Standards of Conduct Guide

The University of Southern Mississippi

Standards of Conduct Guide

The purpose of the Standards of Conduct Guide is to emphasize the necessity for and the responsibility of all employees of USM to be aware of and perform their duties and responsibilities in compliance with all applicable federal and state laws and regulations, policies, and rules of the Board of Trustees of the State Institutions of Higher Learning. While most employees are aware of compliance standards and are sensitive to these issues, we feel that it is beneficial to provide an official guide for use as a reference. The Standards of Conduct Guide is not intended to be a comprehensive list of legal and ethical standards, but provides USM employees with information about and source references for the laws, policies, rules, and regulations that govern their conduct. Specific ethics or compliance questions of employees should be directed to the Office of Compliance and Ethics or to General Counsel’s Office.

Reporting Suspected Noncompliance

Compliance issues should be addressed through normal administrative channels. You can talk to your supervisor or contact the Director of Compliance and Ethics or another appropriate official. However, a reporting procedure has been established at USM as a way for employees to report instances of suspected noncompliance outside the normal chain of command. This method is intended to preserve confidentiality to the extent allowed by law. Employees who call the compliance hotline may remain anonymous. An employee can report compliance violations on the toll-free hotline (1-877-310-0425) or online by clicking this link. You may also report fraud, waste, or abuse by calling the State Auditor’s Office Hotline at 1-800-321-1275 or email at Complaint@osa.ms.gov. The State Auditor’s Office provides additional information, including a form to report fraud, waste, or abuse, at this link.

Ethics

The University of Southern Mississippi values and is committed to maintaining high standards of excellence, integrity, and accountability. Employees of USM are expected to act ethically in accordance with those values and in accordance with the following provisions provided by state law, the Board of Trustees for State Institutions of Higher Learning and University policies. Failure to do so may be grounds for disciplinary action, including termination of employment.

The principles which form the basis for the following provisions may be found in the USM Code of Ethical Conduct. All employees are required to acknowledge that they have read and agree to abide by the principles set forth in the Code on an annual basis.
Many times, a determination of whether contemplated activity is permissible will depend on an examination of specific facts. You may always contact your supervisor, the Office of Compliance and Ethics or the Office of General Counsel for advice. If in doubt about whether an activity is permissible, do the safe thing – don’t engage in the activity.

**Gifts**

An employee should not accept or solicit any gift, favor, or service that might reasonably appear to influence the employee in the discharge of his or her official duties or that the employee knows or should know is being offered with the intent to influence his or her official conduct.

An employee who makes recommendations or decisions about USM’s financial transactions may not accept a gift from an individual or entity that is interested in or likely to become interested in that transaction, with limited exceptions. A violation of this provision may constitute a criminal offense. For more information about this provision, an employee should consult USM’s [Code of Ethical Conduct](#).

An employee should not intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed his or her official duties in favor of another.

Q: A vendor with my department has an extra ticket to a concert at the Saenger Theater and asks if I would like to go with her. May I accept her offer?

A: The acceptance of this gift would not constitute a crime as long as it was not given in exchange for your official act. However, you should consider whether it appears to be given to influence you, and should decline the gift if it raises such appearances of impropriety. If you are involved in a procurement process involving this vendor, or will likely be involved in the near future, you should decline the gift.

Q: May I accept a fruit basket from one of our vendors during the holidays?

A: If the value of the fruit basket is less than $50, you may accept it as long as it was not given in exchange for your official act. If it exceeds that value, a more detailed analysis is necessary to determine its legality. Because a determination is very fact-specific and because the acceptance of an impermissible gift might constitute a crime, some departments have adopted a policy prohibiting holiday gifts from vendors. If that is the case, you must comply with your departmental policy.

Q: I attended a work-related conference and won a laptop computer as a door prize. May I keep it?

A: The safest course is to not participate in drawings for door prizes at work-related conferences. Depending on your job responsibilities, the acceptance of the laptop may constitute a violation of
the gift laws, regardless of the fact that the laptop was awarded as a prize. Most employees do not have the authority to accept gifts on behalf of a governmental entity, and thus accepting the laptop on behalf of USM is generally not an option.

Confidential Information

An employee should not accept other employment or engage in any business or professional activity that the employee might reasonably expect would require or induce the employee to disclose confidential information acquired by reason of his or her official position.

An employee should not disclose confidential information gained by reason of his or her official position or otherwise use such information for his or her personal gain or benefit.

Outside Employment

An employee should not accept other employment or compensation that could reasonably be expected to impair the employee’s independence of judgment in the performance of the employee’s public duties. An employee’s primary responsibility is the performance of the duties assigned to the employee at USM. External consulting or outside employment that interferes with those duties should not be accepted. Any outside employment, including self-employment or employment by another state agency, must first be approved by the employee’s department head and the President. Please consult IHL Policy 801.08, Outside Employment; Policy ACAF-PRO-011, the Faculty Consulting Policy; Faculty Handbook § 3.14, External Employment; or the Employee Handbook, Retrieval Number 1007, Outside Employment or Consulting, all of which specifically address this subject.

An employee should not accept a position on an outside board that creates a conflict of interest or that imposes an unreasonable time commitment. An employee must obtain approval from the employee’s direct supervisor and the President for such employment before accepting a position on most outside boards.

Q: May I work at Hattiesburg Country Club Golf Course, with which USM has a lease arrangement, at times when I am not working my normal hours at USM?

A: Probably. Working at the golf course most likely does not present a conflict of interest. However, you must receive approval from your department head and the President before accepting the outside employment unless your work at the Golf Club constitutes employment related duties within the scope of your responsibilities as a Southern Miss employee.

Q: One of our vendors has asked me to handle their bookkeeping for them on the weekends. May I accept their offer?
A: It is likely that the acceptance will result in a conflict of interest between your public duties and your private employment. In that case, you may not accept the offer. A determination will depend on an examination of your job duties for USM. You may always consult your department head, the Office of Compliance and Ethics or the Office of General Counsel for advice before submitting your request for approval of outside employment.

**Honoraria**

An employee may not accept an honorarium for services the employee would not have been asked to provide but for the employee’s official status. For example, an employee may not accept a gift or payment for giving a speech if the employee would not have been asked to provide the speech but for the employee’s official position.

However, in general, an employee may accept meals, transportation, and lodging in connection with the employee’s services as long as the services are more than merely perfunctory or superficial. Also, an employee may accept a gift of very minimal value, such as a plaque or coffee cup.

**Business Transactions and Investments**

An employee may not transact any business on behalf of the University in his or her official capacity with any outside business entity of which the employee is an officer, agent, or member, or in which the employee owns a substantial interest. See the Mississippi Ethics in Government Laws related to contracts here. See also Code of Ethical Conduct.

A purchase of any supplies, materials, services, equipment, or property from an employee may be made only if there are two or fewer suppliers of the supplies, materials, services, equipment, or property and the cost is less from the employee than from any other known source. An employee should not make personal investments that could reasonably be expected to create a substantial conflict between the employee’s private interest and the public interest.

Q: My spouse owns a local catering company that would like to provide lunches at business meetings for a USM department. I don’t participate in the business or have any role in departmental decisions to contract with the catering company, but I want to make sure that there is not a conflict of interest.

A: A transaction with an employee is governed by Mississippi law. Presumably you would benefit from the contract the same as if the contract were made directly with you, the employee. State law requires that the product be available from two or fewer sources and that the purchase price be less than from any other known source. These requirements are intended to help eliminate any actual or perceived conflict of interest that may arise. Additionally, such services may not be allowed, or
subject to restrictions, under certain exclusive contracts such as with food and beverage services or equipment suppliers. See the USM catering policy here.

Q: I’ve been buying stock in a company that does business with USM. After my next purchase, I’ll own more than a $5,000 equity interest in the company. Does this pose a problem?

A: Depending on your job duties, this investment may constitute a conflict of interest and should not be pursued. In addition, if you have the authority to award contracts, select vendors, or influence the purchases of goods or services, then you must report your ownership on the financial disclosure and conflict of interest statement filed with your department head and the Office of Research Integrity.

**Disclosures**

An employee’s position with USM and the employee’s contemplated activity determine which disclosure statements are required. An employee must complete and file any required disclosure statements in a timely fashion.

**Political and Legislative Activities**

**Political Activities**

An employee has the right to participate in political activities subject to the following restrictions. An employee may not engage in political activities during work hours unless the employee uses accrued compensatory or vacation leave. Political activities must be in compliance with the constitution and laws of the State of Mississippi and may not interfere with the performance of the employee’s duties. An employee may not use equipment, supplies, or services of USM for political activities, nor may an employee impermissibly use USM facilities for political activities. Political activities may not involve the attempt to coerce students, faculty, or staff to participate in or support the political activity and may not involve USM in partisan politics. Political contributions from any source of USM funds are prohibited. Information regarding political activities may be obtained in the Employee Handbook, Retrieval Number 1007, Faculty Handbook § 7.6, and IHL Policy 801.11 or the General Counsel’s website, Political Activity.

Q: I noticed a flyer posted in my supervisor’s office advertising a party for a political candidate. Is it okay for the ad to be posted?

A: No. No one should ever post any type of advertisement for any political candidate on any USM property, leased or owned.

Q: My next-door neighbor is running for city council. Can I bring her up and let her meet everyone in my office?
A: No. It is not permissible to use USM resources, including employee time, to support a candidate.

Legislative Activities

An employee may not use USM resources, including the employee’s work time, to attempt to influence the passage or defeat of a legislative measure, such as a bill or joint resolution. However, an employee is specifically authorized to provide public information or to provide information responsive to a request.

Q: May I use USM computers or telephones to send e-mails or make local calls to representatives urging their support for a bill that regulates fishing? The bill is not related to higher education, and I will only do it during a small part of my lunch break.

A: No, you may not use USM resources to urge passage or defeat of a bill, even if the use is incidental and even if the bill does not affect higher education.

Contacts with the Media, Government, and Outside Investigators

It is the policy of USM to cooperate with the news media in their efforts to report to the public on issues and events of interest involving the institution, its administrators, faculty, staff, students, programs and activities. Inquiries from members of the news media are to be handled in a courteous, professional, cooperative and timely manner.

USM has a single spokesperson through which all media inquiries should be routed. The Chief Communication Officer is tasked with this responsibility in consultation with the President or other executive officers. With regard to some issues and topics, the President may, from time to time, designate a particular person as the University’s official spokesperson.

Under the Mississippi Public Records Act, documents generated in the regular course of business of USM are public unless they fall into various exempt categories (such as certain student records, papers related to ongoing litigation, documents related to ongoing real estate negotiations, etc.). See Miss. Code Ann. § 25-61-1, et seq. University Communications is tasked as the gateway for the handling of requests for information under the Public Records Act. Pursuant to that task, offices are to notify the University Chief Communications Officer of any requests for public records received from members of the news media or the public.

Media inquiries other than formal requests under the Public Records Act should be handled as follows. Most media inquiries are not phrased in terms of requests under the Public Records Act, but are simply requests for information. These inquiries should be handled by either (1) staff members who work in an area to which the questions pertain and who have authority to represent USM in consultation with the Office of University Communications, or (2) the Office of University
Communications. Each supervisor should establish a policy within his or her office regarding the appropriate routing of media inquiries within the departments. Determining an appropriate spokesperson in a particular case will depend on the topic of the inquiry and its nature, such as whether the inquiry is for basic factual information or for analysis of an issue. Regardless, University Communications should always be advised of media requests and deliveries of requested information should be coordinated with that Office. It is important to keep the Office of University Communications informed about media inquiries, including information about how the inquiry was received and handled.

USM expects to cooperate in government investigations of issues involving the University and its employees with due consideration given to the legal rights of the University and its employees. If a subpoena, other legal document, or inquiry from a governmental agency related to Southern Miss is received by an employee, whether at home or in the workplace, that employee is obligated to notify his or her supervisor immediately who is to immediately notify the Office of General Counsel. If contacted at home by a governmental agent, without a search warrant or a subpoena, concerning business of USM, the employee should request that the agent make such contact at work the next business day, and must immediately contact his or her supervisor who is to immediately notify the Office of General Counsel.

Q: I received a call from a newspaper reporter who wanted to speak to somebody about student enrollment statistics for USM. Since I am not familiar with this subject, how should I direct her call?

A: The Office of University Communications can help connect reporters with appropriate spokespersons. In identifying the appropriate spokespersons, each office should follow the guidelines established by supervisors and executive officers for their areas. Do not refer a reporter to another office unless you are certain that they are the appropriate office to address the reporter’s questions. When in doubt, refer a reporter to the Office of University Communications.

Q: Last night there was a knock on my door, and the person identified himself as an FBI agent. The agent wanted to talk with me about my work at USM. Should I have talked with him?

A: Unless the FBI agent has a search warrant or a subpoena, you should ask the agent to contact you at the office the next business day, then immediately contact your supervisor who is to contact the Office of General Counsel. Should the FBI agent produce a search warrant or subpoena, if possible, notify your supervisor and the Office of General Counsel before you answer any questions from the agent.

Records and Information

Retention and Disposal of Records

USM recognizes the importance of the orderly management, retrieval, and disposition of all official records and maintains a certified records retention schedule that is consistent with state
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and federal laws and regulations. Refer to the University Records Retention and Disposition Policy and Retention Guidelines for more information.

Questions about specific record retention requirements should be directed to the records coordinator for your department, your supervisor, or the records manager in Special Collections with the University Libraries.

Q: Our department is very short on space. We have many boxes of “old” files that we’re ready to get rid of. Can we go ahead and toss them?

A: It depends on the content. Generally, if the records are listed on USM’s retention schedule, a disposition log must be submitted and approved. Bulk paper records should be securely shredded. Bulk electronic records require a disposition log, but may be deleted at any time of the year after approval of the disposition. Your departmental records coordinator is the best resource for more information on departmental procedures or you can contact Special Collections with the University Libraries for specific information on retention schedules.

Q: I’m fairly new here and I already have over 1000 messages in my Outlook inbox. I’d like to clean it out, but I’m afraid I might violate policy. Is email subject to the Records Retention Schedule?

A: Yes, information and documents sent and received by email are subject to the requirements of the records retention schedule. Email is a form of correspondence, and the retention of a document depends on its content, whether paper or electronic. Business-related email that qualifies as a record should be filed and retained according to the USM retention schedule. Email that is considered transitory information or convenience copies can be deleted without formal approval. Discuss your particular documents with your departmental records coordinator or the records manager in the Office of Special Collections with the University Libraries.

Information Excepted from Disclosure

Unless otherwise expressly provided by law, all documents generated in the regular course of business by USM are available to the public under the terms and conditions of the Mississippi Public Records Act.

Generally, documentation that is excepted from disclosure includes certain personnel information, student information, patient information, donor information, certain information related to competition and bidding, and proprietary computer software. Written requests for documents under the Mississippi Public Records Act should be handled by informing the requestor to file it with the Office of University Communications at this link.

Q: I received a phone call from a woman asking if I would send her copies of all email and other correspondence our office had sent to state leaders regarding tuition and fees. Should I make the copies and send them to her?
A: No. A verbal inquiry is not considered a valid request under the Mississippi Public Records Act. To be a valid public record request, an inquiry must be submitted in writing. Because this individual seeks to obtain information from USM, you should advise her to submit her request in writing, via hand delivery, facsimile, e-mail or regular mail, to the Office of University Communications.

Confidentiality of Social Security Numbers (SSNs)

It is the policy of USM to protect the confidential nature of SSNs without creating unjustified obstacles to the conduct of University business and the provision of services to its many constituencies. Policy ACAF-IT-012 sets forth the University's determination to comply with federal and state laws governing privacy and the use of SSNs.

USM’s employees can learn more about their rights and responsibilities for reducing the use and collection of SSNs in Policy ACAF-IT-012. Questions or concerns about the confidentiality or use of SSNs should be directed to the University Technology Security Officer InfoSec@usm.edu.

Q: My office uses an application that requires the collection of SSNs that is mandated by state law. Individuals can fill out the form as a hard copy or electronically. Since I am required to give the notice required by the Federal Privacy Act when we request an individual to initially disclose his or her SSN. Is there standard language available somewhere that we can use for that notice?

A: Yes. The Office of Compliance and Ethics provides pre-approved text for the notice required by the Federal Privacy Act of 1974.

Accuracy of Records

Employees of USM are required to maintain the integrity and accuracy of business documents and records for which they are responsible. No one may alter or falsify information on any record or document.

Q: I noticed that some numbers were wrong on a proposal I sent out. Can I go back and change the numbers so that my file copy is correct?

A: No. Changing the numbers may be considered falsifying the document. If possible, reissue the proposal and indicate what was changed.

Workplace Conduct and Employment Requirements

Occupational Fraud and Abuse
Occupational fraud and abuse negatively impact the resources of USM. The minimization of fraud and abuse is the responsibility of every employee. Good business practice dictates that every suspected misappropriation or other fiscal irregularity be promptly identified and investigated.

Consequently, USM has established a policy regarding internal investigations of suspected embezzlement, defalcation, misappropriation, and other fiscal irregularities. Refer concerns related to these issues to the Office of Internal Audit and/or the Office of Compliance and Ethics for processes to report suspected misconduct including anonymous reporting options.

**Occupational Fraud**

The Association of Certified Fraud Examiners defines occupational fraud as the use of one’s occupation for personal enrichment through the deliberate misuse or misapplication of the employing organization’s resources or assets. It can be perpetrated for the benefit of or to the detriment of the organization and by persons outside as well as inside the organization and can range from sophisticated financial statement or investment fraud to petty theft.

Q: What are some examples of occupational fraud?

A: There are three primary categories of occupational fraud: asset misappropriation, corruption, and financial statement fraud. Asset misappropriation may include stealing or misusing cash or non-cash assets (e.g., supplies, equipment) of the organization; providing false receipts and documentation for any type of reimbursement from Southern Miss; or claiming overtime for hours not worked. Corruption refers to the fraudster using their influence in business transactions to obtain a benefit for themselves or someone else contrary to their duty to their employer, such as accepting a bribe or kickback to favor an outside vendor in buying goods or services. Financial statement fraud involves the intentional misstatement or omission of material information from the organization’s financial reports which may include the financial statements, grants, or application the organization submits which include financial information.

**Reporting Suspected Fraud**

Acts of fraud, waste, and abuse negatively impact the resources of USM. When USM employees have information about dishonest, unethical or criminal activities, it is their responsibility to report that information. To report suspected fraud, waste and abuse, you may notify your supervisor; the Director of Internal Audit (601-266-6111); the Director of Compliance and Ethics (601-266-4466); or make an anonymous report through the USM Compliance Hotline (1-877-310-0424). State law and University policy prohibit retaliation against any employee who, in good faith, reports an instance of suspected wrongdoing or participates in an investigation pertaining to allegations of wrongdoing. Refer to the Code of Ethical Conduct.
Employees may also report fraud, waste, or abuse by calling the State Auditor’s Office Hotline at 1-800-321-1275 or email at Complaint@osa.ms.gov. The State Auditor’s Office provides additional information, including a form to report fraud, waste, or abuse, at this link.

**Equal Employment Opportunity**

Under the terms of applicable laws, regulations, and institutional directives, USM may not discriminate against employees or applicants for employment on the basis of age, sex, sexual orientation, disability, pregnancy, gender identity, genetic information, religion, race, color, national origin, and/or veteran status. Refer to the University’s Nondiscrimination Policy, for more information.

Q: I feel like I was passed up for a promotion because of my age. Who do I call when I feel I’ve been discriminated against?

A: The Equal Employment Opportunity Officer in the Office of Human Resources handles allegations of discrimination not related to sexual harassment or sexual misconduct.

**Sexual Harassment or Misconduct**

USM is committed to the principle that the working environment should be free from inappropriate conduct of a sexual nature. Sexual misconduct and sexual harassment are not allowed. Employees who engage in either form of conduct will be subject to disciplinary action, possibly including termination. For more information, refer to the University’s Sexual Misconduct, Sexual Assault, and Sexual Harassment Policy.

Q: My co-worker is sending me jokes via email that contain offensive content. I’ve asked her to stop, but she continues to send them. What can I do?

A: Since the emails could be a form of sexual harassment and continued after you asked her to stop, immediately contact your supervisor and the Title IX Coordinator. An investigation will be conducted and appropriate action will be taken.

Q: My supervisor makes remarks laden with sexual innuendo clearly directed at me. What can I do?

A: You should contact the Title IX Coordinator, who handles allegations of sexual harassment and sexual misconduct, immediately. If you are comfortable, you may also ask your supervisor to stop the remarks.
Timekeeping

All employees are required to prepare and maintain time sheets to ensure compliance with the federal Fair Labor Standards Act (FLSA) and accurate administration of state compensatory time. In accordance with the Employee Handbook Retrieval Number 2001, employees who are benefits-eligible and paid monthly shall record their time worked and hours absent using the Monthly Time and Attendance electronic timekeeping system in SOAR. Time and attendance forms must be submitted to the Controller’s Office no later than noon Monday after the Friday payroll cutoff for employees who are paid on an hourly basis (non-exempt) in accordance with Retrieval Number 2002 of the Employee Handbook. All employees should request time off in advance from their supervisor using a leave request or an emailed message to their supervisor that provides the required information. If circumstances don’t allow an employee to request leave in advance, he or she must notify their supervisor as soon as possible and submit a leave request form upon return.

Supervisors are responsible for ensuring that all employees accurately record time worked and hours absent. A supervisor should promptly review and approve timesheets and leave requests.

Q: If I am a wage (non-exempt) employee, how often am I required to complete and submit timekeeping records to my supervisor?

A: In accordance with Employee Handbook Retrieval Number 2002 – Time and Attendance, all wage employees should submit timesheets on a weekly basis. It is preferable that time be recorded on a daily basis.

FLSA Overtime

The FLSA allows flexibility for public employees regarding compensation for statutory overtime hours. The law authorizes a public agency to provide compensatory time off in lieu of monetary overtime compensation, at a rate of not less than one and one-half (1½) hours of compensatory time for each hour of overtime worked. An employee may accrue up to 240 hours of 1½ compensatory hours, which is 160 hours of actual overtime worked. Employees of the University Police Department may accrue up to 480 hours of compensatory time. Overtime hours accrued beyond these limits must be paid in cash.

Q: I am a non-exempt employee, and I am confused about overtime. Sometimes my department says that I have to take the time off or lose it and other times I accrue time and one-half off. How can I tell what I am going to receive?

A: A non-exempt employee qualifies for FLSA overtime if he or she actually works more than 40 hours in a workweek (Monday through Sunday). FLSA overtime is earned on a one and one-half time basis for all time actually worked over 40 hours in a workweek (one hour of FLSA overtime is accrued as 1.50 hours). The FLSA provides that any employee of a public agency who has accrued compensatory time off and requested use of this compensatory time shall be permitted to use such time off within a “reasonable period” after making the request, if such use does not
“unduly disrupt” the operations of the agency. Unduly disruptive is usually not interpreted as a staff shortage.

Q: I am a non-exempt employee. I like to get all of my work done each day, so sometimes I come in early and leave late, but I only record eight hours of work on my time report. Is this okay?

A: No. All time actually worked must be recorded on your time report. Refer to Employee Handbook Retrieval Number 2206, *Recordkeeping Policy of Hours Worked*. Non-exempt employees should only work the hours appointed to work unless approved in advance by the supervisor.

Q: How is overtime earned by exempt employees?

A: There is no provision in the University policy for compensatory time or overtime pay for exempt employees, thus exempt employees are not eligible to receive FLSA overtime and are, therefore, never eligible to earn time and one-half overtime nor compensatory time.

**Family and Medical Leave Act**

An employee may request and receive a leave of absence with pay, provided he or she has accrued paid leave, or without pay for up to 12 weeks per 12-month period for certain family and medical reasons as specified by the Federal Family and Medical Leave Act of 1993 (FMLA) and accompanying regulations governing the FMLA. This is a leave program that has specific eligibility requirements and restrictions. More detailed information may be found in the Employee Handbook Retrieval Number 3003 - *Family and Medical Leave*.

Q: My wife and I are adopting an infant next month. Am I eligible for Family and Medical Leave? How long may I take off?

A: You could be eligible for Family and Medical Leave (FML). For a qualifying legal adoption, FMLA allows up to 12 weeks off. Check with the Office of Human Resources for specific eligibility requirements and for information on requesting FML.

**Health and Safety**

**Workplace Health and Safety and Protection of the Environment**

All USM employees should perform their duties in compliance with all applicable institutional policies, federal, state, and local laws, and standards relating to the environment and protection of worker health and safety. The Office of Compliance and Ethics or the Office of General Counsel
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will advise you of these requirements and any special actions required to comply. Each employee is responsible for advising his or her supervisor, the University’s safety coordinator or the Office of Human Resources of any serious workplace injury or any situation presenting a danger of injury so that timely corrective action may be taken.

All accidents or incidents involving physical injury to an individual or physical damage to the property of the University or some other party should be reported immediately to the University Police Department. The University Police Department’s contact information relating to each campus may be found at here.

Q: I accidentally cut my finger on the paper cutter and will most likely need stitches. Do I need to report this to anyone?

A: Yes. You should always report any job related injury, no matter how small, to your supervisor and to the Workers’ Compensation Insurance manager in the Office of Human Resources. Your supervisor should ensure that the required WC forms are completed.

Q: It looks like chemicals have spilled in the parking garage. Who do I call to get it checked out?

A: During regular office hours, notify the University Fire/Safety Officer or call that office at (601) 266-4850 or UPD. After hours, you should notify UPD by following the link or call at 266-4986.

**Drug and Weapon-Free Workplace**

The unlawful manufacture, distribution, possession, or use of a controlled substance in or on any premises or property owned or controlled by USM is prohibited. Any employee who is found guilty (including a plea of no contest) or has a sentence, fine or other criminal penalty imposed by a court for an offense involving a controlled substance that occurred in or on USM property shall report such action to the employee’s supervisor or to the Office of Human Resources within five days. An employee, who unlawfully manufactures, sells, distributes, possesses, or uses a controlled substance on USM property, regardless of whether such activity results in the imposition of a penalty under a criminal statute, will be subject to appropriate disciplinary action, including termination, or will be required to participate satisfactorily in an approved drug assistance or rehabilitation program or both. Refer to Drug and Alcohol Policy for more information.

The unlawful possession of a weapon in or on any premises or property owned or controlled by SUSM is prohibited by IHL Policy 1106.

Q: I have seen one of my co-workers selling illegal drugs in the parking garage to other employees. What should I do?

A: Report this activity immediately to the UPD.
Q: Is it okay to have an alcoholic beverage during my lunch break while off campus?

A: The use of alcohol, while not on duty, that adversely affects job performance or may adversely affect the health or safety of other employees, students, visitors, or patients is prohibited by the University’s Drug and Alcohol Policy.

For those positions requiring a commercial driver’s license, the Drug and Alcohol Policy prohibits the following:

1. Use or possession of alcohol while on duty;
2. Use of alcohol during four hours before on duty requiring the performance of a safety-sensitive function;
3. Concentrations of alcohol of 0.04 or greater in the employee’s system while on duty requiring the performance of safety-sensitive functions; or
4. Use during the 8 hours following an accident requiring a post-accident test or until the employee undergoes a post-accident alcohol test, whichever occurs first.

Use of State Resources

Contracts and Agreements

No employee is authorized to negotiate or sign a contract or agreement that purports to bind USM unless that employee has official written delegated authority to do so from the President. Do not sign or negotiate a contract or agreement on behalf of USM unless you have been delegated that authority in writing from the President under IHL Policy 707 and Employee Handbook Retrieval No. 9108, Signatory Authority for Contracts/Negotiation of Contracts. Additionally, see this link to the General Counsel’s website for an explanation of signatory authority and a list of those within Southern Miss who have been granted such authority.

Q: A sales representative has asked me to immediately sign a “purchase agreement” because the product price will increase tomorrow. May I sign such an agreement?

A: No. This is a contract for purchasing goods and services. Contact the Department of Procurement and Contract Services or the Office of General Counsel for guidance.

Use of State-Owned Property

As a general rule, the personal use of USM property or assets is prohibited. Incidental personal use of the University email, a telephone to make a local telephone call, or the Internet, provided
that the use complies with applicable USM policies and does not result in additional cost to the University, are permissible. Direct any questions about the use of USM property to your supervisor. More information regarding the use of state-owned property may be obtained by visiting the Department of Procurement and Contract Services website, and the University’s Acceptable Use Policy.

Q: I am a volunteer for the United Way of Hattiesburg. Can I use a USM computer and copy machine to produce material for the United Way?

A: No. While USM encourages employee involvement in the community, University resources should not be used to support external organizations.

Q: My son calls me each day when he gets home from school. Since it’s a personal call on a USM owned phone, am I breaking any rules?

A: No. As a general rule, the personal use of any USM property or asset is prohibited; however, incidental personal usage of email, telephone, or the Internet that complies with applicable Southern Miss policies, and does not result in additional cost is okay.

**Computer Software**

Employees who use software licensed to USM must abide by applicable software licensing agreements and may copy licensed software only as permitted by the license. Direct any questions about software license agreements to your supervisor or iTech. The Acceptable Use Policy provides detailed information regarding the use of computers.

Q: My budget doesn’t allow for everyone to have a copy of a software program. Is it okay to copy the program from someone else’s computer and put it on mine? What’s wrong with that?

A: No, it’s not okay. This is a violation of federal copyright laws. Check with iTech to determine whether a cost effective site license is available for this program.

**Information Security and Acceptable Use**

USM’s resources may be used only for official state purposes. Every USM employee has a responsibility for maintaining the security and confidentiality of USM’s information resources and must comply with information security policies and procedures. An employee may access or disclose confidential and sensitive information only as permitted by contract, state or federal law or regulation, the scope of the employee’s employment, or approved USM policy. The Acceptable Use Policy and the Information Privacy Statement Policy provide detailed information regarding the security and acceptable use of information.
Q: While typing some employment records, I noticed that a new employee is now married to my ex-husband. Can I talk with her about it?

A: Unless she or someone else tells you that she is now married to your ex-husband, you may not disclose that you saw the information on her employment application.

**Computer Access, Passwords, and Other Confidential Information**

No employee may knowingly access a computer network or system without the effective consent of the owner or intentionally or knowingly disclose a password, identification code or number, debit card or bank account number, or other confidential information about a computer security system without the consent of the person employing the security system. Information regarding computer access, passwords, and other confidential information may be obtained from the Acceptable Use Policy and the Information Privacy Statement Policy.

Q: When I was out yesterday with a cold, I called the office and asked another USM employee to check my email and calendar; however, to do this, I had to reveal my password. Was this wrong?

A: Yes. It is a violation of the Password Policy to disclose your computer password. Computer passwords should be considered highly confidential and should never be disclosed to anyone. Data that is protected by passwords would be vulnerable to damage, theft, or disclosure. In emergency situations, iTech can assist with access to information. If you have a computer and an Internet connection, you can access your Outlook calendars and email from home by logging into Outlook Web Access to access your account. You can learn how to access this site through the Microsoft Office Tutorial link at iTech.

Q: A friend of mine owns a construction business and has asked me to tell him how much USM has paid to a competitor over the last year. I have access to this information on the mainframe. Is it okay for me to do this?

A: No. Miss. Code Ann. § 25-4-105(5) states “No person may intentionally use or disclose information gained in the course of or by reason of his official position or employment as a public servant in any way that could result in pecuniary benefit for himself, any relative, or any other person, if the information has not been communicated to the public or is not public information.”

**Purchasing**

No employee may expend USM funds for any purchase unless the person is authorized to make the purchase in accordance with the policies of the Office of Procurement and Contract Services.

Q: If I reimburse my department, can I take advantage of a vendor’s discounted USM price to buy an item for my personal use?
A: No. Discounted prices exclude tax for USM and are negotiated for business purposes. For employees to forego sales tax would jeopardize our tax-exempt status.

Q: Our department wants to purchase new furniture. Can we go to any store and purchase the furniture and seek reimbursement.

A: No. USM has strict guidelines for purchasing. Purchases over a certain amount must be placed for bid. Additionally, Facilities Management should pre-approve furniture purchases. When in doubt, contact the Office of Procurement and Contract Services.

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Copyright and Intellectual Property

Using Copyrighted Material

For systematic copying (i.e., repeated use of the same material), check with the Office of General Counsel unless you have permission from the copyright holder (typically the author or publisher) or the material is in the public domain (such as works prepared by the United States government). Copyright protection is broad and can extend to written material, images (including photographs or works of art), sound recordings, audio-visual works, software and industrial designs. A copy of a work can be made either physically (such as at a duplication machine) or electronically (saving, modifying or forwarding material on a computer), and restrictions under copyright law apply equally to both situations. Most materials “fixed in a tangible medium” (such as a writing or recording) are automatically protected by operation of law, even if they do not show the familiar “©” copyright notice or indicate a source of ownership; thus, assume works are protected unless you are able to determine otherwise.

For infrequent or one-time events, copying may be permitted as a “fair use” under copyright law. The Office of General Counsel explains fair use in “Fair Use of Copyrighted Materials.” In the absence of fair use, permission must be obtained from the copyright owner to make the copies.

Q: I would like to copy a chapter of a certain book for one-time use in my training class. Would this be okay?

A: In accordance with the four-factor fair use test, copying of a chapter for one-time use would probably qualify as fair use. On the other hand, repeated use will likely require permission from the copyright owner. A good practice: if the material is properly and publicly available through a web site, provide a link to the material and an acknowledgement to the web site (rather than a copy of the material). Feel free to contact the Office of General Counsel if you have questions about fair use or other copyright analysis.

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Intellectual Property
The University of Southern Mississippi shall have ownership of any invention developed in the course of the assigned duties of all University personnel. Each employee is required to assign to the University all domestic and foreign rights to any invention made within the scope of his or her assigned duties, unless the Vice President for Research and Economic Development notifies the inventor or creator, in writing, that the University abandons its interest in the invention.

An invention will be considered as having been made within the general scope of assigned duties, whenever the duties include research or investigation or the supervision of research or investigation, and the invention arises in the course of such research or investigation and relates to the general field of an inquiry to which the person is assigned, or whenever the invention is in a substantial degree made or developed through the use of University financing or on University time.

An employee should promptly disclose the intellectual property (such as software or other patentable and non-patentable inventions) created by him or her to the appropriate department head and the Office of Technology Development. This disclosure should occur well before the employee submits any information about the intellectual property for publication, or makes any public disclosure or even a private disclosure to a commercial entity. For more information, refer to the Office of Technology Development web site, and more specifically to the Intellectual Property Policy.

**REPORTING COMPLIANCE VIOLATIONS**

There may be instances where you suspect that a USM employee’s conduct is not in compliance with applicable laws, rules, regulations, and policies, including the Code of Ethical Conduct policy. If this is the case, you are encouraged to report the situation to the head of the affected department, the Director of Compliance and Ethics, or other appropriate official, or to the compliance hotline. USM has contracted with an outside vendor to provide our compliance hotline service. The Code of Ethical Conduct prohibits retaliation against employees who, in good faith, report instances of suspected non-compliance or wrongdoing.

Trained professionals operate the compliance hotline 24 hours a day, 365 days a year. You can report information anonymously, and a report will be sent to the Office of Internal Audit within one business day. The toll free phone number for the compliance hotline is 1-877-310-0424 or you may click here to go to the anonymous reporting website.

If you have comments or questions about this guide, contact the Director of Compliance and Ethics, Paul Walters, at (601) 266-4466.