

## 2.0 Administrative Policies and Procedures

---

### 2.00.00 Organization Policies

---

### 2.29.00 Whistleblower Policy

---

#### 1. POLICY STATEMENT

The Desert Research Institute (DRI) is committed to complying with all applicable laws and regulations. As part of its compliance and ethics program, DRI has established this policy to encourage reporting of unethical behavior or misconduct. This policy applies to all DRI employees, volunteers, contractors, subcontractors, and other individuals acting on behalf of or providing services to the Institute. This policy serves to ensure that DRI complies with Federal Government (i.e., 41 U.S. Code § 4712) and State of Nevada (i.e., Nevada Revised Statute (NRS) 281.611 through 281.671) laws and regulations, as well as Nevada System of Higher Education policies and procedures with respect to professional ethical standards.

#### 2. DEFINITIONS

Whistleblower: A person who discloses information that they reasonably believe is evidence of illegality, gross waste or fraud, gross mismanagement of a federal grant or contract, abuse of authority, general wrongdoing, or a substantial and specific danger to public health and safety.

Good Faith: Any report of a compliance matter that is made without malice and that the person making the report has reasonable cause to believe is true.

Report of Violation: Any complaint, allegation, report, or concern of a compliance matter made under this procedure.

Retaliation: When an employer punishes another employee for engaging in legally protected activity. Retaliation can include any negative job action, such as demotion, discipline, firing, salary reduction, or job reassignment.

#### 3. POLICY DETAILS

This Whistleblower Policy applies to all employees, volunteers, contractors, subcontractors, and other individuals acting on behalf of or providing services to the Desert Research Institute.

DRI encourages all employees, volunteers, contractors, subcontractors, and other individuals acting on behalf of or providing services to the Institute to report acts they in good faith perceive as being a violation of law, regulation, and/or Institute policy, rules, or other requirements. This policy is intended to encourage disclosure to appropriate officials so that prompt and appropriate action can be taken.

DRI is committed to protecting individuals from interference in making a good faith report of violation under this policy and from retaliation as a result of such good-faith reporting. Individuals may not retaliate against any other individual on the basis of that individual making a good faith report of a violation. Individuals may not use or attempt to use authority or influence related to their DRI position or association to interfere with another individual's rights to make a report of violation as provided for in this policy.

Individuals who knowingly or with disregard for the truth give false or misleading information in conjunction with a report of violation or knowingly make a false report of violation, are not entitled to the protections of this policy, and shall be subject to appropriate discipline, law enforcement, and/or other action. Reports of violation made pursuant to this policy that are not eventually substantiated, yet are still made in good faith, do not subject the reporting individual to such disciplinary action.

In accordance with the provisions of applicable law, an individual shall not be discharged, receive or be threatened with adverse employment action, or otherwise be retaliated against regarding the individual's compensation, terms, conditions, location, or privileges of employment on the basis that the individual, or a person acting on behalf of the individual, makes a good faith report of violation, or because an individual is requested by a public body or court to participate in an authorized investigation, hearing, inquiry, or court action. An individual whom the Institute finds to have taken such retaliatory action against an individual who has filed a report of violation is subject to action deemed appropriate by the Institute, which may include discipline up to and including termination from DRI.

Confidentiality will be maintained to the fullest extent possible, consistent with the need to conduct an adequate review. A report of violation may be submitted anonymously. However, without sufficient information or a contact who can provide additional needed information, an investigation may not be able to be successfully concluded. Good faith reports of violation will be kept confidential except on a need-to-know basis and in order to investigate and take appropriate action in response to the report of violation as determined by the Institute. In some instances, reporting may also be required under federal or state law, or DRI policy. In the event individuals are uncertain about their reporting obligation, they should consult with DRI's General Counsel.

#### **4. IMPLEMENTATION AND PROCEDURES**

The DRI President or their designee is authorized to enact procedures to implement this policy and to make interpretations and clarifications and revisions of this policy in accordance with applicable law and other policies, rules, and requirements applicable to the Institute. Nothing in this policy shall be interpreted to preclude anyone from reporting criminal matters to law enforcement agencies or exercising any reporting rights protected by applicable law.

To the greatest extent allowed by law, policy, and contract, all individuals are required to cooperate and provide requested information to DRI personnel authorized under this policy or procedures enacted to implement this policy, and/or to investigate and determine the merits of reports of violation and/or complaints of retaliation. Any individual in violation of this policy is subject to action deemed appropriate by the Institute, which may include discipline up to and including termination from DRI.

Employees are encouraged to raise concerns with their immediate supervisor. If the concern is regarding their immediate supervisor, they are encouraged to report to the Human Resources Director or the Vice President for Research. Supervisors or other university offices receiving compliance reports should contact the Human Resources Director to determine next steps and should not investigate the matter themselves.

Reports may be made by phone, email, or in person to the Human Resources Director or Vice President for Research.

Additional information can be found at the U.S. Personnel Management Office website at <https://www.opm.gov/our-inspector-general/hotline-to-report-fraud-waste-or-abuse/>.

Complaints under the Disclosure of Improper Government Action Act may be filed by the employee with the Nevada Personnel Commission and more information is available on the internet at: <https://hr.nv.gov/Sections/EEO/Discrimination/Whistleblower/>.