

**Mississippi State University
Operating Policy and Procedure
"Whistleblower" Policy**

Purpose:

The general purpose of this policy is to protect any Mississippi State University (MSU) employee or other member of the MSU 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

Policy:

Individuals are expected to abide by state and federal laws and regulations as well as University policies. Furthermore, a MSU 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 which he or she reasonably believes violates 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 which he or she reasonably believes violates the law or University policy must disclose those acts to an appropriate University official.

This policy supplements the existing 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 section 1., b., of 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.

Procedure:

The University shall devise 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 shall conform to the guidelines detailed below. These procedures should be published on applicable University websites.

1. Wrongful Conduct/ Good Faith Report

- a. "Wrongful Conduct" is defined in this policy to be:
 - a violation of applicable state and/or federal laws and regulations
 - a serious violation of University policy
 - the use of University property, resources, or authority for personal gain or other non University-related purpose except as provided under University policy

- in relation to ARRA funds:
 - gross mismanagement of an agency contract or grant relating to recovery funds;
 - a gross waste of recovery funds;
 - a substantial and specific danger to public health or safety related to the implementation or use of recovery funds;
 - an abuse of authority related to the implementation or use of recovery funds;
 - or
 - a violation of law, rule, or regulation related to an agency contract or grant awarded or issued relating to recovery funds.

b. "Good Faith Report" is defined in this policy to be an allegation of Wrongful Conduct made by 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.

2. Making Disclosures

If the University has existing policies and procedures for maintaining standards of conduct and disclosing Wrongful Conduct, those policies should be followed to disclose such Wrongful Conduct. Relevant policies can be found in the [University's Policy Table of Contents](#).

University policies should be used to report any wrongful conduct covered by those policies. Unless the complainant believes the responsible office may be involved, other 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 Diversity and Equity Programs). 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.

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

3. Complaints of Reprisal

Individuals who 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 Office of General Counsel, Human Resources, or the Office of the Provost.

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

Review:

The Office of the President is responsible for the review of this OP every four years (or whenever circumstances require immediate review).

Reviewed by:

<u>/s/ Don Zant</u>	<u>07-28-09</u>
Don Zant, Director of Internal Audit	Date

<u>/s/ Charles L. Guest</u>	<u>07-29-09</u>
Charlie Guest, General Counsel	Date

Approved by:

<u>/s/ Mark E. Keenum</u>	<u>08-04-09</u>
Mark E. Keenum, President	Date