

<b>Name of Policy:</b> <b>Compliance incident reporting</b>  <b>Policy Number:</b> 3364-15-03  <b>Approving Officer:</b> President  <b>Responsible Agent:</b> Executive Director and Chief Compliance Officer  <b>Scope:</b> All University of Toledo Campuses		  <b>Effective date:</b> October 2, 2023  <b>Original effective date:</b> August 1, 2008	
<b>Keywords:</b>			
<input type="checkbox"/>	New policy	<input checked="" type="checkbox"/>	Minor/technical revision of existing policy
<input type="checkbox"/>	Major revision of existing policy	<input type="checkbox"/>	Reaffirmation of existing policy

(A) Policy statement

The university of Toledo (UToledo) strives to comply with all federal, state, and local statutes. This policy sets forth the procedures that UToledo will use to respond to reports by institutional members or others regarding violations of UToledo policies and procedures or a violation of applicable state and federal laws.

(B) Purpose of policy

This policy establishes UToledo’s response in situations where UToledo violated policies, rules and standards, state or federal regulations, either inadvertently or knowingly. Corrective action or procedures are necessary to ensure compliance. It is necessary to protect UToledo in the event of civil or criminal enforcement actions.

(C) Scope

All UToledo campuses.

(D) Definitions

“Institutional members”. Any person who participates in university activities, or has an affiliation with UToledo, including staff, faculty, providers of medical services,

contractors, vendors, students, alumni and volunteers, whether they are paid by UToledo.

(E) Summary procedures

(1) Institutional member duty

- (a) Institutional members have a duty to ask questions regarding potential issues and to report potential concerns.
- (b) If any institutional member knows of or suspects a violation, they are to report it immediately without fear of retaliation.
- (c) At no time will UToledo take any retaliatory action against any individual who files a good faith complaint.
- (d) Please refer to the UToledo Nonretaliation policy 3364-15-04.

(2) Students and student employees seeking to raise concerns should speak directly with the office of student conduct and community standards. Student employees who have concerns regarding their UToledo job can use this policy.

(3) Reporting methods

Institutional members may report in good faith incidents or suspicious activities in the manner listed below. UToledo will maintain information received confidentially to the extent the law permits.

- (a) Local resolution: The recommended method to raise a concern begins with your own college, department or unit through supervisory channels you report to.
- (b) Central offices: Due to the subject matter, work or personal relationship, it may be best to raise questions through a specialized central office. Examples include:
  - (i) Human resources or the office of diversity, equity, and inclusion for employment concerns, discrimination or sexual harassment,
  - (ii) The office of athletics compliance for NCAA violations.
  - (iii) The office of research and sponsored programs for research concerns.

(c) Department of Institutional Compliance

- (i) If the institutional member is uncomfortable with addressing concerns at the local level or through a central office, needs advice on how to manage an issue, or believes issues were not resolved satisfactorily, the institutional member can call and report directly to the Department of Institutional Compliance.

(ii) Institutional members may also submit a written report to the Department of Institutional Compliance.

(d) Anonymous Reporting Line

(i) UToledo has an anonymous reporting line to report any situation without using any Personally Identifiable Information (888-416-1308).

(ii) Refer to the UToledo protected disclosures through policy 3364-15-05 Anonymous reporting line policy.

(e) Direct reporting

Should institutional members feel that administration is not addressing the issues or concerns, the institutional member may file a complaint directly to the government or supporting agency.

(4) Training: All institutional members receive training on how to report suspected violations of UToledo policies, state and federal regulations, at new hire orientation and at regular intervals as documented in policy 3364-27-127 Mandatory training.

(F) Enforcement

(1) The failure of any institutional member to perform any obligation required of this policy or applicable local, state, and federal laws or regulations is subject to established UToledo disciplinary actions and/or prosecution by state or federal authorities.

(2) The chief compliance officer is responsible for ensuring that the appropriate university official investigates all good-faith allegations of compliance issues; this official may or may not be a member of the institutional compliance department. As such, all units that receive reports of allegations of compliance concerns should make reasonable efforts to keep the chief compliance officer informed of current concerns. Should a university official be unwilling to investigate in good faith a compliance concern, the chief compliance officer will escalate the matter to the appropriate university leader. If the unwillingness to investigate is at the leadership level, the chief compliance officer will inform the necessary oversight stakeholders of the university, under the protection of the 3364-15-04 Non-retaliation policy and the appropriate sections of Ohio Revised Code. The references section contains relevant university policies discussing the investigation processes for specific employee categories (i.e., faculty, clinical staff, research staff, other categories).

- (G) List of critical areas of compliance concern (not all inclusive)
- (1) Fraud, waste and abuse
  - (2) False claims
  - (3) Medicare and Medicaid anti-kickback statutes/Stark laws
  - (4) Improper claims for clinical trials
  - (5) Research, including conformance with provisions of granting agencies
  - (6) Provider-based clinics
  - (7) Organ acquisition
  - (8) Direct graduate medical education/indirect medical education (DGME/IME) reimbursement
  - (9) Emergency medical treatment and active labor act ("EMTALA")
  - (10) Medicare part D
  - (11) Joint commission
  - (12) University and medical center policies
  - (13) Family education rights and privacy act ("FERPA")
  - (14) Health insurance portability and accountability act ("HIPAA")
  - (15) Construction
  - (16) National collegiate athletic association ("NCAA")
  - (17) Public records laws
  - (18) Ohio ethics laws
  - (19) Discrimination laws
  - (20) Federal financial aid
  - (21) 42 CFR part 2 ("SAMHSA")

(H) References

Policy 3364-15-04 Nonretaliation

<https://www.utoledo.edu/policies/administration/compliance/pdfs/3364-15-04.pdf>

Policy 3364-15-05 Anonymous reporting line

<https://www.utoledo.edu/policies/administration/compliance/pdfs/3364-15-05.pdf>

Policy 3364-27-127, Mandatory training

<https://www.utoledo.edu/policies/administration/humanresources/pdfs/3364-25-127.pdf>

**Approved by:**

/s/

Gregory Postel, MD  
President

**Date:** October 2, 2023

**Review/revision completed by:**

- *Executive Director and Chief Compliance Officer*

**Policies superseded by this policy:**

- *None*

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*August 1, 2008*

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**Next review date:**

*October 2, 2026*