



OP 01.07: "WHISTLEBLOWER" POLICY

PURPOSE

This policy prohibits retaliation against any Mississippi State University (MSU) employee or other member of the MSU community (hereinafter collectively "Individual") who makes a good faith disclosure of suspected wrongful conduct. More specifically it:

- encourages Individuals to disclose instances where they have a good faith belief that there has been conduct that is a violation of law and/or MSU policy;
- informs Individuals how such disclosures may be made;
- protects Individuals from retaliation resulting from such disclosures; and
- provides Individuals who believe they have been subject to retaliation as defined in this policy a means to seek relief.

POLICY

Individuals are expected to abide by state and federal laws and regulations as well as University policies. Furthermore, an MSU employee cannot be compelled as a term or condition of his/her employment or his/her student status to violate a law or MSU policy.

MSU encourages all Individuals, acting in good faith, to report suspected or actual wrongful conduct. Deans, directors, department/unit heads and other administrators who have knowledge of such acts must disclose those acts to an appropriate MSU official.

No person at MSU may retaliate against an Individual who has made a Good Faith Report or who has refused to obey an illegal order. Moreover, MSU employees may not directly or indirectly use or attempt to use their official authority or influence of their positions or offices for the purpose of interfering with the rights of an Individual to make a Good Faith Report.

This policy supplements the existing Mississippi Code of 1972, § 25-9-171 through 25-9-177.

Definitions:

Wrongful Conduct under this policy is:

- a violation of applicable state and/or federal laws and regulations;
- a violation of University policy; or
- the use of University property, resources, or authority for personal gain or other non-University-related purpose except as provided under University policy

Good Faith Report under this policy is an allegation or report made in good faith by an Individual who reasonably believes that Wrongful Conduct may have occurred. An allegation or report is not a Good Faith Report if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation. Furthermore, a report made for the purpose of harassing

an MSU student or employee or for any other improper purpose shall not be deemed to be in good faith. Additionally, a report that fails to provide reasonably specific information in order to allow an investigation to occur shall not be deemed to be in good faith.

Retaliation under this policy is an adverse action or the failure to take a positive action that occurs because of the Good Faith Report. Retaliation may include academic or employment decisions. This policy is intended to cover Retaliation only when undertaken by an MSU employee against the Individual in connection with the Individual's status as a member of the MSU community.

Making a Good Faith Report

If the Good Faith Report involves a violation of MSU policy, the applicable policy should be consulted to determine whether it sets forth a procedure for reporting violations. If so, that procedure should be followed to report the violation. If the policy does not set forth a procedure for reporting violations or the Wrongful Conduct involves a violation of state or federal law or other requirement imposed by an outside agency or organization, the report should be made to the university office responsible for the subject-matter area (i.e., reports involving Wrongful Conduct in research to the Office of Research Compliance; reports involving Wrongful Conduct related to NCAA activities to the Office of Athletic Compliance; reports involving fraud or misuse of funds to Internal Audit). If the Individual believes the responsible office may be involved in the Wrongful Conduct, the Individual should make the report directly to the next higher level of management and/or the Office of Internal Audit. If an Individual requests confidentiality, MSU will attempt to honor that request to the extent confidentiality is possible under the circumstances and any applicable laws, regulations, or policies. However, confidentiality cannot be guaranteed.

Individuals may also make Good Faith Reports using MSU's Ethics Line (https://secure.ethicspoint.com/domain/en/report_company.asp?clientid=24520&override=yes&agreement=no); however, to the extent the report is made anonymously, the protections of this policy may not be fully available to the Individual.

This Policy is not intended to supersede or otherwise supplant any other MSU policy that provides for a means of rectifying alleged Wrongful Conduct. The procedures set forth in those policies should be utilized to report and remedy any such conduct.

Reports of Wrongful Conduct may also be protected by various state and federal whistleblower protections, which should be consulted in order to determine the reporting requirements and protections afforded. Among those state and federal protections are:

Miss. Code Ann. §25-9-171 et seq., which provides for reports related to certain types of conduct to be made 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.

Complaints of Retaliation

An Individual who believes s/he has been subjected to an adverse academic or employment action based on his/her Good Faith Report of alleged Wrongful Conduct must file a written complaint regarding the conduct within 14 calendar days of the event. This complaint shall be subject to the same standard of good faith set forth above. The report may be made either to the Office of the Provost and Executive Vice President (for complaints of academic retaliation) or to Human Resources Management (for complaints of employment retaliation). In the event that the Individual does not believe a report should be made to the Office of the Provost and Executive Vice President or Human Resources Management, the report of retaliation should be made to the Office of Compliance and Integrity or the Office of Internal Audit. Upon a finding that Retaliation has occurred, the party charged with retaliation may be subject to discipline, up to and including suspension, dismissal, or termination. Additionally, other appropriate remedial action may be necessary.

Miscellaneous

Nothing in this policy is intended to interfere with legitimate employment or academic decisions and this policy does not prevent MSU from disciplining or making other decisions related to an employee or student for misconduct, poor performance or other legitimate bases, regardless of the employee's or student's status as a whistleblower or claim to be a whistleblower.

An Individual who makes a report of alleged Wrongful Conduct or a Complaint of Retaliation that is not in good faith as set forth herein may be subject to discipline, up to and including suspension, dismissal, or termination.

Any person who provides false information in connection with a report or complaint under this Policy may be subject to discipline, up to and including suspension, dismissal, or termination.

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:

/s/ Joan Lucas
General Counsel

04/05/2019
Date

/s/ Timothy N. Chamblee
Assistant Vice President and Director
Institutional Research & Effectiveness

04/08/2019
Date

APPROVED:

/s/ Mark Keenum
President

04/09/2019
Date