



Ohio Administrative Code Rule 3344-2-05 Whistleblower protection.

Effective: June 2, 2014

Cleveland state university encourages all faculty,staff, students and volunteers, acting in good faith, to report suspected or actual wrongful conduct. Retaliation against an individual making such a goodfaith report is prohibited.

(A) Definitions. For purpose of this rule:

(1) "Protected disclosure" means a report made in good faith that:

(a) Is about actual or suspected wrongful conduct engaged in by a member of the university board of trustees or foundation board, a university employee, student, volunteer, agent or contractor; and

(b) Is based on a reasonable belief that the conduct both has occurred and is wrongful conduct as defined in this rule.

(c) A disclosure is not a protected disclosure if the individual making the report participated in the reported conduct.

(2) "Retaliation" means a materially adverse action against an individual because that individual has made a protected disclosure or has participated in an investigation, proceeding or hearing involving a protected disclosure.

(3) "Wrongful conduct" means a serious violation of university policy or rule, a violation of applicable state or federal law, or the misuse of university or other public resources, including the use of university resources for private gain. Any violation of this rule is considered a serious violation of university policy.

(B) Retaliation prohibited. Retaliation against an individual making a protected disclosure, or participating in an investigation, proceeding or hearing involving a protected disclosure, is



prohibited.

(C) Reporting.

(1) Protected disclosures may be made to an individual's supervisor, the university administrator responsible for the program area of concern, the office of general counsel, the office of university compliance, the department of audits, the office of institutional equity, or through the university's anonymous fraud and abuse reporting hotline. Protected disclosures related to suspected or actual criminal conduct may be reported to the Cleveland state university police or other local law enforcement agency.

(2) Protected disclosures may be made verbally or in writing. However, it may not be possible for the university to appropriately investigate reports unless they are in writing and include sufficient detail to identify and describe the violation.

(3) The office of university compliance shall develop procedures to ensure that protected disclosures are appropriately investigated.

(D) False allegations. It is a violation of this rule to knowingly, or with reckless disregard for the truth, make a false report of wrongful conduct or of retaliation, or give false information during an investigation, proceeding or hearing involving a protected disclosure. A person acts with reckless disregard for the truth when the person knows that the report or information given could have serious consequences, but makes no effort to determine whether it is true, or is indifferent to whether it is true. It is not a violation of this rule to make a report in good faith about suspected wrongful conduct or suspected retaliation that is based on a reasonable belief that the conduct has both occurred and is wrongful conduct, even if, upon investigation, the report is not substantiated.

(E) Confidentiality. Protected disclosures and investigatory records shall be kept confidential to the extent possible, consistent with the need to conduct an appropriate investigation, and in accordance with the Ohio public records act.

(F) Penalties. Any person found to have violated this rule shall be subject to discipline, up to and including termination of employment, contract or service to the university, or expulsion.