

REGULATION

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: DK, DK-RA, GAHH, GAHH-RA, GAJ
Responsible Office: DIVISION OF HUMAN RESOURCES

WHISTLEBLOWER PROTECTIONS

A. PURPOSE

To establish procedures for Anne Arundel County Public Schools (AACPS) employees who believe they are the subject of a personnel action in violation of State law to file an administrative complaint.

B. BACKGROUND

In accordance with State law, any public school employee who is subject to a personnel action in violation of the protections provided in the law may file an administrative complaint with a public school employer. The protection provided by the law applies if the employee has a reasonable, good faith belief that the employer has, or still is, engaged in an action or policy that is a violation of law, rule, or regulation.

C. DEFINITIONS

The following definitions are for the purposes of this regulation.

1. **Employee** – any individual who is employed by the Board of Education of Anne Arundel County (Board).
2. **Supervisor** – any individual within AACPS who has the authority to direct and control the work performance of an employee, or who has managerial authority to take corrective action regarding the violation of a law, rule, or regulation about which the employee complains.

D. PROCEDURES

In accordance with the *Maryland Public School Whistleblower Protection Act*, any public school employee who has a reasonable, good faith belief that AACPS has, or still is, engaged in an action or policy that is a violation of law, rule, or regulation and reports such information is protected from reprisal.

1. Initial Complaint Alleging a Violation of Law, Rule, or Regulation

- a. An employee who reports that the employee has a reasonable, good faith belief that AACPS has, or still is, engaged in an action or policy that is a violation of law, rule, or regulation:
 - i. Must disclose information that the employee reasonably believes is evidence of:
 - a) An abuse of authority, gross mismanagement, or gross waste of money;
 - b) A substantial and specific danger to public health or safety; or
 - c) A violation of law; and
 - ii. Report the acts to a supervisor or administrator in writing and provide AACPS with a reasonable opportunity to correct the situation.

2. Prohibited Conduct

- a. In accordance with State law, AACPS may not take or refuse to take any personnel action as reprisal against an employee because the employee:
 - i. Discloses or threatens to disclose to a supervisor an activity, a policy, or a practice of AACPS that is in violation of a law, rule, or regulation;
 - ii. Provides information to or testifies before any public body conducting an investigation, a hearing, or an inquiry into any violation of a law, rule, or regulation by AACPS; or
 - iii. Objects to or refuses to participate in any activity, policy, or practice in violation of a law, rule, or regulation.

3. Complaint

- a. An employee who believes that a personnel action has been taken or has not been taken as a reprisal against the employee because the employee has engaged in one or more the above referenced protected actions may file an administrative complaint with the Superintendent or the Superintendent's designee.
- b. An employee who wishes to file an administrative complaint for violation of *Maryland Public School Whistleblower Protection Act*, must complete the *Whistleblower Complaint* form and file it in-person or via U.S. mail with the Superintendent or the Superintendent's designee.

- c. The Superintendent or the Superintendent's designee shall complete review of such an administrative complaint and issue a finding within 30 days of its filing.

4. Appeal

- a. In accordance with §4-205 of the Education Article, an employee has the right to appeal the finding of the Superintendent or the Superintendent's designee regarding the administrative complaint.
- b. If an employee disagrees with the finding of the Superintendent or the Superintendent's designee, the employee may appeal the matter to the Board. For the purposes of this regulation, there must be a final finding made by the Superintendent or the Superintendent's designee prior to any appeal to the Board pursuant to §4-205 of the Education Article.
- c. The appeal must be submitted in writing within 30 calendar days of the date of the Superintendent or the Superintendent's designee decision and addressed to the President of the Board of Education of Anne Arundel County, 2644 Riva Road, Annapolis, Maryland 21401.

5. Civil Action

If an employee chooses to institute a civil action against AACPS as a result of the conduct alleged in the administrative complaint, the employee shall notify the Superintendent in writing of the employee's intention to institute such a civil action.

Regulation History: Issued 11/01/22

Note Previous Regulation History: None

Legal References: Sections 4-205 and 6-901 through 6-904 of the Education Article