

ST. MARY'S COLLEGE OF MARYLAND WHISTLEBLOWER POLICY ON REPORTING FISCAL IRREGULARITIES, ILLEGAL ACTIVITY, AND VIOLATIONS OF POLICY

Effective Date: February 25, 2012; Revised April 17, 2014

I. Purpose and Scope of Policy

St. Mary's College of Maryland ("SMCM") encourages its employees, students, and the public to report serious issues of suspected or known fiscal irregularities, illegal activity, and violations of policy by SMCM and by its administrative and academic officers, faculty, employees, fellows, students and volunteers (collectively, "SMCM Personnel"). SMCM in coordination with this policy has established a SMCM Hotline to provide a means for such reports to be made. The SMCM 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 SMCM Hotline may be used by any person among SMCM Personnel or any person in the public who interacts with SMCM; for example, a contractor, an applicant for employment or a campus visitor may use the SMCM Hotline.

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

Reports of improper use or diversion of federal funds, especially federal grants and contracts, are strongly encouraged.

II. Procedures to Implement this Policy

The SMCM Hotline will be broadly publicized through appropriate communications with SMCM Personnel and by postings on appropriate SMCM websites accessible to SMCM Personnel and to the public. The Assistant Attorney General for SMCM in coordination with the President will issue procedures ("Report Procedures") that will be followed for making reports to the SMCM 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, the State Ethics Commission, federal agencies, and law enforcement agencies).

Making Reports

SMCM encourages members of SMCM 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 College 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 SMCM. 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 SMCM Hotline to bring the concern to SMCM's attention.

The SMCM HOTLINE is 855-481-6236 and the WEBSITE is <https://secure.ethicspoint.com/domain/media/en/gui/34166/index.html>

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

This Policy and the SMCM Hotline are not intended to replace existing reporting procedures of SMCM 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 SMCM Hotline at the discretion of the reporter.

THE SMCM HOTLINE IS NOT INTENDED FOR REPORTS TO ANY OTHER COLLEGE, AGENCY OR INSTITUTION OTHER THAN ST.MARY'S COLLEGE OF MARYLAND.

III. Anonymity and Confidentiality

SMCM 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 SMCM itself does not know the reporter's identity). The Report Procedures will address these concerns. The SMCM Hotline will be operated in a manner that allows dialog between SMCM and an anonymous reporter without identification of the reporter to SMCM management.

To the extent practical, consistent with SMCM'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. SMCM therefore cannot guarantee confidentiality or anonymity of a reporter.

IV. Recording, Evaluating and Investigating Reports

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

V. Protection Against Reprisal Actions

Reporters who use the SMCM 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 SMCM 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 SMCM 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.

VI. 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 SMCM 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 SMCM, 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 SMCM 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.