu">http://www.umpd.umd.edu</a>
Discrimination & Harassment	Title IX Coordinator	301-405-1142	<a href="https://www.ocrsm.umd.edu/">https://www.ocrsm.umd.edu/</a>
Employment Matters	Human Resources	301-405-0001	<a href="https://uhr.umd.edu/staff-relations/">https://uhr.umd.edu/staff-relations/</a>
Export Compliance	ECO Office	301-405-6499	<a href="https://research.umd.edu/eco">https://research.umd.edu/eco</a>
Financial Matters	Controller	301-405-2584	<a href="https://finance.umd.edu/">https://finance.umd.edu/</a>
Health & Safety	Department of Environmental Safety, Sustainability and Risk (ESSR)	301-405-3960	<a href="http://essr.umd.edu">essr.umd.edu</a>
Human Subjects	Institutional Review Board	301-405-0678	<a href="https://research.umd.edu/irb">https://research.umd.edu/irb</a>
Research Misconduct	Research Integrity Officer	301-405-6803	<a href="mailto:rio@umd.edu">rio@umd.edu</a> ; <a href="https://faculty.umd.edu/research-integrity/research-misconduct">https://faculty.umd.edu/research-integrity/research-misconduct</a>