

**VII-1.22 - POLICY ON SEPARATION FOR REGULAR EXEMPT STAFF EMPLOYEES**

Approved by the Board of Regents on December 3, 1999, EFFECTIVE January 2 and January 12, 2000; Amended, June 27, 2014; Amended October 9, 2015; Amended December 20, 2019)

**I. PURPOSE AND APPLICABILITY**

- A. The purpose of this policy is to establish a separation process for regular Exempt Staff employees in the University System of Maryland (USM).<sup>1</sup>
- B. Regular USM employees in the following Exempt positions are excluded specifically from sections III and IV of this policy:
  - 1. Officers: Vice Chancellors, Vice Presidents, Provosts and Academic Deans.
  - 2. Associate and Assistant Vice Chancellors, Associate and Assistant Vice Presidents, Associate and Assistant Provosts, Associate and Assistant Academic Deans.
  - 3. Subject to approval of the Chancellor, the President may designate other key executive positions for this exemption. Appointees to such positions shall be notified of such designation at the time of appointment. Current appointees notified of such designation prior to April 1, 2000, were not required to be notified at the time of appointment.

**II. GENERAL**

- A. Employment for regular USM employees in Exempt positions is on an at-will basis. This means that, subject to applicable laws and policies, the employment relationship may be terminated at any time by either the employee or the Institution, consistent with Section III of this policy.
- B. All actions taken under this policy and institutional procedures shall be reviewed by the institution's Chief Human Resources Officer in advance of the action being taken.
- C. An employee who wishes to end their employment with the Institution should give at least 14 calendar days written notice.

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<sup>1</sup>Sections II.A., II.D.2., II.E., and III of this policy do not apply to exempt employees who are represented by an exclusive representative under the collective bargaining law, Title 3 of the State Personnel & Pensions Article of the Maryland Code. Those employees may be terminated only for cause.

D. Resignation in Lieu of Termination

1. The President or designee has the discretion to permit, but not require, any employee to resign in lieu of involuntary separation. The institution shall maintain records documenting that the resignation was in lieu of involuntary separation, and the employee generally should be required to execute an appropriate release of legal claims.
2. The President or designee may determine an appropriate period of notice to be provided that serves the best interests of the institution. The length of the period of notice provided is not required to conform to the schedule contained in III.B. below.

E. Compensation in Lieu of Notice

In lieu of providing a full period of notice to an employee who is being involuntarily separated, including those permitted to resign in lieu of involuntary separation under section II.D. above, the President or designee may determine that the employee should be separated prior to the end of the notice period. In that case, the employee shall receive alternative compensation to compensate for the loss of salary and benefits that the employee otherwise would have received during the notice period. In consultation with the Office of the Attorney General, the institution will develop an appropriate compensation arrangement for such an employee that complies with applicable laws.

**III. TERMINATION BY PERIOD OF NOTICE**

A. Determination of Period of Notice

An employee covered by this section III who is involuntarily separated shall be provided with a defined period of notice.

1. Service for determining length of notice period is based on institutional service rather than USM service and shall include prior institutional service, provided there were no breaks in service longer than three years.
2. An Exempt employee at one USM institution who is offered an Exempt position at another USM institution may, at the discretion of the offering institution, be credited with prior USM service for purposes of calculating the required period of notice upon separation. Any such decision to credit prior service at another USM institution shall be noted in the employee's personnel file at the time of appointment and shall be effective after satisfactory completion of the probation period.

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B. Length of Period of Notice. The period of notice shall be as follows:

<b>Years of Institutional Service</b>	<b>Period of Notice</b>
Less than one year	One month
One year but less than four years	Three months
Four years but less than seven years	Six months
Seven years but less than ten years	Nine months
Ten years or more	Twelve months

C. Employee Work Assignments During Period of Notice

During the period of notice, the President or designee may:

1. Continue the employee in his or her regular position; or
2. Assign the employee alternate duties and responsibilities at a level of service of at least 25% of their existing average workload over the past thirty-six months.

D. An employee covered by this section III may grieve the institution’s failure to comply with section III, except in situations where the employee has resigned in lieu of termination.

**IV. TERMINATION FOR CAUSE**

With the approval of the President or designee, the period of notice or alternative compensation as set forth in section III above is not required if the employee is to be terminated for cause, including without limitation any of the following reasons:

- A. Moral Turpitude
- B. Incompetency or Inefficiency in the Performance of the Employee’s Duties, including Failure to Meet Performance Expectations as Documented in a Performance Evaluation and/or Disciplinary Action
- C. Willful Neglect of Duty or Abandonment of Job
- D. Illegal Actions, including Violation of the State Ethics Law
- E. Gross Misconduct or Wantonly Offensive Behavior Toward Fellow Employees, Students, Patients, Clients, Users of University Facilities, or the General Public
- F. Insubordination or Serious Breach of Discipline

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- G. Serious Breach of Professional Behavior that Reasonably may be Expected to Result in Lower Morale in the Organization or Loss or Injury to the University or Public
- H. Professional or Scholarly Misconduct
- I. Severe Safety Violations or Actions that Cause Significant Damage to Public Property or Waste of Public Resources
- J. Failure to Accept Reassignment
- K. Medical Condition Causing Inability to Perform Essential Job Duties with Reasonable Accommodations Required by Law

### **IMPLEMENTATION PROCEDURES:**

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