

## **VII – 1.24 – USM POLICY ON TERMINATION WITH PREJUDICE**

(Approved by the Board of Regents, February 14, 2014)

### **I. PURPOSE AND APPLICABILITY:**

Under the Annotated Code of Maryland Article on State Personnel and Pensions Ch 381 2-801, Agencies of the State of Maryland are prohibited from hiring an individual who has been terminated With Prejudice from State service. This policy establishes a separation reason called Termination With Prejudice for the USM and creates a procedure for complying with the statute. This policy applies to all persons employed by an institution who are not in a temporary employment status.

### **II. DEFINITIONS**

Temporary Employment Status – For purposes of this policy, those hired for less than a single academic term/semester.

Termination With Prejudice – Involuntary separation from USM employment for actions that are egregious to the extent that the employee does not merit employment in any capacity with the State.

### **III. POLICY**

Through regular institutional procedures, a Department may determine that an employee must be terminated from employment.

- A. In addition to the regular review of an instance of termination, the Chief Human Resources Officer (CHRO) will determine if the case might fall under the Termination with Prejudice policy. If the case falls under the Termination with Prejudice policy, the CHRO will refer the case to the institution's President or Designee, who shall consult with appropriate legal counsel to determine whether the reason for the discharge meets the definition of Termination With Prejudice.
- B. The institutional notification of termination to the employee shall include any specific provisions of the termination, including whether the action is considered Termination With Prejudice and specifying the appeal process available to the employee.
- C. An employee, including a Contingent Staff employee, that has received a notification of Termination With Prejudice, shall be given an opportunity to appeal the institution's designation of Termination With Prejudice through the appropriate Grievance or Appeal Procedure of the Institution.

- D. If the determination of Termination With Prejudice is upheld through the applicable appeal process, according to statute, the name of the employee shall be entered into the State of Maryland's Pre-Offer Check (POC) Database, and the employee may not be hired by any agency of the State of Maryland, including the USM.
  
- E. Before an offer of employment may be made to a candidate, the designated representative of the USM Institution is required to determine whether the candidate's name appears in the State's POC Database. According to Annotated Code of Maryland, State Personnel and Pensions, Section 2-801, if the candidate's name does appear, the candidate may not be employed by any USM Institution or any Agency of the State of Maryland.

**IMPLEMENTATION PROCEDURES:**

Each President 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 his/her institutional community, and post it on its Institutional website.

**REFERENCE:**

Annotated Code of Maryland, State Personnel and Pensions , Section 2-801.