DISCLOSURE OF WRONGFUL CONDUCT (WHISTLEBLOWER) POLICY

Policy Statement

Individuals are expected to abide by state and federal laws and regulations as well as University policies. Furthermore, a USM employee cannot be compelled by a supervisor or University official to violate a law or University policy. In the interest of the University and its faculty, staff, and students, individuals who have knowledge of specific acts that he or she reasonably believes violate the law or University policy are strongly encouraged to disclose those acts to an appropriate university official. Deans, directors, department/unit heads and other administrators who have knowledge of specific acts that he or she reasonably believes violate the law or University policy must disclose those acts to an appropriate University official.

This policy supplements Mississippi Code of 1972, § 25-9-171 through 25-9-177 and Section 1553 of the federal American Recovery and Reinvestment Act (ARRA) of 2009 (Public Law 111-5), and protects reporting individuals who make a good faith report (as defined in this policy) from retaliatory academic or employment action including reprisal in annual reviews or tenure and promotion decisions, discharge, reassignment, demotion, suspension, harassment, or other discrimination.

Reason for Policy/Purpose

The general purpose of this policy is to protect any University of Southern Mississippi (USM) employee or other member of the USM community (hereinafter "individuals") who makes a good faith disclosure of suspected wrongful conduct. More specifically it:

- encourages individuals to disclose violations of law and serious breaches of conduct covered by university policies;
- informs individuals how allegations of wrongful conduct may be disclosed;
• protects individuals from reprisal by adverse academic or employment action taken within the University as a result of having disclosed wrongful conduct;
• provides individuals who believe they have been subject to reprisal a process to seek relief from retaliatory acts that fall within the authority of the University.

Who Needs to Know This Policy

All members of The University of Southern Mississippi community.

Website Address for this Policy

www.usm.edu/institutional-policies/policy-pres-gc-001

Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tr>
<td>individuals</td>
<td>employee or other member of the USM community</td>
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<tr>
<td>wrongful conduct</td>
<td>• a violation of applicable state and/or federal laws and regulations;</td>
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<td>• a serious violation of University policy;</td>
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<td>• the use of University property, resources, or authority for personal gain or other non-university-related purpose except as provided under university policy;</td>
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<td>• In relation to use of ARRA funds:</td>
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<td>- gross mismanagement of an agency contract or grant relating to recovery funds;</td>
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<td>- a gross waste of recovery funds;</td>
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<td>- a substantial and specific danger to public health or safety related to the implementation or use of recovery funds;</td>
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<td>- an abuse of authority related to the implementation or use of recovery funds;</td>
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<td></td>
<td>- a violation of law, rule, or regulation related to an agency contract or grant awarded or issued relating to recovery funds.</td>
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<td>good faith report</td>
<td>an allegation of wrongful conduct made by an individual who believes that wrongful conduct may have occurred. However, an allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.</td>
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Policy/Procedures

The University has devised procedures for handling a good faith report of wrongful conduct and for responding to complaints of reprisal or retaliation against individuals making such reports. Such procedures conform to the guidelines detailed below. These procedures are published on applicable University websites.

Making Disclosures

The University has existing policies and procedures for maintaining standards of conduct and disclosing wrongful conduct and should be followed to disclose such wrongful conduct. Relevant policies can be found in the University’s Employee Handbook and in the Code of Ethical Conduct, www.usm.edu/institutional-policies/policy-pres-gc-003.

Any wrongful conduct covered by those policies should be reported. Unless the complainant believes the responsible office may be involved, instances of wrongful conduct should be reported to the University or campus office responsible for the policy area (e.g., NCAA violations should be reported to the Athletics Compliance Office and sexual harassment should be reported to the Office of the Title IX Coordinator).

If the complainant believes the responsible office may be involved in the wrongful conduct, the complainant shall make the report directly to the next higher level of management and/or the Office of Internal Audit and/or the Office of Compliance and Ethics. A complaint also may be filed online, https://secure.ethicspoint.com/domain/media/en/gui/31502/index.html, through the EthicsPoint hotline.

Complainants may also call toll-free: 877-310-0424 or contact the Office of Compliance and Ethics at compliance@usm.edu.

After completing the report online, the complainant will be assigned a unique code called a "report key." The complainant should write down the report key and password and keep them in a safe place. After 5-6 business days, the report key and password can be used to check the report for feedback or questions.

Reports of improper governmental action can also be made under state law, MCA 25-9-171-25-9-177, to the Mississippi Attorney General, State Auditor, Ethics Commission, Joint Legislative Committee on Performance Evaluation and Expenditure Review or any other standing committee of the legislature, or any district attorney of the State of Mississippi.

Reports related to ARRA of 2009 funds may be made to an inspector general, the Comptroller General, a member of Congress, a state or federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct).
Complaints of Reprisal

Individuals who have been, or think they have been, subjected to an adverse academic or employment action based on his or her good faith report of alleged wrongful conduct may contest the action by filing a written complaint of reprisal with the Department of Human Resources, the Office of Affirmative Action, or the Office of the Provost or by contacting the Office of Compliance and Ethics at complaince@usm.edu.

Nothing in this policy is intended to interfere with legitimate employment decisions.

Review

The Director of Compliance and Ethics is responsible for the review of this policy every four years (or whenever circumstances require immediate review).

Forms/Instructions

N/A

Appendices

N/A

Related Information

Additional information regarding whistle blower protection related to ARRA funds may be found at http://www.recovery.gov.

History

02/14/12: Formatted for Institutional Policies website.
02/18/13: Formatted for template. Minor editing throughout.
12/15/16: Minor edits to nomenclature.
Authorization

DISCLOSURE OF WRONGFUL CONDUCT (WHISTLEBLOWER) POLICY
PRES-GC-001

RECOMMENDED BY:

Responsible University Administrator

Date

REVIEWED BY:

Director of Compliance and Ethics

Date

Office of General Counsel

Date

APPROVED:

President

Date