


Name of Policy: Non-retaliation Policy Number: 3364-15-04 Approving Officer: President Responsible Agent: Executive Director and Chief Compliance Officer Scope: All University of Toledo campuses		 Effective date: October 2, 2023 Original effective date: August 1, 2008	
Keywords:			
	New policy	X	Minor/technical revision of existing policy
	Major revision of existing policy		Reaffirmation of existing policy

(A) Policy statement

The university of Toledo (“UToledo”) expects reporting in good faith any activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to public health and safety without fear of retaliation.

(B) Purpose of policy

UToledo, in compliance with federal and state law (Ohio Revised Code (ORC) §4113.52), protects individuals from interference when making protected disclosures, and for refusing to take part in any activity that is illegal or in violation of any UToledo policies.

(C) Scope

All UToledo campuses.

(D) Definitions

- (1) “Wrongful conduct”. A serious violation of UToledo policy; a violation of applicable state and federal laws; or the use of UToledo property, resources or authority for personal gain or other non-university-related purpose except as

provided under UToledo policy.

- (2) "Protected disclosure". Communications about actual or suspected wrongful conduct engaged in by a university employee, student, volunteer, agent, or contractor (who is not the disclosing individual) based on good faith and a reasonable belief that the conduct has both occurred and is wrongful under applicable law and/or university policy.
 - (3) "Retaliation". Disciplinary or adverse action taken against an individual because they have made a protected disclosure or have participated in an investigation, proceeding, or hearing involving a protected disclosure.
 - (4) "Acting in good faith". Anyone filing a complaint concerning a violation or suspected violation of this policy must have reasonable grounds for believing the information disclosed indicates a violation of the policy.
- (E) Protection of reporter
- (1) Protects individuals, who in good faith report suspected wrongful conduct to appropriate UToledo officials, from retaliation so that UToledo may take prompt, corrective action.
 - (2) UToledo protects individuals from disciplinary action or other retaliation because of disclosing wrongful conduct. This policy does not protect individuals who self-report their own misconduct.
 - (3) The Non-retaliation policy protects UToledo when acting against individuals who make bad faith disclosures.
 - (4) This policy will not provide protection for any communication that proves to have been both unsubstantiated and made with malice or with knowledge of its falsity and will not interfere with legitimate employment decisions.
- (F) Summary procedure
- (1) Follow policy 3364-15-03 Compliance incident reporting, to report wrongful conduct non-anonymously, including violations of this policy.
 - (2) Actions determined to be retaliation or bad faith reporting can result in disciplinary actions up to and including termination.
- (G) References
- ORC §4113.52, Reporting violation of law by employer or fellow employee,

<https://codes.ohio.gov/ohio-revised-code/section-4113.52>

Policy 3364-15-03 Compliance incident reporting,

<https://www.utoledo.edu/policies/administration/compliance/pdfs/3364-15-03.pdf>

<p>Approved by:</p> <p><i>/s/</i></p> <hr/> <p>Gregory Postel, MD President</p> <p>Date: October 2, 2023</p> <p>Review/revision completed by:</p> <ul style="list-style-type: none"><i>Executive Director and Chief Compliance Officer</i>	<p>Policies superseded by this policy:</p> <ul style="list-style-type: none"><i>None</i> <p>Original effective date: <i>August 1, 2008</i></p> <p>Review/revision date: <i>June 1, 2016</i> <i>February 18, 2020</i> <i>October 2, 2023</i></p> <p>Next review date: <i>October 2, 2026</i></p>
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