


<p>Name of Policy: Use of legal counsel.</p> <p>Policy Number: 3364-10-13</p> <p>Approving Officer: President</p> <p>Responsible Agent: Vice President and General Counsel</p> <p>Scope: The University of Toledo</p>	 <p>Revision date: January 22, 2020</p> <p>Original effective date: October 30, 2009</p>								
<table> <tr> <td><input type="checkbox"/></td> <td>New policy proposal</td> <td><input type="checkbox"/></td> <td>Minor/technical revision of existing policy</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Major revision of existing policy</td> <td><input checked="" type="checkbox"/></td> <td>Reaffirmation of existing policy</td> </tr> </table>		<input type="checkbox"/>	New policy proposal	<input type="checkbox"/>	Minor/technical revision of existing policy	<input type="checkbox"/>	Major revision of existing policy	<input checked="" type="checkbox"/>	Reaffirmation of existing policy
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(A) Policy statement

As set forth in section 3345.15 of the Ohio Revised Code, the Ohio attorney general represents the university and provides legal advice in all matters relating to the university's powers and duties. One function of the university's office of legal affairs is to assist the Ohio attorney general in carrying out this obligation.

(B) The purpose of this policy:

To clarify the use of legal counsel in all legal matters of the university.

(C) Policy

(1) The attorney general as attorney.

- (a) As set forth in section 3345.15 of the Ohio Revised Code, the office of the Ohio attorney general represents the university and provides legal advice in all matters relating to the university's powers and duties.
- (b) The attorney general will make all decisions regarding legal affairs along with the vice president and general counsel through the office of legal affairs, including but not limited to use of legal counsel and expenses related to such use, direction and management of litigation and approvals of settlements affecting the university.

- (c) No legal action may be initiated by the university or any individual on behalf of the university without the approval of the Ohio attorney general and the office of legal affairs.
 - (d) Matters regarding the providing of a legal defense or immunity from personal liability for a university employee are governed by the Revised Code as determined by the Ohio attorney general.
 - (e) Settlements may also require the approval of the board of trustees, the president of the university or other university administrators.
- (2) Appointment of assistant attorney generals within the office of legal affairs and use.
- (a) Only Ohio licensed attorneys appointed by the Ohio attorney general as assistant attorney generals may represent or provide legal advice to the university.
 - (b) University employees representing the university in a legal capacity must have such designation as an assistant attorney general in order to provide legal advice to the university. A license as an attorney under state law is not sufficient and without more, does not authorize any individual to represent or provide legal advice to the university. Any purported legal advice rendered by a person without this designation from the attorney general does not protect the university or individual seeking advice and may not be protected by the attorney- client privilege.
 - (c) University employees seeking legal advice related to university business or affairs must first discuss the matter with the provost, vice president or delegate as appropriate. Should issues or legal questions continue after such discussion, the provost, vice president or delegate as appropriate should contact the office of legal affairs for assistance. Legal matters requiring immediate attention, however, should be directed to the office of legal affairs for action with notification to the provost, vice president or delegate as necessary. The provost, vice president or delegate requiring regular interaction and advice, can also request document review by the office of Legal Affairs.
- (3) Appointment of special or outside counsels and use.

- (a) Only licensed attorneys appointed by the Ohio attorney general and approved by the office of legal affairs for a specific task (“Special or outside counsel”) may represent the university in any matter not handled by an assistant attorney general.
- (b) Special or outside counsel may not be engaged or contacted except as authorized by the Ohio attorney general and the office of legal affairs. Incurring legal costs without prior approval by the attorney general and office of legal affairs is a violation of university policy and may subject an employee to personal responsibility for such costs.

<p>Approved by:</p> <p><u>/s/</u> Sharon L. Gaber, Ph.D. President</p> <p><u>January 22, 2020</u> Date</p> <p><i>Review/Revision Completed by: Office of Legal Affairs, SLT</i></p>	<p>Policies Superseded by This Policy:</p> <p><i>V-1-3 Use of Legal Counsel (former Main Campus Policy, previous approval date February 10, 1999) Previous 3364-10-13, effective October 13, 2016</i></p> <p>Original effective date: October 30, 2009 Review Date: October 13, 2016, January 22, 2020</p> <p>Next review date: January 23, 2023</p>
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