



## Ohio Administrative Code Rule 3349-7-165 Whistleblower Protection.

Effective: October 25, 2019

---

### (A) Purpose

The purpose of this rule is to protect members of the university community from disciplinary or retaliatory action when they engage in good faith disclosures of alleged wrongful conduct to a designated university official or office, a public entity charged with investigating such alleged wrongful conduct, or through the university's third-party ethics and compliance reporting service; and from false or reckless claims of wrongful misconduct.

### (B) Scope

This rule applies to all members of the university community, including employees, students, and volunteers.

### (C) Definitions

(1) "Good faith disclosure" means communication about actual or suspected wrongful conduct engaged in by a university employee, student, volunteer, or contractor (who is not also the disclosing individual) based on a good faith and reasonable belief that the conduct has both occurred and is wrongful under applicable law and/or university rule.

(2) "Retaliation" refers to adverse action against a whistleblower or an individual that has participated in an investigation, proceeding or hearing involving a good faith disclosure. These adverse actions include harassment or negative employment consequences, such as compensation reductions, poor work assignments, or threats of physical or mental harm.

(3) "Student conduct officer" or "administration of student conduct," refers to the university official or designee who reviews a wide range of reported misconduct, may resolve misconduct cases, or may refer them to another university official for adjudication.



(4) "Whistleblower" refers to any member of the university community (i.e., student, employee or volunteer) who makes a good faith disclosure.

(5) "Wrongful conduct" means illegal, dishonest, discriminatory, or fraudulent activity that constitutes a serious violation of university rule, a violation of applicable state or federal law, or the misuse of university resources, authority, or property, including the use of university resources for personal gain.

(D) Rule statement

(1) Overview

(a) NEOMED values the ability to foster a positive, ethical, and productive environment where members of the university community are encouraged to communicate, in good faith, actual or suspected wrongful conduct.

(b) If a member of the university community has knowledge of or belief that wrongful conduct has occurred, the disclosing individual (the whistleblower) must make a reasonable and good faith effort to determine the accuracy of any information reported under this rule.

(c) Any information report that proves to have been both unsubstantiated and made with malice or with knowledge of its falsity is not protected by this rule and may subject the whistleblower to discipline.

(2) Retaliation and confidentiality protections

(a) Retaliation by a member of the university community against a whistleblower is prohibited. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing of the whistleblower that is found to exist following an investigation.

(b) Any member of the university community who retaliates against any whistleblower who makes a good faith disclosure is subject to disciplinary action, up to and including suspension, termination, or



expulsion.

(i) Employees or volunteers who believe they have been retaliated against should contact the office of human resources to file a written complaint.

(ii) Students who believe they have been retaliated against should contact the office of student services to file a written complaint.

(c) Members of the university community may not directly or indirectly use or attempt to use the official authority or influence of their positions or offices for the purpose of interfering with the right of an individual to make a good faith disclosure to the appropriate university official(s) regarding matters within the scope of this rule.

(d) Good faith disclosures may be made on a confidential basis by the whistleblower and may be submitted anonymously through the university's third-party reporting service.

(e) Good faith disclosures and investigatory records will be kept confidential to the extent feasible, consistent with the need to conduct an adequate investigation and in accordance with university policies and applicable federal, state, and local laws such as the Ohio Public Records Act.

(3) False or reckless claims

(a) Members of the university community must exercise sound judgment to avoid false, reckless or baseless claims.

(b) Any individual who reports recklessly or with a willing disregard for the facts, such that the report is found to be lacking in good faith, such that the report is found to be lacking in good faith, they may be subject to criminal charges and disciplinary action, up to and including suspension, termination, or expulsion as determined by the employee's appointing authority or the student conduct officer.

(4) Communicating good faith disclosures

(a) Individuals who wish to be protected by state of Ohio regulations and this rule must document



their concerns in a written form that provides sufficient detail to identify and describe the violation.

(b) If a member of the university community has knowledge of or information that wrongful conduct has occurred, that individual is encouraged to immediately report such conduct to the proper university official, as designated in paragraph (D)(4)(b) of this rule for investigation.

(c) If an individual is not comfortable speaking with their supervisor, appointing authority, or student conduct officer, or is not satisfied with the response they receive, individuals should direct their concerns to the following office, as appropriate:

(i) Academic and student matters - office of student services, 330-325-6735

(ii) Criminal matters - university police department, 330-325-5911

If a whistleblower reasonably believes that the wrongful conduct is a criminal offense, the whistleblower may make a report to a prosecuting attorney or police authority, in addition to or instead of filing a written report in accordance with this rule.

(iii) Employment matters - office of human resources, 330-325-6729

(iv) Environmental and occupational health and safety matters - office of environmental and occupational health and safety, 330-325-6494

(v) Title ix matters - title ix coordinator, 330-325-6736

(vi) Financial and purchasing matters - accounting and budget office, 330-325-6399

(vii) Legal matters - office of the general counsel, 330-325-6354

(viii) Grant and research matters - office of research and sponsored programs, 330-325-6499

(ix) Information technology matters - information technology department, 330-325-6911



(d) Supervisors or approval authorities who receive good faith disclosures are required to contact the appropriate office(s) based on nature of the good faith disclosure.

(e) An alternative method to make a good faith disclosure specific to accounting, financial, information technology, research, risk, and safety matters is to utilize the university's anonymous third-party reporting service found online.

While such reports can be made anonymously, the effectiveness of doing so may be limited when an individual has chosen to not be identified.

(f) External avenues for good faith disclosures include the following:

(i) The Ohio auditor of state - public integrity assurance team;

(ii) The Ohio civil rights commission;

(iii) The Ohio ethics commission;

(iv) The Ohio inspector general;

(v) The United States department of education;

(vi) The United States department of labor;

(vii) The United States equal employment opportunity commission;

(viii) National institutes of health; and

(ix) National science foundation

(5) Handling good faith disclosures

(a) Offices listed in paragraph (D)(4)(b) of this rule that receive good faith disclosures will notify the



disclosing individual (if their identity is known) and acknowledge receipt of the reported disclosure within ten working days for most issues and within twenty-four hours for alleged criminal or environmental violations.

(b) All reports will be promptly investigated within ninety calendar days and appropriate corrective action will be taken if warranted by the investigation.