

VII-8.05 – POLICY ON PROFESSIONAL CONDUCT AND WORKPLACE BULLYING

(Approved by the Board of Regents on October 9, 2015; Amended June 16, 2017; Amended June 17, 2021)

I. PURPOSE AND APPLICABILITY

This policy establishes expectations for the conduct of Regular and Contingent Nonexempt and Exempt staff employees. Failure to comply with these expectations may result in disciplinary action.

II. GENERAL STANDARDS OF CONDUCT

- A. Employees shall exhibit exemplary conduct and use honest efforts in the performance of their duties.
- B. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Institution or the University System of Maryland Office (USMO).
- C. Employees shall act impartially and not give preferential treatment to any private organization or individual.
- D. Employees shall protect and conserve State property and shall not use it for other than authorized activities.
- E. Employees shall satisfy in good faith their civic and legal obligations including federal, state, or local taxes that are imposed by law.
- F. Employees shall adhere to all applicable laws and regulations that provide equal opportunity regardless of race, ethnicity, color, religion, sex, national origin, age, disability, gender identity or expression, sexual orientation, marital status, genetic information, veteran's status or any other applicable legally- protected characteristic.
- G. Employees shall conduct intra-agency and interagency relations with civility, collaboration, and cooperation. These same principles shall apply to interactions with officials and employees of the legislative and judicial branches.

III. CONFLICTS OF INTEREST

Consistent with Maryland Public Ethics Laws, Annotated Code of Maryland, General Provisions Article, Title 5:

- A. Employees shall not hold financial interests that conflict with the

conscientious performance of their duties.

- B. Employees shall not, except as permitted by applicable law or regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by their Institution, another University System of Maryland (USM) Institution, or the USMO, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
- C. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
- D. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, which conflict with the duties and responsibilities of their position.
- E. Employees shall endeavor to avoid any actions creating the appearance of any impropriety or violating applicable law or the ethical standards in applicable regulations.
- F. Upon leaving State service, USM employees shall be bound by the restrictions of the Annotated Code of Maryland, General Provisions Article, Section 5-504, with respect to lobbying and other forms of representation.
- G. Each Institution and the USMO shall provide training regarding all applicable provisions of the Maryland Public Ethics Law to all staff and administrators appointed at the level of director or above within six months of such appointment and at least once every five years. Online training provided by the Maryland State Ethics Commission for individuals who file financial disclosure statements may be substituted for the initial training required under this policy.

IV. BULLYING IN THE WORKPLACE OR IN THE COURSE OF EMPLOYMENT

Employees shall not intentionally engage in persistent, severe, or pervasive behavior toward another employee that a reasonable employee would find malicious, degrading, intimidating, or threatening.

Below are examples of conduct that would be considered bullying when this standard is met. A manager's legitimate, justified conduct related to supervising a subordinate shall not be considered bullying.

USM Bylaws, Policies and Procedures of the Board of Regents

- A. Employees shall treat others with dignity, respect and professionalism and shall not promote or create working environments that foster workplace bullying.
- B. Employees shall not personally attack or insult an individual through angry outbursts, repeated use of profanity, name-calling, or offensive nicknames.
- C. Employees shall not publicly humiliate other individuals.
- D. Employees shall not encourage other individuals to ostracize another individual.
- E. Employees shall not sabotage, undermine or intentionally interfere with the work of another individual, including knowingly making false statements about another employee's performance of their duties.
- F. Employees shall not make threats to abuse another individual or an individual's property or intentionally cause harm or damage to that property.
- G. Employees shall not make repeated threats about an individual's job security without a valid basis or foundation for doing so. Employees shall not repeatedly taunt another employee about their job performance or job security.
- H. Employees shall not engage in "cyberbullying." Cyberbullying includes sending, posting, or sharing defamatory or threatening content or engaging in unlawful harassment, which targets another employee via social media or through the use of digital devices. This includes publicly sharing via social media or digital devices private information about another employee, obtained through employment, to cause harm, humiliation, and/or embarrassment to that employee.
- I. The following examples shall not be considered bullying behavior:
 - 1. Disciplinary action taken in accordance with applicable law or policy;
 - 2. Routine employee coaching or counseling, including feedback about and correction of work performance or conduct;
 - 3. Exercising management's prerogative to appoint, promote, transfer, or reassign an employee, to direct or assign work, and to determine the methods and means by which the unit's functions will be carried out;
 - 4. Individual differences in style of personal expression, provided that the expression is not intended to intimidate; and
 - 5. Differences of opinion on work-related concerns.

V. POLITICAL ACTIVITY

Consistent with the Annotated Code of Maryland, State Personnel and Pensions Article, Section 2-304:

- A. Employees have the right to participate freely in any political activity and express any political opinion.
- B. Employees may not be required to provide any political service or make a political contribution.
- C. Employees may not:
 - 1. Engage in political activity on the job during working hours;
 - 2. Use Institution or USMO resources to advance their political activities; or
 - 3. Advocate the overthrow of the government by unconstitutional or violent means.

VI. REPORTING REQUIREMENTS

- A. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities. To make such reports, employees may access the resources and procedures for confidential disclosure of misconduct set forth in the following USM BOR policies:
 - 1. VII-2.30 – Policy on Employee and Applicant Disclosure of Misconduct for Nonexempt and Exempt Staff Employees and Applicants for USM Staff Positions;
 - 2. VIII-7.10 – Policy on Reporting Suspected or Known Fiscal Irregularities; and
 - 3. VIII-7.11 – Policy on the Communication of Suspected Fraud, Unethical & Illegal Business Activity.
- B. All Institutions and the USMO shall immediately refer to the Institution's or the USMO's Assistant Attorney General or to the Deputy Attorney General with supervisory responsibility for the Attorney General's Criminal Investigations Division, any instance of possible criminal or unethical conduct by any employee or contractor of this State, for such actions as the Office of the Attorney General deems appropriate. The Institution or USMO shall advise the Chief Legal Counsel to the Governor of any such referrals.
- C. Employees are required to report to their department or unit head any arrest of the

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employee and any legal proceeding in which an employee is involved, as a party or otherwise, if the arrest or legal proceeding affects, or reflects on, the employee's job fitness or performance.

IMPLEMENTATION PROCEDURES:

Each President and the Chancellor 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 the USMO or his/her Institutional community; and post it on its institutional and the USMO's website.

REFERENCE:

Governor's Executive Order 01.01.2015.08 Standards of Conduct for Executive Branch Employees and Reporting of Misconduct.