

**3358: 14-3-26 Non-retaliation.**

- (A) Statement of purpose: this policy is intended to protect any individual who engages in good faith disclosure of alleged wrongful conduct to a designated college official or public body. More specifically it:
- (1) Encourages individuals to disclose wrongful conduct engaged in by others to the appropriate college official so that the college can take prompt, corrective action;
  - (2) Informs individuals how allegations of wrongful conduct can be disclosed;
  - (3) Protects individuals from reprisal by adverse employment action or other retaliation as a result of having disclosed wrongful conduct (individuals who self-report their own misconduct are not afforded protection by this policy); and
  - (4) Provides individuals who believe they have been subject to reprisal or false allegations a fair process to seek relief from these acts.
- (B) Any communication that proves to have been both unsubstantiated and made with malice or with knowledge of its falsity is not protected by this policy. This policy is also intended to protect individuals against false allegations of wrongful misconduct.
- (C) Nothing in this policy is intended to interfere with legitimate employment decisions.
- (D) Definitions:
- (1) Wrongful conduct. A serious violation of college policy; a violation of applicable state and federal laws; or the use of college property, resources or authority for personal gain or other non-college-related purpose except as provided under college policy.
  - (2) Protected disclosure. Communication about actual or suspected wrongful conduct engaged in by a college employee, student, volunteer, agent 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 college policy. Individuals who are aware of or have reason to suspect wrongful conduct should report the conduct to:

- (a) The disclosing individual's supervisor, either verbally or in writing;
- (b) A central office – reporting violations, either verbally or in writing; or
- (c) The appropriate governmental unit, law enforcement office or ethics commission after first providing a written communication about the wrongful conduct to the appropriate college administrator.

(E) Individuals who wish to be protected by the Ohio Whistleblower Protection Act must provide a written report that provides sufficient detail to identify and describe the violations.

(F) Regulations

- (1) Retaliation. Adverse action against an individual because she or he has made a protected disclosure or has participated in an investigation, proceeding or hearing involving a protected disclosure.
- (2) Acting in good faith. Anyone making a protected disclosure or filing a complaint concerning a violation or suspected violation of this policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the policy.
- (3) False allegations. Any employee or volunteer who knowingly or with reckless disregard for the truth gives false information or knowingly makes a false report of wrongful conduct or a subsequent false report of retaliation will be subject to disciplinary action, up to and including termination. Any student who makes false allegations in the non-employment setting will be subject to judicial action. Allegations that are not substantiated yet are made in good faith are not subject to corrective action.
- (4) Confidentiality. Protected disclosures may be made on a confidential basis by the complainant or may be submitted anonymously through the

college's anonymous reporting line. Protected disclosures and investigatory records will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation, and in accordance with the Ohio Public Records Act.

(5) Handling protected disclosures. The offices receiving the protected disclosure will notify the disclosing individual (if his or her identity is known) and acknowledge receipt of the report.

Effective: 03/16/2015

CERTIFIED ELECTRONICALLY

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Certification

03/04/2015

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Date

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Statutory Authority: 3358  
Rule Amplifies: 3358