

1.8 CODE OF ETHICS AND CONDUCT

1.8.1 Statement of Purpose

It is the policy of the University to conduct itself with the highest degree of integrity and honesty in all of its dealings. This is a responsibility of the University Community. Each staff member, student, faculty member and administrative employee must be bound by this common duty in the pursuit of his or her individual responsibility to the educational objectives of the University.

1.8.2 Required Conduct

All members of the University Community shall conform their conduct to the following standards (1.8.3 through 1.8.11) and avoid any conduct that is an actual or apparent violation of these standards.

1.8.3 Proper Use of University Resources

University resources shall not be used for other than their intended purpose. We shall manage those resources prudently and not for our personal use. Employees shall ensure proper approvals are obtained prior to using facilities or granting use to University facilities. Individuals seeking use of a University facility should contact the Division of Community Affairs and Events.

1.8.4 Relationship with Vendors

No employee may also be a vendor or contractor with the University if a personal benefit is derived to the individual.

1.8.5 Gratuities

No Trustee, member of the Faculty, or employee of the University shall receive or solicit anything of value (other than the pay established in the employment relationship) in return for influencing or exercising his/her discretion in a particular way on a University matter. Honorary gifts of *de minimus* value are excluded from this proscription.

No employee shall make a donation of public funds or resources, and no extra compensation shall be granted beyond the contracts made to employees or contractors. No person shall diminish, waive, or relinquish an obligation or claim held or owned by the state, without adequate and legal consideration exchanged.

1.8.6 Confidentiality and Maintenance of Accurate Accounts and Records

The accounts and records of the University are maintained in a manner that provide for an accurate and auditable record of all financial transactions in conformity with generally accepted accounting principles, established business practices, and all relevant provisions of controlling law. No false or deceptive entries may be made. Business records must be prepared with care and honesty.

Members of the University Community who improperly convert these records and accounts for their own personal use or for the personal use of another, or who wrongfully discloses such records or accounts will be subject to appropriate disciplinary action with the possibility of additional liability or punishment pursuant to state and federal law.

1.8.7 Educational Benefits and Opportunities

No member of the University Community shall deny a student fair access to educational opportunities and benefits available at the University. Invidious harassment, discrimination, or intimidation of students that deny or impede their right of access to these benefits and opportunities will not be tolerated and will be subject to disciplinary action.

1.8.8 Government Relations

All members of the University Community are expected to conform their actions to the requirements of the law. Illegal or unethical conduct by University employees, whether on or off campus, may reflect unfavorably on the University or be relevant to an employee's fitness for a particular position. Any misconduct which violates this Code of Ethics and Conduct Policy may be considered by the University for evaluation and/or employment action purposes.

If JSU is requesting Government funding or the award of a Government contract or grant, JSU (including its representatives) has an affirmative obligation to make full, accurate, and honest representations concerning all relevant information submitted to or requested by the Government. All record keeping and accounts must be in accord with generally accepted accounting principles and otherwise in compliance with all pertinent Government directives and regulations.

1.8.9 Employment Practices and Public Relations

No member of the University Community shall engage in any employment practice that is a violation of Federal law, Mississippi law, or the law of any other local jurisdiction where the University may have employees conducting business. Every member of the University community is expected to treat each other and members of the public with courtesy, professionalism, and civility.

1.8.10 Duty to Cooperate

Every member of the University Community has a duty to cooperate with the University in the initiation and defense of actual or contemplated litigation affecting the interests of the University and in the conduct of any investigation of the University, including a violation of this *Code of Ethics and Conduct*. Suspected violations of Mississippi State Ethics laws should be forwarded to the University's Office of General Counsel.

1.8.11 Relevant Mississippi Ethics Laws

JSU employees shall not be interested, directly or indirectly, in any contract with the University other than their employment contract. Therefore, a JSU employee may not be a contractor or vendor with JSU, other than his contract of employment, or have a material financial interest in a business which is a contractor or vendor with the University. An employee has a material financial interest in a contract if a personal and pecuniary interest, direct or indirect, accrues to the public servant or relative, either individually or in combination with each other. It is not considered a material financial interest where ownership in a company benefiting from a contract is extremely small and not influential, as set forth in *Miss. Code Ann. §§ 25-4-103 and 25-4-105*.

No person may intentionally use or disclose information gained because 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.

Any contract made in violation of state ethics law may be declared void and the contractor or subcontractor shall retain or receive only the reasonable value, with no increment for profit or commission, of the property or the services furnished prior to the date of receiving notice that the contract has been voided. Any person violating a state ethics law shall be punished as provided for in *Miss. Code Ann. §§ 25-4-109 and 25-4-111*. Executive directors and heads of state agencies, including presidents and trustees of state-supported colleges, who are paid from state funds must file a statement of economic interest as required by *Miss. Code Ann. §§ 25-4-25 and 25-4-27*.

1.8.12 Whistleblower Policy

Purpose:

Jackson State University is committed to the highest standards of conduct and compliance with all applicable laws. This policy encourages all members of the Jackson State University community to report, without fear of reprisal, any suspicion or knowledge of wrongdoing relating to the University's financial matters, or any violations of law or University policy. **Jackson State University is appreciative and protective of any employee choosing to report suspected wrongdoing and any information reported will be investigated and resolved in a timely manner.**

The general purpose of this policy is to protect any Jackson State University (JSU) employee or other member of the JSU 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 (as outlined in section 3 under the heading "Complaints of Reprisal") 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 JSU 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 they reasonably believe violate the law or University policy are strongly encouraged to disclose those acts to an appropriate University official. Deans, directors, department/unit heads, other administrators and personnel who have knowledge of specific acts which they reasonably believe violate the law or University policy must disclose those acts to an appropriate University official.

This policy supplements the existing University policies 1.8, 6.2 and the Mississippi Code Ann. §§ 25-9-171 through 25-9-177 and Section 1553 of the federal American Recovery and Reinvestment Act (ARRA) of 2009 (Public Law 11 1-5) and protects reporting Individuals who make a good faith report 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.

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; or
- the following if 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 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.

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. 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 Department of Human Resources). 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.

Concerns should be reported either verbally or in writing as soon as practicable to the following:

- Provost or Vice President to whom the disclosing individual reports
- Office of Internal Audit Fraud Hotline (601)979-3951 (<http://www.jsums.edu/auditor/fraud-hotline/>)
- JSU Ethics Hotline (<https://secure.ethicspoint.com/domain/media/en/gui/31498/index.html>).

Reports of improper governmental action can also be made under state law, Mississippi Code Ann. §§ 25-9-171 to 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://m.recovery.gov>.

3. Complaints of Reprisal

It is a violation of this Policy to retaliate in any way against an individual who has reported misconduct or otherwise assisted in an investigation under this Policy. Whistleblowers who believe that they have been retaliated against may file a written complaint. Any complaint of retaliation will be promptly investigated and appropriate corrective measures taken if allegations of retaliation are substantiated. This protection from retaliation is not intended to prohibit supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.

Procedures:

- a) Students who have been subjected to adverse academic actions, a written complaint may be filed with the Vice President/Provost for Academic Affairs. Adverse academic actions may include but are

not limited to: denial of student services, unfair grading, inability to participate in campus activities, being subjected to a hostile environment by the University.

- b) Employees who have been subjected to an adverse employment action may file a written complaint of reprisal with the Office of the General Counsel. Examples of adverse employment actions may include but are not limited to: demotion, termination, salary adjustment, and reprimands.
- c) Upon receipt of the complaint, an investigation will be undertaken by the appropriate office. All investigations will be completed within 60 days. Extensions of time may be granted as deemed necessary by the investigating authority.
- d) Upon the conclusion of the investigation, a formal letter detailing the findings will be provided to the complainant. A written summary of the investigation with findings and recommendations will be provided to the Office of the President.
- e) If the formal investigation substantiates the alleged retaliation, the University will undertake appropriate remedies for the retaliation in accordance with the university's existing policies and procedures.

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

Review:

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