

RISK MANAGEMENT IN EDUCATION (RME)

PROGRAM 1: EMPLOYEE CONDUCT



EMPLOYEE CODE OF CONDUCT (OH)

SCHOOL SYSTEM EDITION

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Employee Code of Conduct (OH) | School System Edition (NEOLA)
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DISCLAIMERS

COMPANY

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RISK MANAGEMENT IN EDUCATION PROGRAM 1: EMPLOYEE CONDUCT



INTRODUCTION



August 6, 2021

Dear Cleveland Heights-University Heights City School District administrators and supervisors:

Throughout its history, our school district has maintained and enforced high standards for ethical behavior, responsible conduct, and professional competency. This guide for administering the Cleveland Heights-University Heights City School District *Employee Code of Conduct* (ECOC) equips you with an important tool for assisting all employees in meeting these standards.

Because the actions and behaviors of employees have the potential to either support or undermine the stated mission, vision, educational philosophy, goals, and objectives of the school district, this guide was developed to provide you with a better understanding of:

- The school district's expectations for ethics and behavior outlined in Board policy;
- Our responsibility to the community for meeting these expectations;
- The types of incidents that demonstrate a failure to meet these expectations;
- The rationale for the school district's approach to employee misconduct; and
- The rights of employees before, during, and after disciplinary actions.

When necessary, disciplinary action will be taken:

- In accordance with federal law, state statute, Board policy, school district regulations, and the applicable provisions of the master agreement;
- In a reasonable, fair, and consistent manner; and
- Without regard to race, color, national origin, citizenship status, religion, sex, economic status, age, disability, military status, ancestry, or any other basis in federal law, state statute, and/or Board policy.

This guide does not establish new policies or regulations regarding the ethics and conduct of employees; rather, it is intended to support existing Board policies, school district regulations, and master agreements in these areas. Further, this guide is not a substitute for good judgment, nor does it cover every possible ethics or conduct situation that may be encountered by administrators and supervisors during their careers.

When in doubt about any specific action or behavior, please consult with your direct supervisor or Human Resources.

Sincerely,

Ms. Elizabeth Kirby, Superintendent
Cleveland Heights-University Heights City School District

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INTRODUCTION (CONT'D)

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RISK MANAGEMENT IN EDUCATION PROGRAM 1: EMPLOYEE CONDUCT



1.0 STATEMENTS OF PURPOSE AND INTENT *PURPOSE OF THE EMPLOYEE CODE*

The purpose of the Employee Code of Conduct (ECOC) is to ensure that each Employee is aware of his or her responsibility for supporting the mission, vision, core values, philosophy, objectives, and goals of the District as follows [OAC 3301-35-01 through 3301-35-04; CHUH 2110, 2131, and 2132]. Employees fulfill this responsibility when their actions and behaviors - both professionally and personally - reflect the following general standards for ethics and conduct:

- **Legal expectations for ethics and conduct.** All employees are expected to remain familiar with, and abide by, applicable federal laws, state statutes, and local ordinances.
- **Professional expectations for ethics and conduct.** Each Licensed Employee is expected to comply with the state Licensure Code (see [Section 9.0](#)).
- **Board expectations for ethics and conduct.** All employees are expected to comply with the applicable Board *Staff Ethics Policies* (SEPs) [CHUH 3210 and 4210], all other Board policies, and all District administrative guidelines, procedures, rules, or routines established by the Superintendent or his/her designee(s).

INTENT OF THIS GUIDE

The Board: 1) Recognizes those Employee Rights defined in ORC §4117.01 and §4117.03; and 2) Retains unto itself all Management Rights as defined by law, except as specifically provided within any Agreement [ORC §4117.08(C); CHUH 3139 and 4139]. Therefore, consistent with the purpose of the ECOC, the intent of this companion guide (“the Guide”) is:

- To alert administrators and supervisors to the types of actions and behaviors that most commonly represent violations of the general standards for ethics and conduct referenced above, and as such, grounds for disciplinary action;
- To define a rational course of action for addressing the inappropriate or unacceptable actions or behaviors of employees in a manner consistent with federal law, state statute, and Board policy; and
- To ensure that this course of action remains consistent with the applicable provisions of each Agreement between the Board and the Employee Organization certified by the SERB as the Exclusive Representative of its members for the purposes of Bargaining Collectively [ORC §4117.01 et seq.]. These include the following: 1) CHTU 795; 2) EAPSC; 3) MU 795; 4) OAPSE 102; and 5) OAPSE 617.

It is important to note that neither the ECOC nor the Guide address every possible staff conduct or productivity concern. As such, District personnel should not conclude that disciplinary action cannot arise out of actions or behaviors not specifically referenced herein where supported by federal law, state statute, local ordinance, Board policy, and/or the Agreement.

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1.0 STATEMENTS OF PURPOSE AND INTENT (CONT'D) *INTENT (CONT'D)*

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2.0 EMPLOYEE CODE OF CONDUCT

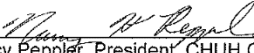
CLEVELAND HEIGHTS-UNIVERSITY HEIGHTS CITY SCHOOL DISTRICT BOARD OF EDUCATION EMPLOYEE CODE OF EXPECTED BEHAVIORS

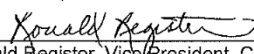
Cleveland Heights-University Heights City School District Board of Education-Approved Employee Code of Conduct Expected Behaviors

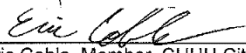
Each Cleveland Heights-University Heights City School District Board of Education employee shall:

1. Report to work acceptable for duty, and remain suitable while on duty, as articulated in the employee's job description.
2. Prepare for and perform all assigned duties as required by, and related to, the employee's job description.
3. Comply with justifiable directives issued by established lines of authority.
4. Identify, report, and/or control, if possible, unsafe conditions and/or safety hazards to maintain safe and secure working and/or learning environments.
5. Demonstrate respect and integrity when interacting with students, parents, staff, community members, and other stakeholders.
6. Comply with federal laws/implementing regulations, state statutes/implementing regulations, and Board policies/District administrative procedures that prohibit coercive, harassing, threatening, retaliating, or discriminating conduct.
7. Communicate in a truthful and timely manner about any matter of interest to the District.
8. Acquire, use, maintain, and dispose of District assets in an ethical and responsible manner in accordance with federal laws/implementing regulations, state statutes/implementing regulations, and Board policies/District administrative procedures.
9. Maintain the confidentiality of information as required under federal laws/implementing regulations, state statutes/implementing regulations, and Board policies/District administrative procedures.
10. Report actions that may represent violations of federal laws/implementing regulations, state statutes/implementing regulations, and Board policies/District administrative procedures.
11. Refrain from unethical activities that may reasonably interfere with either the employee's ability to effectively perform his or her duties as assigned or the legitimate operational interests of the District.
12. Comply with all other federal laws/implementing regulations, state statutes/implementing regulations, and Board policies/District administrative procedures.

Approved for distribution this 4th day of August, 2015.

Signed: 
Nancy Peppel, President, CHUH City School District Board of Education

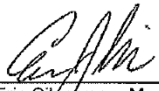
Signed: 
Ronald Register, Vice President, CHUH City School District Board of Education

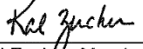
Signed: 
Eric Coble, Member, CHUH City School District Board of Education


RISK MANAGEMENT IN EDUCATION PROGRAM 1: EMPLOYEE CONDUCT



2.0 EMPLOYEE CODE OF CONDUCT (CONT'D)

Signed: 
Eric Silverman, Member, CHUH City School District Board of Education

Signed: 
Kal Zucker, Member, CHUH City School District Board of Education

Signed: 
Dr. Talisa Dixon, Superintendent, CHUH City School District

Cc: OPF



3.0 CONDUCT MANAGEMENT OVERVIEW RATIONALE FOR DISCIPLINARY ACTIONS

It is essential that prompt, corrective action is taken when standards for ethics or conduct are not being met by an Employee. If it is determined that a violation of federal law, state statute, Board policy, or District administrative procedures was involved, disciplinary action: 1) Will be considered; and 2) Will reflect the following District goals for the disciplinary process:

GOALS FOR EACH DISCIPLINARY ACTION	
1	REASONABLENESS: For the purpose of the Guide, <i>reasonableness</i> means the management of incidents of comparable severity in a similar manner (i.e., “ <i>like penalties for like offenses in like circumstances</i> ”).
2	FAIRNESS: For the purpose of the Guide, <i>fairness</i> means the full consideration of all relevant case facts before a specific action is selected or recommended in response to any specific incident. Because no two disciplinary situations are completely identical, the Guide was designed to support the consideration of all pertinent aggravating and mitigating circumstances before a specific action is selected or recommended to ensure that the accused is treated in a just manner before, during, and after any disciplinary action.
3	CONSISTENCY: For the purpose of the Guide, <i>consistency</i> means the use of the same or substantially similar actions in situations involving the same or substantially similar incidents. As such, the Guide is structured to ensure a high level of internal consistency between disciplinary cases under these circumstances.

Any disciplinary action taken: 1) Will be in proportion to the Employee’s offense or misconduct; and 2) Will be consistent with any applicable Due Process required under state statute, Board policy, and/or the Agreement [CHUH 3139 and 4139]. Each such action will be taken equitably and without regard to race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, military status, ancestry, genetic information, or any other basis in federal law, state statute, and/or Board policy, and the private and confidential nature of each such action will be respected at all times [ORC §4112.01 et seq.; CHUH 1422, 1422.02, 1623, 3122, 3122.02, 3122.03, 3123, 4122, 4122.02, 4122.03, and 4123; CHTU 795 1B; MU 795 3.02 and 3.03; OAPSE 102 3A and 3B; OAPSE 617 3A and 3B].

An overview of the general incident management workflow is as follows (see Resource 3.01):

- **Step #1: Establish grounds for disciplinary action.** The grounds for disciplinary action, if any, must be determined. If required, Just Cause must be established [ORC §3319.08, §3319.081, §3319.16, and §4117.08(C); CHUH 1340, 1541, 3140, and 4140; CHTU 795 11C; MU 795 13.04C; OAPSE 102 15A].
- **Step #2: Verify the grounds for disciplinary action.** The allegation(s) must be substantiated or refuted by an inquiry conducted under presumption of innocence (see Form 3.01, Form 3.02, and Form 3.03 for documentation examples). The District Complaint management procedure must be followed during the investigation for allegations involving complaints or grievances by parents/guardians or members of the public if applicable (see Resource 3.02) [CHUH 9130].

NOTE: Upon request, a bargaining unit member is entitled to Union representation at any investigatory interview (or follow-up meeting) by the administration that the member reasonably believes may result in disciplinary action (see Form 3.04, Form 3.05, and Form 3.06 for documentation examples) [*NLRB v. Weingarten, Inc.*, 420 U.S. 251 (1975); ORC §4117.03(A)(3); CHTU 795 11A; EAPSC Preamble; MU 795 13.04A; OAPSE 102 15B; OAPSE 617 10].

If the allegation(s) is/are substantiated, the specifics of a charge must be described in as much detail



3.0 CONDUCT MANAGEMENT OVERVIEW (CONT'D)

RATIONALE FOR DISCIPLINARY ACTIONS (CONT'D)

(e.g., the “who”, “what”, “where”, “when” and “how”) as possible supported by all relevant evidence.

- **Step #3: Determine a course of action.** One of the following general courses of action will be determined: 1) **Non-Disciplinary Counseling**; 2) **Informal Action** [CHTU 795 11C; MU 795 13.04C]; or 3) **Formal Action** [CHTU 795 11C; MU 795 13.04C]. For the purposes of the Guide, a “reasonable” course of action means one that “fits” both the specific offense and the Employee’s disciplinary record where applicable (i.e., presence or absence of the same or substantially similar disciplinary events in the past).

Supervisor Tip: Consider the relative severity of an offense

Each offense listed in the Guide (see [Section 4.0](#)) is assigned to one of the following six (6) classifications based on its severity relative to all other violations contained in the guide:

#	CLASS	DEFINITION
1	CONCERN	This term means a very low level offense managed on first offense with Non-Disciplinary Counseling only.
2	MINOR	This term means a low level offense managed on first offense with mostly Informal Action (Formal Action in more egregious cases only).
3	MODERATE	This term means a mid-level offense managed on first offense with mostly Formal Action (Informal Action in less egregious cases only).
4	MAJOR	This term means a high-level offense managed on first offense with Formal Action only.
5	SEVERE	This term means a high level offense that always places the Employee in jeopardy of Termination upon second offense.
6	EXTREME	This term means a very high level offense managed on first offense with Termination only per state statute.

NOTE: The classification assigned to each violation determines the case management strategy for either an initial offense or repeat offenses (if applicable), and the range of District-permitted disciplinary options for each violation / event interval pairing shown in the Guide (see Resource 3.03). A connection should be made for the Employee between the charge(s) and the District’s mission, vision, core values, philosophy, objectives, and goals when relevant (see [Section 1.0](#)).

- **Step #4: Consider the case facts.** Unless otherwise not applicable under state statute, all relevant aggravating and mitigating factors in the case should be considered by the Supervisor or investigator before a specific action is selected or recommended. This process will be accomplished by the completion of a case evaluation modeled after the “Douglas Factors” [*Douglas v. Veterans Administration*, 5 M.S.P.R. 280 (1981)]:

DOUGLAS FACTORS

- 1 The nature and seriousness of the offense and its relation to the Employee’s duties, position, and responsibilities, including whether the offense was committed Intentionally (not technical or inadvertent), Maliciously, For Gain, or was frequently repeated.
- 2 The Employee’s job level and type of employment, including any Supervisory Role or Fiduciary Role, contacts with the public, and prominence of the position.
- 3 The Employee’s past disciplinary record.
- 4 The Employee’s past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
- 5 The effect of the offense upon the Employee’s ability to perform at a satisfactory level and its effect upon the Supervisor’s confidence in the Employee’s work ability to perform assigned duties.



3.0 CONDUCT MANAGEMENT OVERVIEW (CONT'D)

RATIONALE FOR DISCIPLINARY ACTIONS (CONT'D)

6	The consistency of the penalty with those imposed upon other employees for the same or similar offenses.
7	The consistency of the penalty with any applicable agency table of penalties.
8	The notoriety of the offense or its impact upon the reputation of the agency.
9	The clarity with which the Employee was previously notified of any rules violated in committing the offense, or had previously received non-disciplinary counseling regarding the conduct in question.
10	The Employee's potential for rehabilitation (if applicable).
11	Any special circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice, or provocation on the part of others involved in the matter.
12	The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the Employee or by others.

For the purposes of the Guide, the “appropriate” action means one that “fits” the aggravating and mitigating case facts involved using a pre-defined set of criteria in a manner similar to that used for licensure actions [OAC 3301-73-21]. General rules for applying the Douglas Factors to a disciplinary case are as follows:

- Aggravating factors support the selection or recommendation of a more severe action, while mitigating factors support the selection or recommendation of a less severe action.
- Any of these factors can be either mitigating or aggravating depending on the circumstances.

Supervisor Tip: Consider the need for progressive discipline

While some incidents are so grave as to warrant immediate Formal Action up to and including Termination, repetitive misconduct of a lesser nature may require progressively more serious sanctions [CHUH 3139 and 4139; CHTU 795 11C; MU 795 13.04C]. In cases of chronic misconduct, progressively more serious action should be taken or recommended when it is evident that either: 1) Non-Disciplinary Counseling (if used) did not result in modification or suppression of the action(s) or behavior(s) involved; or 2) Previous Informal Action or Formal Action failed to correct the chronic violation.

- **Step #5: Document and deliver the action.** Accurate documentation must be maintained before, during, and after each disciplinary action to protect both the interests of the District and the applicable rights of the Employee involved (see Form 5.01, Form 5.02, and Form 6.01 for documentation examples).

NOTE: Documentation of the action may be subject to applicable open records and records management provisions under state statute and Board policy (see [Section 8.0](#)).

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3.0 CONDUCT MANAGEMENT OVERVIEW (CONT'D) *RATIONALE FOR DISCIPLINARY ACTIONS (CONT'D)*

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**3.0 CONDUCT MANAGEMENT OVERVIEW (CONT'D)
DELEGATION OF AUTHORITY**

While the Superintendent is ultimately responsible for all disciplinary actions within the District, the following lines of authority are designated for each type of disciplinary action [CHUH 0100, 0131, 1100, and 1230]:

Acknowledged Oral Warning	
Professional Staff Member	Support Staff Member
Authority to take this Informal Action is delegated by the Superintendent to those supervisors who plan, direct, and/or oversee the work of others.	Authority to take this Informal Action is delegated by the Superintendent to those supervisors who plan, direct, and/or oversee the work of others.
Written Warning	
Professional Staff Member	Support Staff Member
Authority to take this Informal Action is delegated by the Superintendent to those supervisors who plan, direct, and/or oversee the work of others.	Authority to take this Informal Action is delegated by the Superintendent to those supervisors who plan, direct, and/or oversee the work of others.
Official Reprimand	
Professional Staff Member	Support Staff Member
Authority to take this Formal Action is delegated by the Superintendent to his/her designee(s).	Authority to take this Formal Action is delegated by the Superintendent to his/her designee(s).
Suspension	
Professional Staff Member	Support Staff Member
Authority to take this Formal Action for disciplinary purposes will remain with the Superintendent.	Authority to take this Formal Action for disciplinary purposes will remain with the Superintendent.
Termination	
Professional Staff Member	Support Staff Member
Authority to recommend this Formal Action will remain with the Superintendent, and authority to take the action will remain with the Board.	Authority to recommend this Formal Action will remain with the Superintendent, and authority to take the action will remain with the Board.

Each Supervisor should be aware of all disciplinary policies and related administrative guidelines, including those involving actions outside of his or her scope of authority to execute that must be referred to the Superintendent or his/her designee.

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3.0 CONDUCT MANAGEMENT OVERVIEW (CONT'D) *DELEGATION OF AUTHORITY (CONT'D)*

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3.0 CONDUCT MANAGEMENT OVERVIEW (CONT'D)

ROLES & RESPONSIBILITIES

Responsibilities related either directly or indirectly to disciplinary actions within the District include, but are not limited to, the following [ORC §3313.01 et seq. and §3319.01 et seq.; OAC 3301-35-01 et seq.; CHUH 0100 et seq., 1100 et seq., 2110 et seq., 3111 et seq., 4111 et seq., 5111 et seq., 6107 et seq., 7100 et seq., 8141 et seq., and 9111 et seq.; CHTU 795 1A et seq.; EAPSC 1.00.0 et seq.; MU 795 1.0 et seq.; OAPSE 102 1A et seq.; OAPSE 617 1A et seq.]:

Board. The Board is responsible for:

- Formulating written policies for the administration of schools, and reviewing or revising them as necessary [CHUH 0118, 0123, 0131, 0131.1, 0171 et seq., and 1210].
- Managing and controlling all the public schools in the District and the employees, students, and all other persons entering upon its school grounds or premises [ORC §3313.47; CHUH 0122].
- Making such rules and regulations as are necessary for its governance and that of its employees, its students, its grounds, or its premises by adopting bylaws and policies for the organization and operation of the Board and the District [ORC §3313.20(A); CHUH 0118, 0131, 0131.1, and 0131.3].
- Assuming jurisdiction over disputes or controversies arising within the District when it desires concerning any matter in which authority has been vested in the Board by statute, rule, or Board policy [CHUH 0118 and 0133].
- Selecting and appointing a Superintendent [ORC §3319.01; CHUH 0100, 0118, 0132, and 1220].
- Delegating authority for the administration of the schools to the Superintendent and staff [CHUH 0123, 0131, and 0132], including the authority to take necessary action in circumstances not provided for in Board policy, provided that such action is reported to the Board in a timely manner [CHUH 0123, 0132, 1210, 1230, and 1230.01].
- Retaining oversight of operational procedures [CHUH 0131 and 1210].
- Appraising its own function as a Board as it affects the educational effectiveness of the District [CHUH 0118 and 1110].
- Defining the Superintendent's responsibilities, and helping him or her formulate District goals, without directly engaging in administrative processes [CHUH 0123, 1110, 1210, and 1230].
- Determining the Superintendent's success in meeting the goals established by the Board, and annually evaluating his or her performance [CHUH 0123, 1110, 1210, 1240, and 2605].
- Establishing fair and equitable terms and conditions of employment and evaluation for all staff [CHUH 0123, 0171.1, and 1110].
- Referring all operational complaints about staff to the Superintendent for investigation and action, except when the complaints concern Board actions or operations [CHUH 9130].
- Acting in matters of employment Suspension or Termination after receiving recommendations from the Superintendent [CHUH 1230, 1541, 3140, and 4140].
- Selecting and appointing a Treasurer [ORC §3313.22(A); CHUH 0100 and 1310].
- Determining the Treasurer's success in meeting the goals established by the Board, and annually evaluating his or her performance [CHUH 1330].
- Giving the Treasurer full authority for properly discharging his or her professional duties, and holding him or her responsible for acceptable results.
- Referring all complaints about the Treasurer's staff to the Treasurer for investigation and action, as appropriate [CHUH 9130].
- Bargaining Collectively with each Exclusive Representative [ORC §4117.01(G), §4117.03(A)(4), and §4117.08].
- Deciding whether to appoint a professional negotiator or to appoint representatives from within the District to serve on a negotiating team [ORC §4117.10(C)].
- Participating in Grievance proceedings [CHTU 795 12A et seq. and Appendix; MU 795 14.1A et seq. and Appendix; OAPSE 102 17A et seq. and Appendix; OAPSE 617 19A et seq. and Appendix] or appeal proceedings as necessary.

NOTE: Individual members of the Board do not possess the powers that reside in the Board, but no member of the Board shall be denied documents or information to: 1) Which he or she is legally entitled; and 2) Which are required in the performance of his or



3.0 CONDUCT MANAGEMENT OVERVIEW (CONT'D) ROLES & RESPONSIBILITIES (CONT'D)

her duties as a Board member [CHUH 0122.1, 0123, 0148, 0149, and 9130].

Superintendent. The Superintendent is responsible for:

- Enforcing the statutes of Ohio, the rules of the State Board, and the policies of the Board [CHUH 0132, 1210, and 1230].
- Serving as the primary professional advisor to the Board [CHUH 1210 and 1230].
- Calling to the attention of the Board all policies that need revision [CHUH 0131, 0171 et seq., and 1210].
- Developing, supervising, and operating the school program and facilities [CHUH 1210 and 1230].
- Designing and implementing administrative guidelines that are: 1) Consistent with state statutes, regulations or policies of the State Board, and/or or the policies of the Board; 2) Binding on District employees and students; and 3) Made known to them [CHUH 0100, 0131, 0131.3, 0132, 1210, 1230, and 1230.01].
- Keeping the Board informed of regulations in a timely manner [CHUH 0132].
- Selecting and recommending District personnel [CHUH 1100, 1230, 1520, 3120, 3132, and 4120].
- Evaluating the progress of the professional and non-teaching staff toward the attainment of educational goals [CHUH 0171.1, 1110, 1230, 1530, 2605, 3142, 3220, 3223, and 4220].
- Making regulations and other conditions of employment known to all employees [CHUH 1210].
- Maintaining equity in the application of disciplinary policies and procedures.
- Ensuring that disciplinary actions are taken in accordance with applicable federal law, state statute, Board policy, and Agreement provisions.
- Making final decisions in cases involving Informal Action for direct subordinates.
- Conducting technical reviews of all proposals for Suspension or Termination.
- Making recommendations to the Board in cases involving Suspension or Termination [CHUH 1230, 1541, 3140, and 4140].
- Being closely involved in planning, preparing, and participating in the bargaining process to the extent: 1) Permitted by law; and 2) Determined by the Board [CHUH 1210].
- Participating in Grievance proceedings [CHTU 795 12A et seq. and Appendix; MU 795 14.1A et seq. and Appendix; OAPSE 102 17A et seq. and Appendix; OAPSE 617 19A et seq. and Appendix] or appeal proceedings as necessary.

Treasurer. The Treasurer is responsible for:

- Performing disciplinary functions for those District employees who report directly to him or her when required under state statute and/or Board policy [CHUH 1320].
- Determining the Treasurer's success in meeting the goals established by the Board, and annually evaluating his or her performance.

District-level designee(s). The Superintendent's designee(s) at this level are responsible for:

- Communicating all regulations and other conditions of employment to subordinates.
- Maintaining equity in the application of disciplinary policies and procedures.
- Ensuring that grounds for disciplinary action are established prior to initiating investigations or inquiries.
- Ensuring that investigations or inquiries have sufficiently verified the grounds for disciplinary action.
- Ensuring that disciplinary actions are taken in accordance with applicable federal law, state statute, Board policy, and Agreement provisions.
- Guiding building or site level administrators and supervisors in the completion and interpretation of disciplinary rubrics to determine appropriate disciplinary actions.
- Holding building or site level administrators and supervisors accountable for following progressive discipline guidelines when applicable.



3.0 CONDUCT MANAGEMENT OVERVIEW (CONT'D)

ROLES & RESPONSIBILITIES (CONT'D)

- Making final decisions in cases involving Informal Action for direct subordinates.
- Making final decisions in cases involving Formal Action, or referring such cases up the chain of command when required.
- Referring recommendations for suspensions or terminations up the chain of command.
- Maintaining and evaluating District-level disciplinary data.
- Participating in Grievance proceedings [CHTU 795 12A et seq. and Appendix; MU 795 14.1A et seq. and Appendix; OAPSE 102 17A et seq. and Appendix; OAPSE 617 19A et seq. and Appendix] or appeal proceedings as necessary.

Building or site-level designee(s). The Superintendent's designee(s) at this level are responsible for:

- Communicating all regulations and other conditions of employment to subordinates.
- Using Non-Disciplinary Counseling whenever reasonable and appropriate.
- Maintaining equity in the application of disciplinary policies and procedures.
- Ensuring that grounds for disciplinary action are established prior to initiating inquiries.
- Ensuring that inquiries have sufficiently verified the grounds for disciplinary action.
- Ensuring that disciplinary actions are taken in accordance with applicable federal law, state statute, Board policy, and Agreement provisions.
- Completing and interpreting disciplinary rubrics to determine appropriate disciplinary actions.
- Making final decisions in cases involving Informal Action for direct subordinates.
- Delivering Informal Action constructively, individually, and in private.
- Referring recommendations for Formal Action up the chain of command.
- Maintaining and evaluating building or site-level disciplinary data.
- Participating in Grievance proceedings [CHTU 795 12A et seq. and Appendix; MU 795 14.1A et seq. and Appendix; OAPSE 102 17A et seq. and Appendix; OAPSE 617 19A et seq. and Appendix] or appeal proceedings as necessary.

All employees. All employees are responsible for:

- Remaining familiar with, and abiding by, applicable federal laws, state statutes, and local ordinances.
- Complying with the state Licensure Code, if applicable (see [Section 9.0](#)).
- Discharging assigned duties ethically, conscientiously, competently, and professionally.

RISK MANAGEMENT IN EDUCATION PROGRAM 1: EMPLOYEE CONDUCT

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3.0 CONDUCT MANAGEMENT OVERVIEW (CONT'D) *ROLES & RESPONSIBILITIES (CONT'D)*

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4.0 EMPLOYEE CODE VIOLATIONS POTENTIAL VIOLATIONS OF POLICY ALONE

ATTENDANCE, PUNCTUALITY, OR CONTRACT DAY POLICY VIOLATION

Definition: This term means any act, or failure to act, that: 1) Involves non-compliance with a Board policy or administrative procedure concerning the availability of employees for duty, their time on duty, or their use of leave; and 2) Is a matter of interest to the District only.

Examples: Include, but are not limited to, the following:

- Taking leave in a manner inconsistent with Board policy or the Agreement.
- Being absent without approved leave.
- Failing to follow proper absence notification procedures (e.g., neglecting to complete leave request forms, or failing to do so in accordance with established time guidelines).
- Arriving late or leaving an assigned duty station early without prior authorization.
- Conducting Association/Union business during the contract day in a manner inconsistent with the Agreement.

Related alignments include, but are not limited to, the following:

Federal Level: *Fair Labor Standards Act of 1938* [FLSA; 29 USC §201 et seq.] as amended; *Family Medical Leave Act of 1993* [FMLA; 29 USC §2601 et seq.; 29 CFR §825.100 et seq.]; *Uniformed Services Employment and Re-employment Rights Act of 2005* [USERRA; 38 USC §4301 et seq.]; 42 USC §12631

State Level: ORC §124.13; §124.135; §124.136; §124.18; §124.38; §124.381 to §124.391; §124.394; §2313.19; §3311.85; §3313.20(C); §3313.20(D); §3313.208; §3313.211; §3313.48; §3313.646; §3319.072; §3319.02(F); §3319.08; §3319.081; §3319.084 through §3319.087; §3319.13; §3319.131; §3319.14; §3319.142; §3319.143; §3319.16; §3319.63; §4113.40; §5906.02; §5923.05

Licensure Code: 1 (a); 3 (c)

Board Level: CHUH 0123; 1432; 1461; 1520; 1541; 1630.01; 2262; 2280; 2440; 2451; 3120.04; 3120.10; 3124; 3139; 3140; 3161; 3210; 3242; 3243; 3422; 3430; 3430.01; 3430.03; 3432; 4120.04; 4120.05; 4120.10; 4124; 4139; 4140; 4161; 4162; 4210; 4242; 4422; 4430.01; 4430.03; 4432; 5230; 5420; 6110; 6116; 6700; 7510; 8210; 8220; 8442; 8442.01

See also related administrative guidelines

Agreement Level: CHTU 795 3B; 6A; 6B; 6C;6D; 6E; 6F; 6G; 6H; 6I; 7J; 7K; 7L; 7Q; 7T; 7U; 7V; 8K; 9A; 9B; 9C; 9D; 9E; 9F; 9G; 9H; 9I; 9J; 9K; 9L; 9M; 11C; 14D; Appendices; Addenda/Memoranda

EAPSC Preamble; 1.00.0; 1.01.0; 1.02.0; 1.03.0; 1.04.0; 1.05.0; 1.06.0; 1.08.0; 1.09.0; 1.10.0; 1.11.0; 1.12.0; 1.13.0; 1.14.0; 1.15.0; 2.00.0; 3.00.0; 4.06.0; 7.01.3; 8.01.0; 10.00.0 et seq.; 11.01.0; Appendices

MU 795 7.01; 7.02; 7.03; 7.04; 7.05; 8.01 et seq.; 8.02; 8.03 et seq.; 8.04 et seq.; 8.05 et seq.; 8.06 et seq.; 8.07 et seq.; 9.01; 9.02; 9.03;



**4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)
POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)**

ATTENDANCE, PUNCTUALITY, OR CONTRACT POLICY VIOLATION (CONT'D)

9.04; 9.05; 9.07; 9.09; 10.03; 12.0; 13.04C; 17.0 et seq.; 18.0 et seq.; 19.0; Appendices; Addenda/Memoranda

OAPSE 102 2C; 2D ; 5C; 6F; 6H; 6J; 6K; 6L; 6M; 6N; 6O; 7A; 7B; 7C; 7D; 7E; 7F; 7G; 7H; 7I; 7J; 7K; 7L; 9A; 9B; 9C; 9D; 9E; 9F; 9H; 15A; Appendices; Memorandum

OAPSE 617 2G; 5C; 5E; 6D; 6F; 6G; 6H; 6I; 7A; 7B; 7C; 7D; 7E; 7F; 7G; 7H; 7I; 7J; 7K; 7L; 7M; 9A; 9D; 9J; 9K; 9M; 17A; 17D; 17E; 17G; Appendix

Case management considerations include, but are not limited to, the following:

Initial Responsibility: BUILDING OR SITE LEVEL

Mandatory Reporting: NO

Initial Classification: MINOR

Case Management Options: Attendance, Punctuality or Contract Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension Recommendation
Relatively Equal	Written Warning	Official Reprimand	Suspension Recommendation	Termination Recommendation
Mostly Aggravating	Official Reprimand	Suspension Recommendation	Termination Recommendation	Termination Recommendation

Commentary:

- Consistent with the Board *Sick Leave Policies* (SLPs) [CHUH 3432 and 4432] and/or related administrative guidelines, employees must be in attendance on scheduled workdays or be in authorized leave status.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this violation.
- For guidance on establishing or verifying leave-related instances of this violation, consult the Board *Employee Leave Policies* (ELPs), related administrative guidelines, the Agreement, and/or Resource 4.01.
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

BREACH OF CHAIN OF COMMAND PROTOCOL

Definition: This term means any act, or failure to act, that: 1) Involves non-compliance with a Board policy or administrative procedure concerning a requirement to follow an established line of authority; and 2) Is a matter of interest to the District only.

Examples: Include, but are not limited to, the following:

- Bringing a problem to a District level Supervisor that could have been directly addressed at the building or site level or encouraging others to do so.
- Failing to follow established Grievance channels without prior authorization.
- Requesting that a higher level Supervisor overrule an operational decision by a lower level Supervisor that was within the scope of his or her authority to make.

Related alignments include, but are not limited to, the following:

Federal Level: NONE

State Level: ORC §124.341; §3319.02; §3319.08; §3319.081; §3319.16; §4113.51; §4113.52; §4117.09

Licensure Code: 1 (a)

Board Level: CHUH 0123; 0148.1; 0165; 1100; 1411; 1541; 3112; 3139; 3140; 3210; 3211; 4112; 4139; 4140; 4210; 4211; 8325; 9130

See also related administrative guidelines

Agreement Level: CHTU 795 11C; 12A et seq.; Appendix

EAPSC Preamble

MU 795 13.04C; 14.01 et seq.; 14.1A et seq.; Appendices

OAPSE 102 5C; 15A; 17A et seq.; Appendix

OAPSE 617 5C; 19A et seq.



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

BREACH OF CHAIN OF COMMAND PROTOCOL (CONT'D)

Case management considerations include, but are not limited to, the following:

Initial Responsibility: BUILDING OR SITE LEVEL

Mandatory Reporting: NO

Initial Classification: MINOR

Case Management Options: Breach of Chain of Command Protocol				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension Recommendation
Relatively Equal	Written Warning	Official Reprimand	Suspension Recommendation	Termination Recommendation
Mostly Aggravating	Official Reprimand	Suspension Recommendation	Termination Recommendation	Termination Recommendation

Commentary:

- Consistent with the Board *Official Communications Policy* (OCP) [CHUH 0165]: 1) All matters having to do with the management of District personnel shall be taken up with the proper administrative officials, and shall not be brought before the Board until they have been taken up with the Superintendent; 2) Any person or group of employees shall have the right to appeal to the Board from the decision of the Superintendent; and 3) All reports from the administrative staff, principals, teachers, and other school employees shall be submitted to the Board through the Superintendent.
- Consistent with the Board *Whistleblower Protection Policies* (WPPs) [ORC §4113.52; CHUH 1411, 3211, and 4211] and/or related administrative guidelines: 1) It is the responsibility of an Employee who is aware of conduct on the part of any Board member or Employee that possibly violates federal law, state statute, or Board policy, to call this conduct to the attention of his or her Immediate Supervisor; 2) If the Employee's Immediate Supervisor is not responsive (or is the Employee whose behavior is in question), the Employee may report to the Superintendent; and 3) If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this violation.
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

DISHONESTY (NON-CRIMINAL)

Definition: This term means any act, or failure to act: 1) Involves a verbal lack of truthfulness or deception; and 2) Is a matter of interest to the District only.

Examples: Include, but are not limited to, the following:

- Engaging in a dishonest act of commission (e.g., misrepresenting facts in a non-criminal manner, such as the reporting of an uncompleted task as completed; or failing to make a required report, when such failure does not have potential criminal consequences).
- Engaging in a dishonest act of omission (e.g., failing to relate all pertinent details to a Supervisor, such as giving an incomplete account of an event or incident).

Related alignments include, but are not limited to, the following:

Federal Level: *Education Department General Administrative Regulations* [EDGAR; 34 CFR §74-86 and 97-99]

State Level: ORC §9.10; §9.11; §9.12; §9.25; §9.30; §9.31; §9.311; §9.312; §9.314; §117.01 et seq.; §124.341; §124.58; §124.59; §125.04; §135.01 et seq.; §153.12; §153.54; §167.01 et seq.; §3313.29; §3315.01 et seq.; §3319.02; §3319.08; §3319.081; §3319.16; §3319.21; §3319.151; §3319.313; §3319.45; §3329.10; §4113.51; §4113.52; §4115.04; §4115.32 et seq.; §4116.02; §4116.03; §4117.20; §5705.01 et seq.

Licensure Code: 1 (a); 1 (i); 1 (l); 1 (m); 1 (n); 2 (i); 3 (b); 3 (c); 3 (d); 3 (e); 3 (f); 3 (g); 7 (a); 7 (b); 7 (c); 7 (d); 7 (e); 7 (f); 7 (g); 7 (h); 9 (f); 9 (i)

Board Level: CHUH 0123; 0141.2; 0175.1; 1130; 1220; 1411; 1422; 1520; 1541; 1613; 1623; 1662; 2110; 2431; 2461; 2605; 2623; 3113; 3120; 3120.04; 3120.05; 3120.08; 3122; 3123; 3139; 3140; 3210; 3211; 3213; 3214; 3217; 3231; 3310; 3362; 3440; 4113; 4120; 4120.04; 4120.05; 4120.08; 4122; 4123; 4139; 4140; 4210; 4211; 4213; 4214; 4217; 4231; 4362; 4440; 5136; 5516; 5517; 5517.01; 5830; 6110; 6111; 6112; 6114; 6210; 6220; 6231; 6232; 6320; 6325; 6423; 6440; 6460; 6510; 6550; 6600; 6605; 6610; 6621; 6625; 6660; 6661; 6662; 6670; 6700; 6800; 6830; 7240; 7430; 7450; 7455; 7530.01; 8340; 8410; 8442; 8442.01; 8462; 8900

See also related administrative guidelines

Agreement Level: CHTU 795 4A; 11C

EAPSC Preamble; 14.00.0

MU 795 13.04C

OAPSE 102 5C; 15A

OAPSE 617 5C



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

DISHONESTY (NON-CRIMINAL) (CONT'D)

Case management considerations include, but are not limited to, the following:

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: NO

Initial Classification: MODERATE

Case Management Options: Dishonesty (Non-Criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension Recommendation	Termination Recommendation
Relatively Equal	Official Reprimand	Suspension Recommendation	Termination Recommendation	Termination Recommendation
Mostly Aggravating	Suspension Recommendation	Termination Recommendation	Termination Recommendation	Termination Recommendation

Commentary:

- No person shall: 1) Reveal to a student any specific question known to be a part of an assessment under ORC §3301.0711; or 2) Assist a pupil to cheat on such an assessment [ORC §3319.151(A); CHUH 1541, 2623, and 3140]. Any such violation is grounds for: 1) Termination of a Teacher contract under ORC §3311.82 or §3319.16 [ORC §3319.151(C)(2)]; or 2) Termination of the employment of a non-teaching Employee under ORC §124.34 or §3319.081(C) [ORC §3319.151(C)(1)].
- Consistent with the Board *Whistleblower Protection Policies* (WPPs) [ORC §4113.52; CHUH 1411, 3211, and 4211] and/or related administrative guidelines: 1) To report suspected fraud or fraudulent activity, an Employee may file a report using the Auditor of State’s system either in addition to or instead of filing a written report with his or her Supervisor or other District authority; and 2) An Employee is subject to disciplinary action, up to and including Termination, if he or she is aware of a violation of federal, state, or local law that the Board has the authority to correct and he or she does not make a written report to the Immediate Supervisor.
- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [CHUH 1613, 3213, and 4213], and/or related administrative guidelines: 1) All employees are required to report any suspected aggressive behavior, bullying, harassment, hazing, intimidation, or menacing immediately upon witnessing such or receiving any information that would lead a reasonable person to believe that such may have taken place; 2) Each Employee shall report immediately to the Superintendent or his/her designee any accident, safety hazard, or other potentially harmful condition or situation he or she detects; and 3) Each Employee shall report immediately to the Superintendent or his/her designee any knowledge of threats or violence by students.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this violation.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the Guide.
- On a finding by the State Board, after investigation, that a school Employee who holds a License issued under ORC §3319.22 to §3319.31 has violated ORC §3319.151(A), the License of such
- Teacher shall be suspended for one (1) year [ORC §3319.151(B)]. For state level reporting and potential License action considerations, if any, see [Section 9.0](#).



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

FALSIFICATION OF OR FAILURE TO ACCURATELY PROVIDE INFORMATION (NON-CRIMINAL)

Definition: This term means any act, or failure to act: 1) Involves a non-verbal lack of truthfulness or deception; and 2) Is a matter of interest to the District only.

Examples: Include, but are not limited to, the following:

- Misrepresenting one's professional qualifications.
- Falsifying documentation related to the completion of in-service or continuing education credit hours.
- Making a non-disqualifying false statement on an application for employment.
- Writing a recommendation for employment, promotion, admission, or a scholarship known to contain incorrect information.
- Knowingly making a false statement on a written performance evaluation.
- Knowingly assigning an improper grade to a student.
- Knowingly filing an inaccurate report.
- Failing to account for the receipt, deposit, or disbursement of funds in a manner required by policy and/or procedure.

Related alignments include, but are not limited to, the following:

Federal Level: *Education Department General Administrative Regulations* [EDGAR; 34 CFR §74-86 and 97-99]

State Level: ORC §9.10; §9.11; §9.12; §9.25; §9.30; §9.31; §9.311; §9.312; §9.314; §102.02; §117.01 et seq.; §124.341; §124.58; §125.04; §133.27; §135.01 et seq.; §153.12; §153.54; §167.01 et seq.; §4115.04; §4115.32 et seq.; §4116.02; §4116.03; §3315.01 et seq.; §3319.02; §3319.08; §3319.081; §3319.16; §3319.311; §3319.32; §3319.35; §3319.151; §4113.51; §4113.52; §5705.01 et seq.

Licensure Code: 1 (a); 1 (i); 1 (l); 1 (m); 3 (a); 3 (b); 3 (c); 3 (d); 3 (f); 3 (g); 7 (f); 7 (g); 7 (i)

Board Level: CHUH 0123; 0171.1; 1110; 1220; 1411; 1520; 1541; 2110; 2605; 2623; 3120; 3120.04; 3120.05; 3139; 3140; 3210; 3211; 3220; 3223; 3440; 4120; 4120.04; 4120.05; 4120.08; 4139; 4140; 4210; 4211; 4440; 5830; 6107; 6110; 6111; 6112; 6116; 6210; 6220; 6231; 6232; 6423; 6440; 6510; 6550; 6600; 6610; 6621; 6625; 6660; 6661; 6662; 6670; 6800; 6820; 6830; 7450; 7455; 8340; 8442; 8442.01; 8453.02; 8900

See also related administrative guidelines

Agreement Level: CHTU 795 4A; 9A; 11C
EAPSC Preamble; 14.00.0
MU 795 13.04C
OAPSE 102 5C; 15A
OAPSE 617 5C; 9G



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

FALSIFICATION OR FAILURE TO ACCURATELY PROVIDE INFORMATION (NON-CRIMINAL) (CONT'D)

Case management considerations include, but are not limited to, the following:

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: NO

Initial Classification: MODERATE

Case Management Options: Falsification of or Failure to Accurately Provide Information (Non-criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension Recommendation	Termination Recommendation
Relatively Equal	Official Reprimand	Suspension Recommendation	Termination Recommendation	Termination Recommendation
Mostly Aggravating	Suspension Recommendation	Termination Recommendation	Termination Recommendation	Termination Recommendation

Commentary:

- No person shall: 1) Reveal to a student any specific question known to be a part of an assessment under ORC §3301.0711; or 2) Assist a pupil to cheat on such an assessment [ORC §3319.151(A); CHUH 1541, 2623, and 3140]. Any such violation is grounds for: 1) Termination of a Teacher contract under ORC §3311.82 or §3319.16 [ORC §3319.151(C)(2)]; or 2) Termination of the employment of a non-teaching Employee under ORC §124.34 or §3319.081(C) [ORC §3319.151(C)(1)].
- Consistent with the Board *Whistleblower Protection Policies* (WPPs) [ORC §4113.52; CHUH 1411, 3211, and 4211] and/or related administrative guidelines, an Employee is subject to disciplinary action, up to and including Termination, for purposely, knowingly, or recklessly making a false whistleblower report.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this violation.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the Guide.
- On a finding by the State Board, after investigation, that a school Employee who holds a License issued under ORC §3319.22 to §3319.31 has violated ORC §3319.151(A), the License of such Teacher shall be suspended for one (1) year [ORC §3319.151(B)]. For state level reporting and potential License action considerations, if any, see [Section 9.0](#).



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE PREPARATION FOR EMPLOYEE JOB RESPONSIBILITIES

Definition: This term means any act, or failure to act, that: 1) Involves non-compliance with a Board policy or administrative procedure concerning the diligent and consistent use of required skills or resources to fulfill the duties established in one's job description(s); and 2) Is a matter of interest to the District only.

Examples: Include, but are not limited to, the following:

- Failing to prepare for the optimal execution of job responsibilities as assigned.
- Failing to perform other duties as assigned.
- Failing to attend staff meetings.
- Remaining unwilling or unable to plan for the optimization of allotted time.
- Failing to plan for and provide adequate direction during an absence.
- Remaining unwilling to grow in the use of equipment, resources, and/or technological advances appropriate for assigned duties.
- Performing duties outside of one's job description or classification without approval.

Related alignments include, but are not limited to, the following:

Federal Level: NONE

State Level: ORC §3301 et seq.; §3302.01 et seq.; §3311.80; §3311.84; §3315.07; §3317.141; §3319.01 through §3319.04; §3319.071; §3319.074; §3319.075; §3319.076; §3319.08; §3319.081; §3319.088; §3319.11; §3319.111; §3319.112; §3319.113; §3319.114; §3319.16; §3319.22; §3319.224; §3319.225; §3319.227 through §3319.284; §3319.30 through §3319.303; §3319.42; §3319.58 through §3319.612; §3319.80; §3323.01 et seq.; §4117.01 et seq.

OAC 3301-23-19; 3301-27-01; 3301-35-02 through 3301-35-07

Licensure Code: 1 (a); 1 (k); 1 (n)

Board Level: CHUH 0123; 1100; 1110; 1220; 1230; 1240; 1320; 1330; 1340; 1400; 1520; 1530; 1541; 1613; 2110; 2114; 2120; 2131; 2132; 2210; 2261.02; 2280; 2411; 2451; 2460; 2461; 2464; 2605; 2623; 2623.01; 2623.02; 2700; 3120; 3120.01; 3120.10; 3124; 3130; 3131; 3132; 3139; 3140; 3142; 3210; 3213; 3220; 3223; 3242; 3243; 4114; 4120; 4120.01; 4120.10; 4124; 4130; 4131; 4139; 4140; 4210; 4213; 4220; 4242; 5330.01; 5330.02; 5335; 5336; 5630.01; 6146; 7430; 7540.04; 8410; 8452; 8453.02; 8650

See also related administrative guidelines

Agreement Level: CHTU 795 4B; 4D; 4F; 4H; 4I; 5A et seq.; 6C; 6D; 6E; 7M; 10A; 10B; 11C; Addenda/Memoranda

EAPSC Preamble; 7.00.0 et seq.; Appendix



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE PREPARATION FOR EMPLOYEE JOB RESPONSIBILITIES (CONT'D)

MU 795 13.02; 13.04C; 19.0; 22.0; 24.0; Appendix

OAPSE 102 5B; 5C; 5E; 5G; 5J; 10A et seq.; 11C; 15A

OAPSE 617 5C; 9L; 14C

Case management considerations include, but are not limited to, the following:

Initial Responsibility: BUILDING OR SITE LEVEL

Mandatory Reporting: NO

Initial Classification: MINOR

Case Management Options: Inadequate Preparation for Employee Job Responsibilities				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension Recommendation
Relatively Equal	Written Warning	Official Reprimand	Suspension Recommendation	Termination Recommendation
Mostly Aggravating	Official Reprimand	Suspension Recommendation	Termination Recommendation	Termination Recommendation

Commentary:

- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [CHUH 1613, 3213, and 4213] and/or related administrative guidelines, a Professional Staff Member should not volunteer to assume responsibility for duties he or she cannot reasonably perform, since such assumption carries the same responsibilities as assigned duties.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this violation. Evidence gathered during the course of the investigation should be able to support a conclusion regarding whether the Employee is unwilling or unable to adhere to the Board policy or policies involved.
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) *POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)*

INADEQUATE SUPERVISION OF STAFF

Definition: This term means any act, or failure to act, that: 1) Involves non-compliance with a Board policy or administrative procedure concerning the reasonable monitoring, guidance, oversight, or direction of certified or classified employees, substitutes, student teachers, or volunteers at the time(s) and/or location(s) required by one's job description; 2) Is a matter of interest to the District only.

Examples: Include, but are not limited to, the following:

- Delegating staff supervision responsibilities to an individual not authorized to fulfill them.
- Failing to properly orient new employees to their work environments.
- Failing to ensure that subordinates are provided sufficient opportunities or equipment to demonstrate the skills needed to perform their job duties as required.
- Neglecting performance evaluation responsibilities.
- Neglecting to communicate with subordinates in a timely manner.
- Knowingly neglecting to address a violation herein when required to do so by the District.

Related alignments include, but are not limited to, the following:

Federal Level: NONE

State Level: ORC §3319.01 et seq.

Licensure Code: 1 (a); 3 (d); 8 (c)

Board Level: CHUH 0123; 0171.1; 1100; 1110; 1230; 1530; 1541; 2132; 2280; 3120.06; 3120.07; 3120.09; 3139; 3140; 3210; 3220; 3223; 4114; 4120.09; 4139; 4140; 4210; 4220

See also related administrative guidelines

Agreement Level: CHTU 795 4G; 10A; 10B; 11C; Addendum

EAPSC Preamble

MU 795 13.02; 13.04C; Appendix

OAPSE 102 5C; 15A

OAPSE 617 5C

RISK MANAGEMENT IN EDUCATION

PROGRAM 1: EMPLOYEE CONDUCT



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE SUPERVISION OF STAFF (CONT'D)

Case management considerations include, but are not limited to, the following:

Initial Responsibility: BUILDING OR SITE LEVEL

Mandatory Reporting: NO

Initial Classification: MINOR

Case Management Options: Inadequate Supervision of Staff				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension Recommendation
Relatively Equal	Written Warning	Official Reprimand	Suspension Recommendation	Termination Recommendation
Mostly Aggravating	Official Reprimand	Suspension Recommendation	Termination Recommendation	Termination Recommendation

Commentary:

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this violation.
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE SUPERVISION OF STUDENTS

Definition: This term means any act, or failure to act, that: 1) Involves non-compliance with a Board policy or administrative procedure concerning the reasonable monitoring, guidance, oversight, or provision of direction to students at the time(s) and/or location(s) required by one's job description; and 2) Is a matter of interest to the District only.

Examples: Include, but are not limited to, the following:

- Knowingly leaving students unsupervised during a school-related event or activity (e.g., an athletic function, an athletic practice, an approved activity, a field trip, during recess, or while performing an assigned duty).
- Knowingly placing students in a hallway during instructional time without proper oversight.
- Knowingly engaging in actions or behaviors on assigned duty that distract from supervision responsibilities.
- Knowingly neglecting to address a *Student Code of Conduct* (SCOC) violation when required to do so by the District.

Related alignments included, but are not limited to, the following:

Federal Level: NONE

State Level: ORC §109.65; §3313.208; §3313.646; §3313.951; §3319.02; §3319.08; §3319.081; §3319.16; §3327.01; §3327.014; §3737.73; §4511.76

OAC 3301-35-01 through 3301-35-06; 3301-51-10; 3301-83-08; 3301-83-12

Licensure Code: 1 (a); 1 (c); 1 (i); 1 (m); 2 (h); 2 (i); 5 (a); 5 (b); 5 (c); 9 (b)

Board Level: CHUH 0123; 1541; 1613; 2110; 2132; 2262; 2271; 2280; 2340; 2421.01; 2430; 2430.01; 2430.02; 2431; 2432; 2460; 2575; 2623; 3139; 3140; 3210; 3213; 4114; 4139; 4140; 4210; 4213; 5136; 5200; 5215; 5230; 5330; 5330.02; 5336; 5340; 5350; 5500; 5510; 5511; 5512; 5513; 5514; 5515; 5516; 5517; 5517.01; 5520; 5530; 5772; 5531; 5600; 5630.01; 5722; 5725; 5820; 5830; 5840; 5850; 5855; 5860; 5880; 5895; 6605; 7430; 7440.02; 7440.03; 7540.02; 7540.03; 7540.04; 7540.06; 7544; 8400; 8403; 8410; 8420; 8420.01; 8420.02; 8452; 8600; 8640; 8650; 8651; 9150

See also related administrative guidelines

Agreement Level: CHTU 795 7T; 7U; 11C; 14A; 15A et seq.

EAPSC Preamble

MU 795 13.04C; 23.0

OAPSE 102 5C; 15A

OAPSE 617 5C; 17F

RISK MANAGEMENT IN EDUCATION PROGRAM 1: EMPLOYEE CONDUCT



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE SUPERVISION OF STUDENTS (CONT'D)

Case management considerations include, but are not limited to, the following:

- Initial Responsibility:** BUILDING OR SITE LEVEL
- Mandatory Reporting:** NO
- Initial Classification:** MINOR

Case Management Options: Inadequate Supervision of Students				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension Recommendation
Relatively Equal	Written Warning	Official Reprimand	Suspension Recommendation	Termination Recommendation
Mostly Aggravating	Official Reprimand	Suspension Recommendation	Termination Recommendation	Termination Recommendation

Commentary:

- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [CHUH 1613, 3213, and 4213] and/or related administrative guidelines, employees shall not send students on any personal errands.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this violation.
- For additional guidance on establishing or verifying technology-related instances of this violation, consult the Board *Web Content, Services, and Apps Policy* (WCSAP) [CHUH 7540.02], *Student Education Technology Acceptable Use and Safety Policy* (SETAUSP) [CHUH 7540.03], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [CHUH 7540.04], *Social Media Policy* (SMP) [CHUH 7544], related administrative guidelines, and/or the AUSA.
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (NON-CRIMINAL)

Definition: This term means any act, or failure to act, that: 1) Involves an action or behavior that is inappropriate or unacceptable for the work (or learning) environment in which it occurs; and 2) Is a matter of interest to the District only.

Examples: Include, but are not limited to, the following:

- Using unsuitable language While on Duty (e.g., profanity toward students in the learning environment or toward employees in the Workplace).
- Engaging in conduct directed toward supervisors, employees, students, or others that is improper for the circumstances in which it occurs.
- Engaging in discourteous, derisive, or disruptive action(s) or behavior(s).
- Failing to follow an established operational procedure.
- Using Social Media in a manner that does not comply with rules for responsible behavior.
- Engaging in an act of retaliation not prohibited by law.

Related alignments include, but are not limited to, the following:

Federal Level: *Education Department General Administrative Regulations* [EDGAR; 34 CFR §74-86 and 97-99]

State Level: ORC §9.10; §9.11; §9.12; §9.25; §9.30; §9.31; §9.311; §9.312; §9.314; §102.03; §109.65; §117.01 et seq.; §124.23; §124.341; §125.04; §135.01 et seq.; §153.12; §153.54; §167.01 et seq.; §2744.01 et seq.; §2901.30; §3301.01 et seq.; §3311.16 et seq.; §3313.20(A); §3313.36; §3313.537; §3313.64; §3313.672; §3313.71 et seq.; §3313.951; §3314.01 et seq.; §3315.01 et seq.; §3316.031; §3318.01 et seq.; §3319.02; §3319.08; §3319.081; §3319.11; §3319.111; §3319.112; §3319.113; §3319.114; §3319.16; §3319.21; §3319.32; §3319.41; §3321.01 et seq.; §3323.01 et seq.; §3327.09 through §3327.15; §3329.06; §3329.07; §3329.08; §3331.01 through §3331.09; §3365.01 et seq.; §3703.03; §3707.01 et seq.; §4113.23; §4115.04; §4115.32 et seq.; §4116.02; §4116.03; §4167.01 et seq.; §4511.75; §4511.76; §4513.263; §5705.01 et seq.

OAC 901:5-11-01 et seq.; 3301-32-09; 3301-35-02 through 3301-35-09; 3301-37-10; 3301-83-02; 3301-83-03; 3301-83-11; 3301-83-12; 3301-83-16 and 3301-83-20; 3301-91-09

Licensure Code: 1 (a); 1 (b); 1 (c); 1 (f); 1 (i); 1 (j); 1 (m); 1 (n); 2; (f); 2; (g); 2 (i); 3 (g); 6 (f); 7 (a); 7 (b); 7 (c); 7 (d); 7 (e); 7 (f); 7 (g); 7 (h); 8 (b); 8 (c); 9 (a); 9 (b); 9 (c); 9 (d); 9 (e); 9 (f); 9 (g); 9 (h); 9 (i)

Board Level: CHUH 0123; 0141.2; 0148; 0148.1; 0164; 0165; 0165.1; 0167.1; 0169.2; 0171.1; 1100; 1110; 1130; 1240; 1330; 1411; 1422; 1422.02; 1460; 1461; 1520; 1530; 1541; 1613; 1619.01; 1619.02; 1623; 1662; 2110; 2131; 2132; 2210; 2220; 2230; 2240; 2250; 2260; 2260.01; 2260.02; 2260.03; 2261; 2261.01; 2261.02; 2270; 2271; 2280; 2312; 2330; 2340; 2370; 2380; 2411; 2412; 2413; 2416; 2421; 2421.01;



**4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)
POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)**

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (NON-CRIMINAL) (CONT'D)

2430; 2430.01; 2430.02; 2431; 2432; 2440; 2451; 2460; 2460.03;
2461; 2464; 2510; 2520; 2575; 2623; 2623.01; 2623.02; 2700; 3111;
3112; 3113; 3120; 3120.04; 3120.05; 3122; 3122.01; 3122.02;
3122.03; 3123; 3130; 3131; 3132; 3139; 3140; 3160; 3161; 3210;
3211; 3213; 3214; 3217; 3220; 3223; 3231; 3310; 3362; 3362.01;
3419.01; 3419.02; 3440; 4111; 4112; 4113; 4114; 4120; 4120.04;
4120.05; 4120.08; 4122; 4122.01; 4123; 4130; 4131; 4139; 4140;
4160; 4161; 4162; 4210; 4211; 4213; 4214; 4217; 4220; 4231; 4362;
4362.01; 4440; 4419.01; 4419.02; 5111; 5111.01; 5111.02; 5111.03;
5112; 5113; 5113.01; 5113.02; 5114; 5120; 5130; 5131; 5200; 5215;
5223; 5230; 5310; 5320; 5330; 5330.01; 5330.02; 5335; 5336; 5340;
5341; 5409; 5410; 5420; 5421; 5430; 5460; 5460.01; 5460.02; 5463;
5464; 5500; 5510; 5511; 5513; 5514; 5515; 5516; 5517; 5517.01;
5520; 5530; 5531; 5540; 5600; 5605; 5610; 5610.01; 5610.02;
5610.03; 5610.04; 5610.05; 5611; 5630; 5630.01; 5722; 5724; 5730;
5751; 5771; 5772; 5780; 5820; 5830; 5840; 5850; 5855; 5860; 5880;
5895; 6107; 6108; 6110; 6111; 6112; 6114; 6116; 6140; 6144; 6145;
6146; 6150; 6151; 6152; 6152.01; 6210; 6220; 6230; 6231; 6232;
6233; 6320; 6325; 6423; 6440; 6450; 6460; 6470; 6510; 6520; 6550;
6600; 6605; 6610; 6621; 6625; 6660; 6661; 6662; 6670; 6680; 6800;
6820; 6830; 7100; 7230; 7250; 7300; 7310; 7420; 7430; 7440;
7440.01; 7440.02; 7440.03; 7450; 7455; 7510; 7530; 7530.01;
7530.02; 7540; 7540.01; 7540.02; 7540.04; 7542; 7543; 7544; 7550;
8305; 8310; 8315; 8320; 8320.01; 8325; 8330; 8340; 8350; 8351;
8390; 8400; 8403; 8405; 8410; 8420; 8420.01; 8420.02; 8431; 8442;
8442.01; 8450; 8451; 8452; 8453; 8453.01; 8453.02; 8470; 8500;
8510; 8531; 8540; 8550; 8600; 8640; 8650; 8651; 8660; 8710; 8760;
8800; 8900; 9111; 9120; 9130; 9150; 9160; 9190; 9210; 9211; 9270;
9500; 9600; 9700; 9700.01; 9800

See also related administrative guidelines

Agreement Level: CHTU 795 2A; 2B; 3B; 4E; 4F; 4G; 5A et seq.; 6D; 6G; 6I; 11A; 11B;
11C; 11D; 12A et seq.; 15A et seq.; Appendix
EAPSC Preamble; 3.00.0; 7.00.0 et seq.; 13.00.0 et seq.; 14.00.0
MU 795 2.01; 3.06; 5.01; 5.02; 5.03; 11.01; 11.02; 13.03; 13.04C;
14.01 et seq.; 14.1A et seq.; 19.0; 23.0; Appendix
OAPSE 102 2E; 2F; 4A et seq.; 5A; 5C; 5D; 15A; 17A et seq.;
Appendix; Addendum
OAPSE 617 2C; 2D; 2E; 2F; 4A et seq.; 5B; 5C; 9B; 9C; 9G; 10; 17H;
19A et seq.; Appendix

Case management considerations include, but are not limited to, the following:

Initial Responsibility: DISTRICT LEVEL
Mandatory Reporting: NO
Initial Classification: MODERATE



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (NON-CRIMINAL) (CONT'D)

Case Management Options: Inappropriate, Abusive or Offensive Conduct (Non-criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension Recommendation	Termination Recommendation
Relatively Equal	Official Reprimand	Suspension Recommendation	Termination Recommendation	Termination Recommendation
Mostly Aggravating	Suspension Recommendation	Termination Recommendation	Termination Recommendation	Termination Recommendation

Commentary:

- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [CHUH 1613, 3213, and 4213], *Crisis Intervention Policy* (CIP) [CHUH 8410], *Transportation of Students by Private Vehicle Policy* (TSPVP) [CHUH 8660], and/or related administrative guidelines: 1) If a student approaches an Employee to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc., the Employee may attempt to assist the student by facilitating contact with certified or Licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student’s stated problem; however, under no circumstances should an Employee attempt, unless properly Licensed and authorized to do so, to counsel, assess, diagnose, or treat the student’s problem or behavior; 2) A Professional Staff Member shall provide proper instruction in safety matters as presented in assigned course guides; 3) An Employee shall not transport students in a private vehicle without the approval of the Superintendent or his/her designee; and 4) A student shall not be required to perform work or services that may be detrimental to his or her health.
- Consistent with the Board *Outside Activities of Staff Policies* (OASPs) [CHUH 3231 and 4231] and/or related administrative guidelines: 1) Employees should refrain from expressions that disrupt the efficient operation of the school and/or interfere with the maintenance of discipline by school officials; and 2) Employees may not campaign on school property during working hours on behalf of any political issue, or candidate for local, state, or national office.
- Consistent with the Board *Student Assessment and Academic Intervention Services Policy* (SAAISP) [ORC §33010.729; CHUH 2623] and/or related administrative guidelines: 1) After July 1, 2017, no student will spend more than two percent (2%) of the school year taking state assessments (including the Ohio graduation tests, college and work ready assessment systems, and any District-wide assessments) for all students in a specified subject area or grade level; 2) Students will not spend more than one percent (1%) of the school year on diagnostic or practice assessments to prepare for the above assessments; and 3) Students with disabilities are exempt from this requirement, as are related diagnostic assessments for students who failed the English language arts achievement assessment, substitute examinations, or examinations to identify gifted students.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this violation.
- For additional guidance on establishing or verifying technology-related instances of this violation, consult the Board *Use of Electronic Mail/Text Messages Policy* (UEMTMPs) [CHUH 0167.1], *Staff Use of PCDs Policy* (SUPP) [CHUH 7530.02], *Computer Technology and Networks Policy* (CTNP) [CHUH 7540], *Technology Privacy Policy* (TPP) [CHUH 7540.01], *Web Content, Services, and Apps Policy* (WCSAP) [CHUH 7540.02], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [CHUH 7540.04], *Social Media Policy* (SMP) [CHUH 7544], *Information Security Policy* (ISP) [CHUH 8305], related administrative guidelines, and/or the AUSA.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the Guide.
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

RISK MANAGEMENT IN EDUCATION PROGRAM 1: EMPLOYEE CONDUCT

Glossary [Table of Contents](#)



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) *POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)*

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (NON-CRIMINAL) (CONT'D)

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4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INAPPROPRIATE USE OF TECHNOLOGY RESOURCES

Definition: This term means any act, or failure to act, that: 1) Violates one or more Board *Acceptable and Safe Use of Technology Policies* (ASUTPs) and/or the related *Acceptable Use Agreements* (AUAs); and 2) Is a matter of interest to the District only.

Examples: Include, but are not limited to, the following:

- Acting in a manner that is inconsistent with a required practice in related Board policy, such as:
 - Using a technological resource in a manner that does not comply with rules for responsible use.
 - Neglecting to provide training about appropriate online behavior to students before their use of the Internet.
 - Neglecting to supervise student use of the Internet and related resources (e.g., electronic mail or other form of direct electronic communication) during instructional time.
 - Failing to take reasonable precautions to prevent students from accessing inappropriate material, or neglecting to immediately notify Superintendent or his/her designee if such content is available to students.
 - Failing to monitor the online activities of individuals who access the Internet via a school-owned device.
 - Publishing a website owned, operated, or affiliated with the District in a manner inconsistent with established standards.
 - Neglecting technology protection measures when required.
- Acting in a manner that does not meet a conditional (or non-mandatory) practice in related Board policy, such as:
 - Connecting personal equipment to hardware or the District Network in a manner contrary to Board policy.
 - Using technological resources, or permitting such by a student, without a signed user agreement.
 - Accessing technological resources or Social Media for non-school-related purposes.
 - Creating or introducing games, communications applications, programs, or any foreign program or software onto the Network without the express permission of the Superintendent or his/her designee.
 - Using another individual's ID or password for any technological resource without the express permission of the Superintendent or his/her designee.
 - Reading, altering, changing, blocking, executing, or deleting files or communications belonging to another user without the owner's express prior permission.
 - Forwarding or posting personal communications without the owner's express prior permission.
 - Creating a personal website, or permitting such by a student, that results in a disruption to the school environment.



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INAPPROPRIATE USE OF TECHNOLOGY RESOURCES (CONT'D)

- Acting in a manner that represents a prohibited practice in related Board policy, such as:
 - Damaging the files or data of another Network user.
 - Using technological resources for commercial gain or profit.
 - Permitting students to use technological resources for amusement or entertainment.
 - Using an anonymous proxy to circumvent content filtering.
 - Using passwords or user IDs for any data system for an unauthorized or improper purpose.
 - Demonstrating a security problem on a technological resource to other users.
 - Transmitting a Computer virus or self-replicating message negligently.

Related alignments include, but are not limited to, the following:

Federal Level:	<i>Communications Act of 1934; Family Educational Rights and Privacy Act of 1974 [FERPA; 20 USC §1232g]; 20 USC §9134; Children's Online Privacy Protection Act of 1998 [COPPA; 15 USC §6501 et seq.]; Children's Internet Protection Act of 2000/Neighborhood Children's Internet Protection Act of 2002/Protecting Children in the 21st Century Act of 2008 [CIPA; 47 USC §254; Public Law 106-554; FCC Order 03-188]</i>
State Level:	ORC §9.03; §117.53; §3319.02; §3319.08; §3319.081; §3319.16; §3319.21 OAC 3301-35-06
Licensure Code:	1 (a); 9 (a); 9 (b); 9 (c); 9 (d); 9 (i)
Board Level:	CHUH 0123; 0167.1; 0167.2; 1541; 2110; 2132; 2370; 2370.01; 2531; 3139; 3140; 3210; 4139; 4140; 4210; 5136; 5420; 5722; 7440.01; 7530; 7530.01; 7530.02; 7530.03; 7540; 7540.01; 7540.02; 7540.03; 7540.04; 7540.06; 7541; 7542; 7543; 7544; 7550; 8315; 8320.01; 8351 See also related administrative guidelines
Agreement Level:	CHTU 795 11C EAPSC Preamble MU 795 13.04C OAPSE 102 5C; 15A OAPSE 617 5C

Case management considerations include, but are not limited to, the following:

Initial Responsibility:	BUILDING OR SITE LEVEL
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RISK MANAGEMENT IN EDUCATION

PROGRAM 1: EMPLOYEE CONDUCT



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INAPPROPRIATE USE OF TECHNOLOGY RESOURCES (CONT'D)

Mandatory Reporting: NO
Initial Classification: MINOR

Case Management Options: Inappropriate Use of Technology Resources				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension Recommendation
Relatively Equal	Written Warning	Official Reprimand	Suspension Recommendation	Termination Recommendation
Mostly Aggravating	Official Reprimand	Suspension Recommendation	Termination Recommendation	Termination Recommendation

Commentary:

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this violation.
- For guidance on establishing or verifying this violation, consult the Board *Use of Electronic Mail/Text Messages Policy* (UEMTMPs) [CHUH 0167.1], *Staff Use of PCDs Policy* (SUPP) [CHUH 7530.02], *Computer Technology and Networks Policy* (CTNP) [CHUH 7540], *Technology Privacy Policy* (TPP) [CHUH 7540.01], *Web Content, Services, and Apps Policy* (WCSAP) [CHUH 7540.02], *Student Education Technology Acceptable Use and Safety Policy* (SETAUSP) [CHUH 7540.03], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [CHUH 7540.04], *Access to District Technology from PCDs Policy* (ADTPP) [CHUH 7542], *Remote Access Policy* (RAP) [CHUH 7543], related administrative guidelines, *Social Media Policy* (SMP) [CHUH 7544], related administrative guidelines, and/or the AUSA.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the Guide.
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

RISK MANAGEMENT IN EDUCATION PROGRAM 1: EMPLOYEE CONDUCT

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4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) *POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)*

INAPPROPRIATE USE OF TECHNOLOGY RESOURCES (CONT'D)

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4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INSUBORDINATION

Definition: This term means any act, or failure to act, that: 1) Involves a refusal to comply with a legitimate directive issued by a duly empowered source of authority which the Employee had both the knowledge of, and the capacity to, carry out; and 2) Is a matter of interest to the District only.

Examples: Include, but are not limited to, the following:

- Refusing to follow a Supervisor's instructions.
- Refusing to complete a reasonably assigned task.
- Acting in defiance of an established authority.
- Failing to recognize or refusing to submit to an established authority to which the Employee is subordinate.
- Disobeying the legal directive of an established authority.
- Defying an established authority.
- Being involved in a revolt against established authority not prohibited by law.

Related alignments include, but are not limited to, the following:

Federal Level: NONE

State Level: ORC §124.34(A); §124.35; §124.36; §3319.02; §3319.08; §3319.081(C); §3319.16; §4167.06

Licensure Code: 1 (a); 1 (b); 8 (b)

Board Level: CHUH 0123; 1411; 1520; 1541; 2131; 2132; 3139; 3140; 3210; 3211; 4139; 4140; 4210; 4211

See also related administrative guidelines

Agreement Level: CHTU 795 11C

EAPSC Preamble

MU 795 13.04C

OAPSE 102 5C; 15A

OAPSE 617 5C

RISK MANAGEMENT IN EDUCATION

PROGRAM 1: EMPLOYEE CONDUCT



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INSUBORDINATION (CONT'D)

Case management considerations include, but are not limited to, the following:

Initial Responsibility: BUILDING OR SITE LEVEL

Mandatory Reporting: NO

Initial Classification: MINOR

Case Management Options: Insubordination				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension Recommendation
Relatively Equal	Written Warning	Official Reprimand	Suspension Recommendation	Termination Recommendation
Mostly Aggravating	Official Reprimand	Suspension Recommendation	Termination Recommendation	Termination Recommendation

Commentary:

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this violation (see [Form 3.02](#) for documentation example). Evidence gathered during the course of the investigation should be able to support a conclusion regarding whether the Employee is unwilling or unable to adhere to the Board policy or policies involved.
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

LACK OF COMPLIANCE WITH HEALTH OR SAFETY RULE

Definition: This term means any act, or failure to act, that: 1) Involves non-compliance with a Board policy, administrative guideline, or procedure concerning the health or safety of self, employees, students, or others; and 2) Is a matter of interest to the School System only.

Examples: Include, but are not limited to, the following:

- Neglecting to wear personal protective equipment (e.g., gloves, masks, or eyewear) when required.
- Working in apparel that could cause a safety hazard (e.g., “flip-flops”, heels of excessive height, flammable clothing, etc.).
- Failing to use safety equipment properly.
- Failing to properly maintain safety equipment (e.g., performing fire extinguisher or automated defibrillator checks on the required schedule).
- Storing, using, or disposing of chemicals or hazardous materials in an unauthorized manner.
- Disregarding established security guidelines (e.g., failing to comply with “lockout-tag out” procedures).
- Neglecting to wear a Board-issued ID badge, if required, While on Duty.
- Neglecting to wear safety apparel when required (e.g., goggles, splash shields, masks, or gloves) While on Duty.
- Failing to follow safety guidelines (e.g., neglecting to use a ladder when appropriate, ignoring restricted area signage, failing to maintain social distancing requirements when in effect, etc.).

Related alignments include, but are not limited to, the following:

Federal Level: *Occupational Safety & Health Act of 1970* [“OSHA”; 29 USC §651 et seq.; Public Law 91-596; 29 CFR §1910.1 et seq.]

State Level: ORC §2744.01 et seq.; §3301.01 et seq.; §3311.16 et seq.; §3313.203; §3313.259; §3313.642; §3313.643; §3313.67; §3313.671; §3313.712; §3313.717; §3313.718; §3313.719; §3313.7110 et seq.; §3313.721; §3313.75; §3313.791; §3313.86; §3313.90; §3313.904; §3314.13; §3314.14; §3314.141 et seq.; §3318.031; §3319.08; §3319.081; §3319.16; §3327.01 et seq.; §3701.01 et seq.; §3703.01 et seq.; §3707.01 et seq.; §3710.01 et seq.; §3715.01 et seq.; §3716.01 et seq.; §3734.01 et seq.; §3737.01 et seq.; §3742.01 et seq.; §3745.01 et seq.; §3750.01 et seq.; §3751.01 et seq.; §3753.01 et seq.; §4113.51; §4113.52; §4167.01 et seq.; §4511.01 et seq.; §4513.01 et seq.

Licensure Code: 1 (a); 1 (c); 1 (d); 2 (h); 3 (e); 3 (f); 3 (g)

Board Level: CHUH 1100; 1230.01; 1400; 1411; 1460; 1541; 1613; 2312; 2340; 2370.01; 2421; 2421.01; 2431; 2432; 2520; 3120.01; 3120.09; 3139; 3140; 3160; 3210; 3211; 3213; 3216; 3217; 4120.01; 4120.09; 4139; 4140; 4160; 4210; 4211; 4213; 4216; 4217; 5136; 5310; 5320; 5330; 5330.01; 5330.02; 5335; 5336; 5340; 5341; 5511; 5514; 5515; 5520; 5600; 5610.02; 5610.03; 5630.01; 5772; 5860; 5895; 7217; 7310;



**4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)
POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)**

LACK OF COMPLIANCE WITH HEALTH OR SAFETY RULE (CONT'D)

7420; 7430; 7440; 7440.03; 7530; 7530.02; 7550; 8300; 8390; 8400;
8403; 8405; 8410; 8420; 8420.01; 8420.02; 8431; 8442; 8442.01;
8450; 8450.01; 8451; 8452; 8453; 8453.01; 8453.02; 8500; 8600;
8600.04; 8640; 8650; 8651; 8660; 8760; 9120; 9150; 9160

See also related administrative guidelines

Agreement Level:

CHTU 795 2A; 2B; 11C

EAPSC Preamble; 13.00.0 et seq.

MU 795 2.01; 13.04C

OAPSE 102 Preamble; 4A et seq.; 5C; 15A

OAPSE 617 4A et seq.; 5C; 11A et seq. ; 17I

Case management considerations include, but are not limited to, the following:

Initial Responsibility: BUILDING OR SITE LEVEL

Mandatory Reporting: YES

Initial Classification: MODERATE

Case Management Options: Lack of Compliance with Health or Safety Rule				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Written Reprimand	Suspension Recommendation	Dismissal Recommendation
Relatively Equal	Written Reprimand	Suspension Recommendation	Dismissal Recommendation	Dismissal Recommendation
Mostly Aggravating	Suspension Recommendation	Dismissal Recommendation	Dismissal Recommendation	Dismissal Recommendation

Commentary:

- Consistent with the Board *Protective Facial Coverings During Pandemic/Epidemic Events Policy* (PFCDPEEP) [CHUH 8450.01] and/or related administrative guidelines: 1) All employee facial masks or coverings shall meet the requirements of the appropriate staff dress or grooming policies; 2) When facial masks/coverings are required by the Board, and no exception has been applied, staff members who violate the policy shall be subject to disciplinary action in accordance with Board policies; and 3) Any person may be required to temporarily remove a face mask or covering when instructed to do so for identification or security purposes, and failure to comply with such a request violates may lead to disciplinary or other action.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this violation.
- Acts that may represent violations of civil law or criminal law are addressed elsewhere in the Guide.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

LACK OF TEAMWORK

Definition: This term means any act, or failure to act, that: 1) Involves non-compliance with a Board policy or administrative procedure concerning the functioning of an assigned work group, committee, or the implementation of agreed-upon strategies with designated team members; and 2) Is a matter of interest to the District only.

Examples: Include, but are not limited to, the following:

- Refusing to share resources as appropriate with team members.
- Remaining unavailable for planning activities with other team members.
- Refusing to cooperate with other team members.
- Failing to communicate with others in advance of an expected absence when required.
- Refusing to offer or render assistance to other employees, substitutes, or parents/guardians as needed, when requested, and/or without reason.
- Impeding the progress of a work team without any rational basis.
- Neglecting to communicate with parents, stakeholders, or community partners as expected.

Related alignments include, but are not limited to, the following:

Federal Level: NONE

State Level: ORC §3319.02; §3319.08; §3319.081; §3319.16
OAC 3301-35-02 to 06

Licensure Code: 1 (a)

Board Level: CHUH 0118; 0123; 0171.1; 1230; 1541; 2110; 2111; 2131; 2132; 2261.01; 2261.02; 3139; 3140; 3210; 4139; 4140; 4210; 5420; 5780; 5820; 8403; 9120; 9140.01; 9140.02; 9141; 9142; 9143; 9210; 9211; 9500; 9555

See also related administrative guidelines

Agreement Level: CHTU 795 2A; 2B; 6C; 11C

EAPSC Preamble; 13.00.0 et seq.

MU 795 2.01; 13.04C

OAPSE 102 Preamble; 4A et seq.; 5C; 15A

OAPSE 617 4A et seq.; 5C; 11A et seq.

RISK MANAGEMENT IN EDUCATION

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4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

LACK OF TEAMWORK (CONT'D)

Case management considerations include, but are not limited to, the following:

Initial Responsibility: BUILDING OR SITE LEVEL

Mandatory Reporting: NO

Initial Classification: MINOR

Case Management Options: Lack of Teamwork				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension Recommendation
Relatively Equal	Written Warning	Official Reprimand	Suspension Recommendation	Termination Recommendation
Mostly Aggravating	Official Reprimand	Suspension Recommendation	Termination Recommendation	Termination Recommendation

Commentary:

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this violation.
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OFF-DUTY MISCONDUCT

Definition: This term means any act, or failure to act, that: 1) Occurs outside of the Workplace, contract day, or work day that impacts one's ability to perform his or her job duties, undermines the legitimate interests of the District, or creates a disruption of District operations; and 2) Is a matter of interest to the District only.

Examples: Include, but are not limited to, the following:

- Accepting part-time employment or engaging in any outside activity that creates an actual or a potential conflict of interest for the Employee or the District.
- Accepting part-time employment or engaging in any outside activity that creates a disruption within the District.
- Selling or publishing works containing the intellectual property of the District without prior written approval.
- Speaking on behalf of the District without authorization.
- Misrepresenting the District in person, in print, or on websites.
- Posting information on Social Media that disrupts, interferes with the goals of, or unduly harms the District.

Related alignments include, but are not limited to, the following:

Federal Level: NONE

State Level: ORC §102.03; §124.57; §3319.02; §3319.08; §3319.081; §3319.16

Licensure Code: 1 (a); 1 (d); 5 (b); 6 (f); 7 (b); 7 (c); 7 (d); 7 (e); 9 (c); 9 (e); 9 (i)

Board Level: CHUH 0123; 0141.2; 0148; 0148.1; 0167.1; 0167.2; 1130; 1541; 1613; 3112; 3113; 3139; 3140; 3210; 3213; 3231; 3310; 4113; 4139; 4140; 4210; 4213; 4231; 6605; 7440.03; 7530; 7530.01; 7530.02; 7530.03; 7540; 7540.01; 7540.02; 7540.04; 7542; 7543; 7544; 9130; 9700

See also related administrative guidelines

Agreement Level: CHTU 795 3B; 11C

EAPSC Preamble

MU 795 13.04C

OAPSE 102 5C; 15A

OAPSE 617 5C



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OFF-DUTY MISCONDUCT (CONT'D)

Case management considerations include, but are not limited to, the following:

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: NO

Initial Classification: MODERATE

Case Management Options: Off-Duty Misconduct				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension Recommendation	Termination Recommendation
Relatively Equal	Official Reprimand	Suspension Recommendation	Termination Recommendation	Termination Recommendation
Mostly Aggravating	Suspension Recommendation	Termination Recommendation	Termination Recommendation	Termination Recommendation

Commentary:

- While the District does not wish to become involved in the personal lives of employees, disciplinary action may result when a “rational nexus” can be established between any off-duty or “mixed duty” incident and the legitimate interests of the District. As such:
 - Consistent with the Board *Outside Activities of Staff Policies* (OASPs) [CHUH 3231 and 4231], and/or related administrative guidelines:
 - Employees should avoid situations in which their personal interests, activities, and associations conflict with the interests of the District. If such situations threaten an Employee's effectiveness within the District, the Superintendent and/or Board shall evaluate the impact of such interests, activities, or associations upon the Employee's responsibilities.
 - Employees may not dedicate work time to outside interests, activities, or associations.
 - Employees may not use school property or school time to solicit or accept customers for private enterprises.
 - Employees may not engage in business transactions on behalf of private enterprises in which they may profit by virtue of their official positions or authority, or benefit financially from confidential information which they obtain, or may obtain, by reason of their positions or authority.
 - The constitutional right to express political and other opinions as citizens is reserved to all employees; however, employees may not campaign on school property during duty hours on behalf of any political candidate for national, state, or local office.
 - Unless expressly approved by the Superintendent, a Professional Staff Member: 1) May not accept fees for tutoring when such tutoring is conducted during the normal work day; and 2) May not accept fees for remedial tutoring of students currently enrolled in one (1) or more of his or her classes.
 - Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [CHUH 1613, 3213, and 4213] and/or related administrative guidelines, employees shall only engage in electronic communication with students via email, texting, or Social Media: 1) When such communication is directly related to curricular matters or co-curricular or extracurricular events or activities; and 2) With prior approval of the Superintendent or his/her designee.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.

RISK MANAGEMENT IN EDUCATION

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4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OFF-DUTY MISCONDUCT (CONT'D)

- A “Reasonable Person Standard” should be used to establish this violation.
- For additional guidance on establishing or verifying technology-related instances of this violation, consult the Board *Use of Electronic Mail/Text Messages Policy* (UEMTMPs) [CHUH 0167.1], *Staff Use of PCDs Policy* (SUPP) [CHUH 7530.02], *Computer Technology and Networks Policy* (CTNP) [CHUH 7540], *Technology Privacy Policy* (TPP) [CHUH 7540.01], *Web Content, Services, and Apps Policy* (WCSAP) [CHUH 7540.02], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [CHUH 7540.04], *Access to District Technology from PCDs Policy* (ADTPP) [CHUH 7542], *Remote Access Policy* (RAP) [CHUH 7543], *Social Media Policy* (SMP) [CHUH 7544], related administrative guidelines, related administrative guidelines, and/or the AUSA.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the Guide.
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

RISK MANAGEMENT IN EDUCATION PROGRAM 1: EMPLOYEE CONDUCT

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4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) *POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)*

OFF-DUTY MISCONDUCT (CONT'D)

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4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

TOBACCO POLICY VIOLATION

- Definition:** This term means any act, or failure to act, that violates one or more of the Board *Tobacco-Free Schools Policies* (TFSPs).
- Examples:** Include, but are not limited to, the following [CHUH 1615, 3215, 4215, 7434, and 9160]:
- Using smokeless tobacco, tobacco substitutes, cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, electronic cigarettes (“e-cigarettes”), vapor cigarettes or other lighted smoking devices on school property.
 - Using any of these products within any enclosed facility owned, leased, or operated by the Board.
 - Using any of these products in areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities.
 - Using any of these products in: 1) A vehicle owned, leased, or operated by the Board; and/or 2) Any other vehicle used to transport students.
 - Using any of these products at any school-related event (except at designated times and in designated areas as defined in statute and by the *Ohio Smoke-Free Workplace Program*).

Related alignments include, but are not limited to, the following:

- Federal Level:** *Pro-Children Acts of 1994* [20 USC §6081 et seq.; Public Law 103-227] and *2001* [20 USC §7181; Public Law 107-110]; 20 USC §7161; 20 USC §7184; *Food, Drug, and Cosmetic Act of 1938*, as amended [21 USC §321 et seq.]
- State Level:** ORC §3313.751; §3319.02; §3319.08; §3319.081; §3319.16; *Ohio Smoke-Free Workplace Act of 2006* [§3794.01 et seq.]
- OAC 3301-35-02 through 301-35-06; 3301-83-20; 3701-52-01
- Licensure Code:** 1 (a); 6 (d); 6 (e)
- Board Level:** CHUH 0123; 1541; 1613; 1615; 2131; 2110; 3139; 3140; 3210; 3213; 3215; 4139; 4140; 4210; 4213; 4215; 5512; 7434; 9160
- See also related administrative guidelines
- Agreement Level:** CHTU 795 11C
- EAPSC Preamble
- MU 795 13.04C
- OAPSE 102 5C; 15A
- OAPSE 617 5C

RISK MANAGEMENT IN EDUCATION

PROGRAM 1: EMPLOYEE CONDUCT



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

TOBACCO POLICY VIOLATION (CONT'D)

Case management considerations include, but are not limited to, the following:

Initial Responsibility: BUILDING OR SITE LEVEL

Mandatory Reporting: NO

Initial Classification: MINOR

Case Management Options: Tobacco Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension Recommendation
Relatively Equal	Written Warning	Official Reprimand	Suspension Recommendation	Termination Recommendation
Mostly Aggravating	Official Reprimand	Suspension Recommendation	Termination Recommendation	Termination Recommendation

Commentary:

- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [CHUH 1613, 3213, and 4213] and/or related administrative guidelines, an Employee shall not associate or fraternize with students in a manner that may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity that could involve harmful substances such as tobacco.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this violation.
- For additional guidance on establishing or verifying this violation, consult the Board *Use of Tobacco by Staff Policies* (UTSP) [CHUH 1615, 3215, and 4215], *Use of Tobacco on School Premises Policy* (UTSPP) [CHUH 7434], *Public Attendance at School Events Policy* (PASEP) [CHUH 9160], and/or related administrative guidelines.
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OTHER POLICY VIOLATION

Definition: This term means any act, or failure to act, that: 1) Is not otherwise specified in this section of the guide; 2) Involves non-compliance with a Board policy or administrative procedure; and 3) Is a matter of interest to the District only.

Examples: Include, but are not limited to, the following:

- Engaging in an action or behavior that violates Board policy and/or related administrative guidelines.
- Engaging in an action or behavior that violates a procedure or rule established by the Superintendent or his/her designee of which the Employee has been made duly aware.

Related alignments include, but are not limited to, the following:

Federal Level: Includes any federal level statutes or related implementing regulations (non-criminal/non-civil) not otherwise specified

State Level: Includes ORC §3319.02, §3319.08, §3319.081, §3319.16, and any state level statutes (non-criminal/non-civil) not otherwise specified

Includes any related state level implementing regulations (non-criminal/non-civil) not otherwise specified

Licensure Code: 1 (a)

Board Level: Includes CHUH 0123, 1541, 3139, 3140, 3210, 4139, 4140, 4210, and any Board Level policies (non-criminal/non-civil) not otherwise specified

See also related administrative guidelines

Agreement Level: Includes CHTU 795 11C and any Agreement level provisions (non-criminal/non-civil) not otherwise specified

Includes EAPSC Preamble, 13.04C, and any Agreement level provisions (non-criminal/non-civil) not otherwise specified

Includes MU 795 13.04C, 16.0, and any Agreement level provisions (non-criminal/non-civil) not otherwise specified

Includes OAPSE 102 5C, 9G, 15A, and any Agreement level provisions (non-criminal/non-civil) not otherwise specified

Includes OAPSE 617 5C, 9E, and any Agreement level provisions (non-criminal/non-civil) not otherwise specified

RISK MANAGEMENT IN EDUCATION

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4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OTHER POLICY VIOLATION (CONT'D)

Case management considerations include, but are not limited to, the following:

Initial Responsibility: BUILDING OR SITE LEVEL

Mandatory Reporting: NO

Initial Classification: MINOR

Case Management Options: Other Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension Recommendation
Relatively Equal	Written Warning	Official Reprimand	Suspension Recommendation	Termination Recommendation
Mostly Aggravating	Official Reprimand	Suspension Recommendation	Termination Recommendation	Termination Recommendation

Commentary:

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this violation.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the Guide.
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) POTENTIAL VIOLATIONS OF CIVIL STATUTE

BREACH OF CONFIDENTIALITY

Definition: This term means any act, or failure to act, that: 1) Involves non-compliance with a Board policy or administrative procedure concerning the inappropriate access, use, disclosure, misuse, lack of protection, or improper disposition of private, confidential, restricted, secure, or proprietary information, data, or records; and 2) May be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Compromising financial, payroll, personnel, student, or health records.
- Disclosing identifiable educational data or other information under FERPA, IDEA, or HIPAA in an improper manner.
- Accessing or using information contained within an IEP, Section 504 Plan, ADA Plan or other confidential record without a “need to know”.
- Disclosing potentially sensitive District operational information without proper authorization.
- Assisting an unauthorized user to access secure information.
- Leaving confidential information unattended in a non-secure area.
- Removing sensitive data from the District either physically or electronically regardless of purpose or stated intent.
- Disposing of protected information in a manner contrary to established routine or Board policy.
- Disclosing PI about staff or PII about a student on Social Media.

Related alignments include, but are not limited to, the following:

Federal Level: 5 USC §552a; *Fair Credit Reporting Act* [15 USC §1681 et seq.; 20 USC §1232f; *Family Education Rights Privacy Act of 1974* [FERPA; 20 USC §1232g; 34 CFR §99 et seq.]; *Protection of Pupil Rights Act of 1998* [PPRA; 20 USC §1232h]; *Individuals with Disabilities Education Act of 1997 and 2004* [IDEA; 20 USC §1400 et seq.; 34 CFR §300.1 et seq.; Public Law 94-142]; 20 USC §6311et seq.; 20 USC §7908; Section 504 of the *Rehabilitation Act of 1973* [29 USC §701 et seq.; Public Law 93-112]; *Health Insurance Portability and Accountability Act of 1996* [HIPAA; 29USC §1181 et seq.; 45 CFR §160 and §164]; 42 USC §13942; *Children’s Internet Protection Act of 2000* [CIPA; 47 USC §254; FCC Order 03-188]; 47 CFR §54.503; 47 CFR §54.520

State Level: ORC §9.01; §124.23; §124.88; §149.011(G); §149.35; §149.41; §149.43; §1347.01 et seq.; §2151.85; §2744.01 et seq.; §2921.24; §3121.891; §3313.951; §3314.401; §3317.01 et seq.; §3319.02; §3319.08; §3319.081; §3319.11; §3319.111; §3319.112; §3319.113; §3319.114; §3319.16; §3319.314; §3319.32; §3319.321; §3319.322; §3319.33; §3319.719; §3323.01 et seq.; §3324.01 et seq.; §3701.028; §3701.243; §4112.01 et seq.; §4113.53; §4113.71; §4117.01(K); §4117.21

OAC 3301-2-16

Licensure Code: 1 (a); 1 (d); 1 (i); 1 (l); 1 (m); 5 (a); 5 (b); 5 (c); 9 (a); 9 (b)



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

BREACH OF CONFIDENTIALITY (CONT'D)

Board Level: CHUH 0123; 0148; 0148.1; 0149; 0164; 0166; 0167.1; 0167.2; 01690171.1; 1110; 1130; 1240; 1240.01; 1330; 1340; 1422; 1422.02; 1460; 1461; 1530; 1541; 1613; 1619; 1619.01; 1619.02; 1623; 1662; 2110; 2260; 2260.01; 2260.02; 2261.02; 2280; 2266; 2313; 2411; 2413; 2416; 2460; 2461; 2464; 2605; 2623; 2623.01; 2700; 3113; 3120; 3120.04; 3120.05; 3120.09; 3122; 3122.01; 3122.02; 3122.03; 3123; 3139; 3140; 3160; 3161; 3170; 3170.01; 3210; 3213; 3220; 3223; 3231; 3310; 3362; 3419; 3419.01; 3419.02; 3430.01; 4113; 4120; 4120.04; 4120.05; 4120.08; 4120.09; 4122; 4122.01; 4122.02; 4122.03; 4123; 4139; 4140; 4160; 4161; 4162; 4170; 4170.01; 4210; 4213; 4220; 4231; 4362; 4419; 4419.01; 4419.02; 4421; 4421.01; 4430.01; 5111.01; 5111.03; 5130; 5136; 5310; 5320; 5330; 5330.02; 5335; 5336; 5350; 5420; 5500; 5516; 5517; 5517.01; 5531; 5600; 5605; 5610; 5610.01; 5610.02; 5610.03; 5610.04; 5610.05; 5630.01; 5722; 5751; 5772; 5780; 6107; 6108; 6110; 6423; 6460; 6520; 6605; 7300; 7310; 7440.01; 7530; 7530.01; 7530.02; 7530.03; 7540; 7540.01; 7540.02; 7540.03; 7540.04; 7542; 7543; 7544; 8300; 8305; 8310; 8315; 8320; 8320.01; 8325; 8330; 8340; 8350; 8351; 8400; 8403; 8410; 8420; 8420.01; 8420.02; 8442.01; 8450; 8453; 8453.01; 8453.02; 8462; 8500; 8510; 8531; 8760; 9120; 9130; 9140.01; 9140.02; 9150; 9160; 9700

See also related administrative guidelines

Agreement Level: CHTU 795 2A et seq.; 3A; 3B; 4A; 4E; 7B; 7C; 7D; 7E; 8A et seq.; 8K; 11C; 12A et seq.; 15A et seq.; Appendices

EAPSC Preamble; 4.00.0 et seq.; 5.00.0 et seq.; 13.00.0 et seq.

MU 795 2.01 et seq.; 2.04; 2.06; 4.04; 5.01; 5.02; 5.03; 6.0; 10.0 et seq.; 10.04; 11.01; 11.02; 13.04C; 14.01 et seq.; 14.1A et seq.; 23.0

OAPSE 102 2B; 4A et seq.; 5A; 5C; 5D; 5F; 5H; 6G ; 8A et seq.; 15A; 17A et seq.; Appendices

OAPSE 617 2B; 2C; 4A et seq.; 5B; 5C; 5D; 6E ; 8A et seq.; 19A et seq.

Case management considerations include, but are not limited to, the following:

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: YES

Initial Classification: MODERATE

Case Management Options: Breach of Confidentiality				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension Recommendation	Termination Recommendation
Relatively Equal	Official Reprimand	Suspension Recommendation	Termination Recommendation	Termination Recommendation
Mostly Aggravating	Suspension Recommendation	Termination Recommendation	Termination Recommendation	Termination Recommendation



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

BREACH OF CONFIDENTIALITY (CONT'D)

Commentary:

- Consistent with IDEA Part B, all employees collecting or using PII must receive training or instruction regarding state confidentiality policies and procedures under IDEA Part B and FERPA. Additionally, the District must maintain, for public inspection, a current listing of the names and positions of employees who may have access to PII [34 CFR §300.623].
- Access to District personnel and student records shall be subject to the Board policy and applicable federal and state law [CHUH 0149].
- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [CHUH 1613, 3213, and 4213] and/or related administrative guidelines: 1) If a student approaches an Employee to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc., the Employee may attempt to assist the student by facilitating contact with certified or Licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem; however, under no circumstances should such Employee inappropriately disclose PII concerning the student to third parties not specifically authorized by law; 2) Since most information concerning a child in school (other than directory information described in CHUH 8330) is confidential under federal and state law, any Employee who shares confidential information with another person not authorized to receive the information (including, but not limited to, information concerning assessments, grades, behavior, family background, or alleged child abuse) may be subject to discipline and/or civil liability; and 3) Employees are prohibited from electronically transmitting any personally identifiable image of students, including video, photographs, streaming video, etc. via email, text message, or through the use of Social Media, unless such transmission has been made as part of a pre-approved curricular matter, co-curricular event, or extracurricular activity (e.g., a school-sponsored publication or production) in accordance with CHUH 5722.
- Consistent with the Board *Personal Information Systems Policy* (PISP) [ORC §1347.05(D); CHUH 8320.01] and/or related administrative guidelines, the Board shall discipline any Employee who engages in the unauthorized use or release of the PI contained in the PI System.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this violation: 1) Must be reported to the Superintendent or his/her designee; and 2) Will be investigated and resolved in accordance with Board policy and/or related administrative guidelines.
- A "Preponderance of the Evidence Standard" should be used to establish this violation; however, the following are not required for establishing or verifying this violation: 1) The filing of an actionable civil Complaint with an outside agency; 2) Evidence of intentionality; or 3) Evidence of an actual injury to a student, Employee, or the interests of the District.
- For additional guidance on establishing or verifying technology-related instances of this violation, consult the Board *Use of Electronic Mail/Text Messages Policy* (UEMTMPs) [CHUH 0167.1], *Staff Use of PCDs Policy* (SUPP) [CHUH 7530.02], *Computer Technology and Networks Policy* (CTNP) [CHUH 7540], *Technology Privacy Policy* (TPP) [CHUH 7540.01], *Web Content, Services, and Apps Policy* (WCSAP) [CHUH 7540.02], *Student Education Technology Acceptable Use and Safety Policy* (SETAUSP) [CHUH 7540.03], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [CHUH 7540.04], *Access to District Technology from PCDs Policy* (ADTPP) [CHUH 7542], *Remote Access Policy* (RAP) [CHUH 7543], *Social Media Policy* (SMP) [CHUH 7544], related administrative guidelines, *Information Security Policy* (ISP) [CHUH 8305], related administrative guidelines, and/or the AUSA.
- Acts that may represent violations of [criminal law](#) are addressed elsewhere in the Guide.
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

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4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) *POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)*

BREACH OF CONFIDENTIALITY (CONT'D)

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4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

DISCRIMINATION

Definition: This term means any act, or failure to act, that: 1) Unreasonably and/or unfavorably differentiates treatment of others based on their membership in a socially distinct group or category, such as race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, military status, ancestry, genetic information, or any other basis in federal law, state statute, Board policy, or the Agreement; and 2) May be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Making inappropriate comments referencing any of the above.
- Seeking Termination of an Employee based on his or her age.
- Excluding student subgroups from opportunities available to other students.
- Harassing an individual on the basis of his or her faith (or lack thereof).
- Denying a promotion opportunity to a subordinate on the basis of his or her membership (or non-membership) in a labor organization or other professional organization.
- Disparaging a student or staff member based on his or her real or perceived sexual orientation or gender identity.

Related alignments include, but are not limited to, the following:

Federal Level: Amendment XIV, U.S. Constitution; *Immigration Reform and Control Act of 1986* [IRCA; 8 USC §1324(a) et seq.; Public Law 99-603]; *Individuals with Disabilities Education Act of 1997 and 2004* [IDEA; 20 USC §1400 et seq.; 34 CFR §300.1 et seq.; Public Law 94-142]; Title IX of the *Education Amendments of 1972* [20 USC §1681 et seq.; 34 CFR §106.1 et seq.]; 20 USC §1684; 20 USC §1703 et seq.; *General Education Provisions Act* [GEPA; 20 USC §1221 et seq.]; *Equal Access Act of 1984* [20 USC §4071 et seq.; 28 CFR §36.101 et seq.]; *Elementary and Secondary Education Act of 1965*, as amended (*Every Student Succeeds Act of 2015*) [20 USC §6301 et seq.; Public Laws 17-110 and 114-95]; *Boy Scouts of America Equal Access Act of 2002* [20 USC §7905; 34 CFR §108.1 et seq.]; 29 USC §158(a)(3) and (4); *Equal Pay Act of 1963* [29 USC §206(d)]; 29 USC §660; Sections 501 through 505 of the *Rehabilitation Act of 1973* [29 USC §701 et seq.; Public Law 93- 112]; 29 USC §794; *Age Discrimination in Employment Act of 1967* [ADEA; 29 USC §621; 29 CFR §1625.1 et seq.]; *Uniformed Services Employment and Re-employment Rights Act of 2005* [USERRA; 38 USC §4301 et seq.]; *Civil Rights Act of 1991* [42 USC §1981 et seq.; Public Law 102-166]; Title VI of the *Civil Rights Act of 1964* [42 USC §2000d; Public Law 88-352]; Title VII of the *Civil Rights Act of 1964* [42 USC §2000e et seq.; 29 CFR §1604.1 et seq.]; *Pregnancy Discrimination Act of 1978* [Public Law 95-555]; *Genetic Information Non-Discrimination Act of 2008* [GINA; 42 USC §2000ff et seq.; 29 CFR §1635 et seq.]; *McKinney-Vento Homeless Assistance Act of 1987* [42 USC §11301 et seq.; Public Law 100-77]; *Americans with Disabilities Act of 1990* and *Americans with Disabilities Act*



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

DISCRIMINATION (CONT'D)

Amendments of 2008 [ADA and ADAAA; 42 USC §12101 et seq.]; 42 USC §12631; 7 CFR §15b.1 et seq.; 7 CFR §15d.1 et seq.; 7 CFR §15e.101 et seq.; 28 CFR §35.101 et seq.; 28 CFR §37.1 et seq.; 28 CFR §38.1 and §38.2; 28 CFR §39.101 et seq.; 28 CFR §41.1 et seq.; 28 CFR §42.1 et seq.; 29 CFR §1600.101 et seq.; 34 CFR §100.1 et seq.; 34 CFR §200.1 et seq.; 45 CFR §86.1 et seq.

State Level:

ORC §117.53; §124.23; §124.231; §124.90; §153.59; §2307.44; §2506.01 et seq.; §2744.01 et seq.; §2927.12; §3301 et seq.; §3304.11 et seq.; §3313.64; §3319.02; §3319.08; §3319.081; §3319.16; §3319.17; §3319.171; §3319.33; §3321.01 et seq.; §3323.01 et seq.; §3324.01 et seq.; §3327.01; §3365.01 et seq.; §4111.17; §4112.01 et seq.; §4113.51; §4113.52; §4117.11 (A)(3); §5123.62

OAC 3301-35-02 through 3301-35-06; OAC 3301-35-05; 3301-51-01 et seq.

Licensure Code:

1 (a); 1 (d); 1 (e); 1 (f); 1 (l); 2 (e); 2 (f); 2 (i); 9 (f); 9 (h)

Board Level:

CHUH 0100; 0123; 0167.1; 0171.1; 1400; 1422; 1422.02; 1460; 1461; 1541; 1613; 1623; 1662; 2110; 2131; 2240; 2260; 2260.01; 2260.02; 2260.03; 2261; 2261.01; 2261.02; 2266; 2270; 2280; 2412; 2413; 2460; 2461; 2464; 2510; 2520; 3111; 3120; 3120.01; 3120.04; 3120.05; 3122; 3122.01; 3122.02; 3122.03; 3123; 3131; 3132; 3139; 3140; 3160; 3161; 3170; 3210; 3213; 3231; 3362; 3362.01; 3430.01; 3430.03; 4111; 4120; 4120.01; 4120.04; 4120.05; 4120.08; 4122; 4122.01; 4122.02; 4122.03; 4123; 4131; 4139; 4140; 4160; 4161; 4162; 4170; 4210; 4213; 4231; 4362; 4362.01; 4421.01; 4430.01; 5111; 5111.01; 5111.02; 5111.04; 5113; 5113.01; 5113.02; 5120; 5223; 5320; 5410; 5430; 5451; 5463; 5500; 5510; 5516; 5517; 5517.01; 5531; 5540; 5600; 5605; 5610; 5610.01; 5610.02; 5610.03; 5610.04; 5610.05; 5722; 5730; 5751; 5840; 5850; 6110; 6152.01; 7510; 7530.01; 7530.02; 7530.03; 7540; 7540.01; 7540.02; 7540.03; 7540.04; 7542; 7543; 7544; 8390; 8600; 8800; 9130; 9160; 9210; 9270; 9500; 9600; 9700; 9700.01

See also related administrative guidelines

Agreement Level:

CHTU 795 1B; 8A et seq.; 12A et seq.; 15A et seq.; Appendix

EAPSC Preamble; 4.00.0 et seq.

MU 795 3.01; 3.02; 3.03; 3.04; 4.06; 10.02; 10.04; 13.04C; 14.01 et seq.; 14.1A et seq.; 23.0; Appendix

OAPSE 102 2B; 3A; 3B; 5C; 5D; 15A; 17A et seq.; Appendix

OAPSE 617 3A; 3B; 5B; 5C; 16; 19A et seq.; Appendix

Case management considerations include, but are not limited to, the following:

Initial Responsibility:

DISTRICT LEVEL



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

DISCRIMINATION (CONT'D)

Mandatory Reporting: YES

Initial Classification: MODERATE

Case Management Options: Discrimination				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension Recommendation	Termination Recommendation
Relatively Equal	Official Reprimand	Suspension Recommendation	Termination Recommendation	Termination Recommendation
Mostly Aggravating	Suspension Recommendation	Termination Recommendation	Termination Recommendation	Termination Recommendation

Commentary:

- Consistent with the Board *Non-Discrimination and Equal Employment Opportunity Policies* (NDEEOPs) [CHUH 3122 and 4122] and/or related administrative guidelines, the District's Notice of Non-Discrimination is to be disseminated at least annually to employees.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents alleging this violation: 1) Must be reported to the designated Complaint manager using the required forms; and 2) Will be investigated and resolved by the designated Complaint manager in accordance with Board policy and/or related administrative guidelines.
- A "Preponderance of the Evidence Standard" should be used to establish this violation; however, the following are typically not required for establishing or verifying this violation: 1) The filing of an actionable civil Complaint with an outside agency; 2) Evidence of intentionality; or 3) Evidence of an actual injury to the Complainant.
- For additional guidance on establishing or verifying technology-related instances of this violation, consult the Board *Use of Electronic Mail/Text Messages Policy* (UEMTMPs) [CHUH 0167.1], *Staff Use of PCDs Policy* (SUPP) [CHUH 7530.02], *Computer Technology and Networks Policy* (CTNP) [CHUH 7540], *Technology Privacy Policy* (TPP) [CHUH 7540.01], *Web Content, Services, and Apps Policy* (WCSAP) [CHUH 7540.02], *Student Education Technology Acceptable Use and Safety Policy* (SETAUSP) [CHUH 7540.03], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [CHUH 7540.04], *Access to District Technology from PCDs Policy* (ADTPP) [CHUH 7542], *Remote Access Policy* (RAP) [CHUH 7543], *Social Media Policy* (SMP) [CHUH 7544], related administrative guidelines, related administrative guidelines, and/or the AUSA.
- Acts that may represent violations of [criminal law](#) are addressed elsewhere in the Guide.
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

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4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) *POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)*

DISCRIMINATION (CONT'D)

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4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

SEXUAL HARASSMENT

Definition: This term means any act, or failure to act, that: 1) Involves non-compliance with a Board policy or administrative procedure concerning unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work (or learning) performance or creating an intimidating, hostile, or offensive working (or learning) environment [29 CFR §1604.11(a)]; and 2) May be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Engaging in prohibited physical actions or behaviors (e.g., unwelcome sexual advances; touching; indecent exposure; or sexual contact).
- Engaging in prohibited verbal actions or behaviors (e.g., unwelcome requests for sexual favors; propositions or pressure for sexual activity; continued suggestions for a date or social activity outside the Workplace after it has been made clear that such suggestions are unwelcome; unwanted or offensive flirtations; offensive jokes; suggestive remarks; sexual innuendos or double entendres; lewd comments; inquiring about someone's sexual preferences, fantasies or activities; and sexually harassing communications).
- Engaging in prohibited non-verbal actions or behaviors (e.g., the display of pornographic or sexually suggestive images, objects, written materials, emails, text-messages or faxes; leering; whistling, or sexually suggestive gestures, movements, or facial expressions).
- Engaging in prohibited gender-specific actions or behaviors (e.g., conduct that denigrates, ridicules, or intimidates another person; conduct that leads to physical abuse of a person because of his or her sex; or derogatory/degrading remarks or insults about a person's gender or body).
- Engaging in prohibited job-specific actions or behaviors (e.g., explicit or implicit pressure for sexual activity as a condition of hire, continued employment, or potential for advancement).

Related alignments include, but are not limited to, the following:

Federal Level: Title VI of the *Civil Rights Act of 1964* [42 USC §2000d]; Title VII of the *Civil Rights Act of 1964* [42 USC §2000e et seq.]; Title IX of the *Education Amendments of 1972* [20 USC §1681 et seq.; 34 CFR §106.1 et seq.]; 29 CFR §1604.11

State Level: ORC §117.53; §2307.44; §2744.01 et seq.; §2917.21; 3319.02; §3319.08; §3319.081; §3319.16; §3319.33; §4112.01 et seq.

RISK MANAGEMENT IN EDUCATION

PROGRAM 1: EMPLOYEE CONDUCT



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

SEXUAL HARASSMENT (CONT'D)

OAC 3301-35-04; 3301-35-06

Licensure Code: 1 (a); 1 (d); 1 (f); 1 (g); 1 (l); 2; (f); 2 (i); 9 (f); 9 (h)

Board Level: CHUH 0123; 0167.1; 1541; 1613; 1662; 2110; 2131; 2266; 3139; 3140; 3210; 3213; 3362; 3362.01; 4139; 4140; 4210; 4213; 4362; 4362.01; 5510; 5517; 5517.01; 5722; 7530.01; 7530.02; 7530.03; 7540; 7540.01; 7540.03; 7540.04; 7542; 7543; 7544; 9130

See also related administrative guidelines

Agreement Level: CHTU 795 11C

EAPSC Preamble

MU 795 13.04C

OAPSE 102 5C; 15A

OAPSE 617 5C

Case management considerations include, but are not limited to, the following:

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: YES

Initial Classification: MODERATE

Case Management Options: Sexual Harassment				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension Recommendation	Termination Recommendation
Relatively Equal	Official Reprimand	Suspension Recommendation	Termination Recommendation	Termination Recommendation
Mostly Aggravating	Suspension Recommendation	Termination Recommendation	Termination Recommendation	Termination Recommendation

Commentary:

- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [CHUH 1613, 3213, and 4213] and/or related administrative guidelines, an Employee shall not associate or fraternize with students in a manner that may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity that could be considered sexually suggestive.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents alleging this violation: 1) Must be reported to the designated Complaint manager using the required forms; and 2) Will be investigated and resolved by the designated Complaint manager in accordance with Board policy and/or related administrative guidelines.
- A “Preponderance of the Evidence Standard” should be used to establish this violation; however, the following are typically not required for establishing or verifying this violation: 1) The filing of an actionable civil Complaint with an outside agency; 2) Evidence of intentionality; or 3) Evidence of an actual injury to the Complainant.

For additional guidance on establishing or verifying technology-related instances of this violation,

RISK MANAGEMENT IN EDUCATION

PROGRAM 1: EMPLOYEE CONDUCT



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

SEXUAL HARASSMENT (CONT'D)

consult the Board *Use of Electronic Mail/Text Messages Policy* (UEMTMPs) [CHUH 0167.1], *Staff Use of PCDs Policy* (SUPP) [CHUH 7530.02], *Computer Technology and Networks Policy* (CTNP) [CHUH 7540], *Technology Privacy Policy* (TPP) [CHUH 7540.01], *Student Education Technology Acceptable Use and Safety Policy* (SETAUSP) [CHUH 7540.03], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [CHUH 7540.04], *Access to District Technology from PCDs Policy* (ADTPP) [CHUH 7542], *Remote Access Policy* (RAP) [CHUH 7543], *Social Media Policy* (SMP) [CHUH 7544], related administrative guidelines, related administrative guidelines, and/or the AUSA.

- Acts that may represent violations of [criminal law](#) are addressed elsewhere in the Guide.
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

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4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) *POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)*

SEXUAL HARASSMENT (CONT'D)

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4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

OTHER CIVIL VIOLATION

Definition: This term means any act, or failure to act, that: 1) Is not otherwise specified in this section of the guide; 2) Negatively impact(s) the working (or educational) environment, or the rights of one or more students, employees, or other parties; and 3) May be a matter of interest to an outside agency.

Examples: Include, but are not limited to, the following:

- Disregarding established student search procedures.
- Endangering students, staff, or the interests of the District.
- Failing to take reasonable action to protect students, other employees, or the interests of the District.
- Engaging in an act of verbal aggression, threat, harassment, intimidation, or bullying that has neither a discriminatory nor a sexually harassing effect.
- Creating, contributing to, or failing to address a hostile environment (e.g., bullying, harassing, or intimidating behavior) in a manner that has neither a discriminatory nor a sexually harassing effect in the Workplace, on Social Media, or elsewhere.
- Engaging in an act of retaliation prohibited under federal or state civil law.
- Taking, neglecting to take, or refusing to take any action that results in the unreasonable or unlawful denial of an individual's rights.
- Copying software purchased by the District for personal use.
- Using electronic information resources owned, leased, or operated by the Board in a manner that violates federal or state copyright or trademark law (e.g., copying District software for personal use; failing to secure the permission of a copyright owner prior to using copyrighted material, unless "fair use" conditions are met; or installing and/or using a program designed to share copyrighted material in a manner contrary to law).
- Using electronic information resources owned, leased, or operated by the Board to create, access, download, store, print, or transmit images, graphics (including still or moving pictures), sound files, text files, documents, messages, or other materials that are threatening, harassing, abusive, or libelous.
- Restricting student access to ideas, perspectives, or viewpoints motivated by personal disapproval of such.
- Refusing to release public records when required under law.
- Taking action in violation of an active Agreement.
- Taking, or neglecting to take, any other action that exposes the District to civil liability.

Related alignments include, but are not limited to, the following:

Federal Level: Includes U.S. Constitution Amendments I, IV, V, VI and XIV, 5 USC §552b, *Asbestos Hazard Emergency Response Act* [AHERA; 15 USC §2641 et seq.; 40 CFR §763.80 et seq.], 17 USC §101 et seq., *Protection of Elementary and Secondary Education Act of 1965*, as amended (*Every Student Succeeds Act of 2015*) [20 USC §6301 et



**4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)
POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)**

OTHER CIVIL VIOLATION (CONT'D)

seq.; Public Laws 17-110 and 114-95], *National Labor Relations Act* [NLRA; 29 USC §151-169], *Fair Labor Standards Act of 1938*, as amended [FLSA; 29 USC §201 et seq.], *Occupational Safety & Health Act of 1970* [OSHA; 29 USC §651 et seq.; Public Law 91-596; 29 CFR §1910.1 et seq.], 36 USC §101 et seq., *National School Lunch Act of 1946*, as amended [42 USC §1751 et seq.; 7 CFR §210.1 et seq.], *Healthy, Hunger-Free Kids Act of 2010* [Reauthorization of the *Child Nutrition Act of 1966*; 42 USC §1771 et seq.; Public Law 111-296], 49 USC §30125 and §30165, 34 CFR §200.55 et seq., and any federal level statutes or related implementing regulations (civil) not otherwise specified

State Level:

Includes ORC §9.40 to §9.45, §9.80, §9.81, §9.83, §9.90, §9.91, §109.65, §117.01 et seq., §121.22, §124.12, §124.15, §124.152, §124.18, §124.27, §124.271, §124.30, §124.31, §124.32, §124.321 to §124.328, §124.33, §124.34, §124.341, §124.39, §124.56, §124.57, §124.60, §124.61, §124.62, §124.64, §124.81, §124.82, §131.18, §135.01 et seq., §148.01, §148.04, §1347.01 et seq., §2152.18, §2305.23, §2305.235, §2307.44, §2744.01 et seq., §2901.30, §2921.45, §2923.1210, §3311.80, §3311.81, §3311.82, §3311.84, §3313.17, §3313.20(A)(B), §3313.202, §3313.203, §3313.36, §3313.48, §3313.51, §3313.64, §3313.71 et seq., §3313.814, §3313.951, §3315.062, §3315.08, §3317.01 et seq., §3319.02, §3319.04, §3319.08, §3319.081, §3319.11, §3319.111, §3319.112, §3319.113, §3319.114, §3319.16, §3319.17; §3319.171, §3319.172, §3319.311, §3319.33, §3319.35, §3321.01 et seq., §3323.01 et seq., §3327.09, §3365.01 et seq., §3917.01 et seq., §4101.11-12, §4112.01 et seq., §4113.06, §4113.51, §4113.52, §4117.01 et seq., §4511.76, §5705.01 et seq., and any state level statutes (civil) not otherwise specified

Includes OAC 901:5-11-01 et seq., 3301-32-09, 3301-35-04, 3301-35-06, 3301-37-10, 3301-83-12, and any related state level implementing regulations (civil) not otherwise specified

Licensure Code:

1 (a); 1 (d); 1 (f); 1 (j); 1 (l); 1 (m); 1 (n); 2; (g); 2 (i); 3 (a); 3 (e); 3 (f); 3 (g); 5 (b); 7 (a); 7 (g); 7 (h); 7 (j); 8 (a); 8 (b); 8 (c); 9 (f); 9 (g); 9 (h)

Board Level:

Includes CHUH 0118, 0123, 0164, 0166, 0167.1, 0167.2, 0169.2, 0171.1, 1220, 1310, 1411, 1422, 1460, 1461, 1520, 1530, 1540, 1541, 1613, 1619, 1619.01, 1619.02, 1619.03, 1623, 1662, 2110, 2131, 2210, 2220, 2240, 2250, 2260, 2260.01, 2260.02, 2260.03, 2261, 2261.01, 2261.02, 2266, 2270, 2271, 2280, 2312, 2340, 2370, 2380, 2411, 2412, 2413, 2416, 2421.01, 2430, 2430.01, 2430.02, 2431, 2432, 2451, 2460, 2460.03, 2461, 2464, 2510, 2520, 2531, 2575, 2623, 2623.01, 2623.02, 2700, 3111, 3120, 3120.04, 3120.05, 3120.06, 3122, 3122.01, 3122.03, 3123, 3124, 3130, 3131, 3139, 3140, 3142, 3160, 3161, 3210, 3211, 3213, 3220, 3223, 3231, 3310, 3362, 3362.01, 3411, 3419, 3419.01, 3419.02, 3419.03, 3422, 3531, 4111, 4120, 4120.04, 4120.05, 4120.08, 4122, 4122.01, 4122.03, 4123, 4124, 4130, 4131, 4139, 4140, 4160, 4161, 4162, 4210, 4211, 4213, 4220, 4231, 4362, 4362.01, 4419, 4419.01, 4419.02, 4419.03,



**4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)
POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)**

OTHER CIVIL VIOLATION (CONT'D)

4422, 4531, 5111, 5111.01, 5111.02, 5111.03, 5111.04, 5112, 5113, 5113.01, 5113.02, 5120, 5130, 5136, 5200, 5215, 5223, 5230, 5310, 5320, 5330, 5330.01, 5330.02, 5335, 5336, 5340, 5341, 5350, 5409, 5410, 5421, 5460, 5460.01, 5460.02, 5463, 5500, 5510, 5511, 5514, 5515, 5516, 5517, 5517.01, 5520, 5530, 5531, 5540, 5600, 5605, 5610, 5610.01, 5610.02, 5610.03, 5610.04, 5610.05, 5611, 5630.01, 5722, 5724, 5730, 5751, 5771, 5772, 5780, 5820, 5830, 5840, 5850, 5855, 5860, 5880, 5895, 6110, 6111, 6112, 6114, 6116, 6144, 6145, 6146, 6150, 6151, 6152, 6152.01, 6220, 6230, 6231, 6320, 6325, 6460, 6470, 6510, 6520, 6605, 6700, 6800, 6830, 7100, 7230, 7240, 7420, 7430, 7440, 7440.01, 7440.02, 7440.03, 7510, 7530, 7530.01, 7530.02, 7530.03, 7540, 7540.01, 7540.02, 7540.03, 7540.04, 7541, 7542, 7543, 7544, 8141, 8142, 8300, 8305, 8310, 8315, 8320, 8320.01, 8325, 8330, 8340, 8350, 8351, 8390, 8400, 8403, 8405, 8410, 8420, 8420.01, 8420.02, 8431, 8442, 8442.01, 8450, 8450.01, 8451, 8452, 8453, 8453.01, 8453.02, 8470, 8500, 8531, 8540, 8550, 8600, 8640, 8650, 8651, 8660, 8710, 8740, 8760, 8800, 9130, 9140.01, 9140.02, 9150, 9160, 9190, 9210, 9270, 9500, 9600, 9700, 9700.01, and any Board Level policies (civil) not otherwise specified

See also related administrative guidelines

- Agreement Level:** CHTU 795 1A et seq.
EAPSC 1.00.0 et seq.
MU 795 1.0 et seq.
OAPSE 102 1A et seq.
OAPSE 617 1A et seq.

Case management considerations include, but are not limited to, the following:

- Initial Responsibility:** DISTRICT LEVEL
Mandatory Reporting: YES
Initial Classification: MODERATE

Case Management Options: Other Civil Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Written Warning	Official Reprimand	Suspension Recommendation	Termination Recommendation
Relatively Equal	Official Reprimand	Suspension Recommendation	Termination Recommendation	Termination Recommendation
Mostly Aggravating	Suspension Recommendation	Termination Recommendation	Termination Recommendation	Termination Recommendation

Commentary:

- No person shall: 1) Purposely refuse to obey an order issued by a court of competent jurisdiction under ORC Chapter 4117 [ORC §4117.18(A)]; 2) Purposely refuse to obey a lawful order of the



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

OTHER CIVIL VIOLATION (CONT'D)

SERB; 3) Prevent, or attempt to prevent, any member of the Board or any agent of the Board from performing his or her lawful duties [ORC §4117.18(B)]; or 4) Engage in an Unauthorized Strike, if a Public Employee [ORC §4117.18(C) and §4117.23].

- Consistent with the Board *Whistleblower Protection Policies* (WPPs) [ORC §4113.52; CHUH 1411, 3211, and 4211] and/or related administrative guidelines, no Employee shall be disciplined or retaliated against for reporting a possible violation by the District or a fellow Employee or as a result of making any inquiry or taking any other action necessary to ensure the accuracy of any information related to possible violations, as long as the Employee made a reasonable and Good Faith effort to determine the accuracy of any information reported.
- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [CHUH 1613, 3213, and 4213] and/or related administrative guidelines, an Employee shall not associate or fraternize with students in a manner that may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity that could be considered abusive.
- Consistent with the Board *Personal Information Systems Policy* (PISP) [ORC §1347.05(D); CHUH 8320.01] and/or related administrative guidelines, the Board shall discipline any Employee who initiates, or otherwise contributes to, any disciplinary or other punitive action against any individual who brings to the attention of appropriate authorities, the press, or any member of the public, evidence of unauthorized use of information contained in the PI System.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents alleging bullying, harassment, or intimidation-related instances of this violation: 1) Must be reported to the designated Complaint manager using the required forms; and 2) Will be investigated and resolved by the designated Complaint manager in accordance with Board policy and/or related administrative guidelines. All incidents potentially involving other forms of this violation must be reported to the Superintendent or his/her designee.
- A “Preponderance of the Evidence Standard” should be used to establish such violations; however, the following are typically not required for establishing or verifying this violation: 1) The filing of an actionable civil Complaint with an outside agency; 2) Evidence of intentionality; or 3) Evidence of an actual injury to the Complainant.
- For additional guidance on establishing or verifying technology-related instances of this violation, consult the Board *Use of Electronic Mail/Text Messages Policy* (UEMTMPs) [CHUH 0167.1], *Staff Use of PCDs Policy* (SUPP) [CHUH 7530.02], *Computer Technology and Networks Policy* (CTNP) [CHUH 7540], *Technology Privacy Policy* (TPP) [CHUH 7540.01], *Web Content, Services, and Apps Policy* (WCSAP) [CHUH 7540.02], *Student Education Technology Acceptable Use and Safety Policy* (SETAUSP) [CHUH 7540.03], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [CHUH 7540.04], *Access to District Technology from PCDs Policy* (ADTPP) [CHUH 7542], *Remote Access Policy* (RAP) [CHUH 7543], *Social Media Policy* (SMP) [CHUH 7544], related administrative guidelines, *Information Security Policy* (ISP) [CHUH 8305], related administrative guidelines, and/or the AUSA.
- Acts that may represent violations of [criminal law](#) are addressed elsewhere in the Guide.
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW

ALCOHOL OR DRUG POLICY VIOLATION

Definition: This term means any act that: 1) Violates a Board policy or administrative procedure concerning Alcohol, controlled substances, or intoxicants; and 2) May be of interest to a law enforcement agency.

Examples: Include, but are not limited to, the following:

- Possessing, using, selling, distributing, dispensing, or manufacturing Alcohol, or engaging in the illegal possession, use, sale, distribution, dispensing, or manufacture of drugs: 1) While on Duty; 2) While in the Workplace; 3) While operating a vehicle owned, leased, or operated by the Board; or 4) While performing a Safety-Sensitive Function [CHUH 3122.01 and 4122.01].
- Performing a Safety-Sensitive Function or operating a vehicle owned, leased, or operated by the Board: 1) After using Alcohol; or 2) After using an Illegal Drug [CHUH 3122.01 and 4122.01].
- Reporting for duty, or remaining on duty, when using a Controlled Substance, except when the use is prescribed by a duly Licensed physician who has advised the Employee that the Controlled Substance does not adversely affect the Employee's ability: 1) To safely perform the functions and duties of his or her employment; 2) To drive a vehicle owned, leased, or operated by the Board; or 3) To perform a Safety-Sensitive Function [CHUH 3122.01 and 4122.01].
- Neglecting to report to the Superintendent or his/her designee prescribed medical treatment with any drug or Controlled Substance that may impair the Employee's physical or mental ability, or failing to provide written doctor's approval of such when requested to do so [CHUH 3122.01 and 4122.01].
- Being indicted or Convicted under any criminal drug statute for a violation occurring: 1) In the Workplace [CHUH 3122.01 and 4122.01]; or 2) Outside of the Workplace.
- Failing to notify the Board within five (5) days of a Conviction under any criminal drug statute for an event occurring in the Workplace (a condition of employment) [34 CFR §84.205(2); CHUH 3122.01 and 4122.01].
- Reporting for duty, or performing work: 1) While being under the influence of a prohibited drug; or 2) While having an Alcohol Concentration in excess of the state limit (or a blood or urine test corresponding to such); or 3) While testing positive for using a prohibited drug [CHUH 4162].
- Refusing to submit to Alcohol and/or drug testing when required [CHUH 4162].
- Altering, attempting to alter, or unduly influencing Alcohol and/or drug testing results [CHUH 4162].
- Failing to remain readily available for post-accident testing (e.g., leaving the scene of an accident prior to the submission of a post-accident test, except when emergency care is needed, or failing to notify one's Supervisor of his or her location) [CHUH 4162].
- Failing to enroll, when required by the Board, in an Alcohol or drug treatment or counseling program, or failing to adhere to the requirements of such a program [CHUH 4162].



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

ALCOHOL OR DRUG POLICY VIOLATION (CONT'D)

- Failing to comply with any other regulation promulgated under any testing program [CHUH 4162].
- Possessing, using, selling, distributing, or dispensing any drug paraphernalia (e.g., accessories, chemical precursors, or equipment) as defined by federal law and/or state law [CHUH 3122.01 and 4122.01].
- Possessing, using, selling, or involvement with an Illegal Drug or Alcohol off the job in a manner that, as determined solely by the Board: 1) Leads to, or has the potential to lead to, adverse publicity for the District; 2) Impacts, or has the potential to impact, the Board's credibility with any outside party [CHUH 3170 and 4170].

Related alignments include, but are not limited to, the following:

Federal Level:	18 USC §341 et seq.; <i>Drug-Free Schools and Communities Act Amendments of 1989</i> [20 USC §1145g; 34 CFR §86.1 et seq.]; 20 USC §7101 et seq.; 20 USC §7912; 34 CFR §200.44; <i>Comprehensive Drug Abuse Prevention and Control Act of 1970</i> ["Controlled Substances Act" or "CSA"]; 21 USC §801 et seq.; 21 CFR §1300.01 et seq.; <i>Mental Health Parity and Addiction Equity Act of 2008</i> ["MHPAEA"]; 29 USC §1185a); <i>Drug Free Workplace Act of 1988</i> [41 USC §8101 et seq.; 34 CFR §84.100 et seq.; Public Law 100-690]; 42 USC §1996 and §1996a; 42 USC §12644; 42 USC §12645g; <i>Omnibus Transportation Employee Testing Act of 1991</i> [49 USC §31301 et seq.; 49 CFR §382.01 et seq.]; 49 CFR §40.1 et seq.
State Level:	ORC §109.572; §124.88; §2744.01 et seq.; §2921.36; §2925.01 et seq.; §3319.02; §3319.08; §3319.081; §3319.101; §3319.16; §3319.20; §3319.31; §3319.313; §3319.39; §3319.391; §3327.10; §3793.01 et seq.; §4301.01; §4399.02 et seq.; §4511.19; §4729.01 et seq. OAC 3301-20-01; 3301-27-01; 3301-35-04; 3301-35-06; 3301-73-21; 3301-83-07; 3301-83-20; 3301-83-23
Licensure Code:	1 (a); 1 (c); 1 (d); 1 (h); 1 (l); 4 (b); 4 (d); 4 (e); 6 (a); 6 (b); 6 (c); 6 (d) 6 (f)
Board Level:	CHUH 0123; 1220; 1240.01; 1310; 1340; 1400; 1460; 1520; 1541; 1613; 2131; 2110; 2280; 3120; 3120.04; 3120.05; 3120.06; 3120.07; 3120.08; 3120.09; 3121; 3122.01; 3139; 3140; 3160; 3161; 3170; 3170.01; 3210; 3213; 3440; 4120; 4120.04; 4120.05; 4120.08; 4120.09; 4121; 4122.01; 4139; 4140; 4160; 4161; 4162; 4170; 4170.01; 4210; 4213; 4440; 5530; 6460; 6550; 6680; 8142; 8320; 8442; 8442.01; 8600; 8600.04; 8650; 9130; 9160 See also related administrative guidelines
Agreement Level:	CHTU 795 4A; 4C; 4F; 8K; 11C; Appendix EAPSC Preamble MU 795 10.04; 13.04C

RISK MANAGEMENT IN EDUCATION

PROGRAM 1: EMPLOYEE CONDUCT



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

ALCOHOL OR DRUG POLICY VIOLATION (CONT'D)

OAPSE 102 5C; 6K; 8I; 15A; Appendix

OAPSE 617 5C; 6H; 8J; 17I; 17J; Appendix

Case management considerations include, but are not limited to, the following:

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: VARIABLE

Initial Classification: MAJOR

Case Management Options: Alcohol or Drug Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension Recommendation	Termination Recommendation	Not Applicable
Relatively Equal	Suspension Recommendation	Termination Recommendation	Termination Recommendation	Not Applicable
Mostly Aggravating	Termination Recommendation	Termination Recommendation	Termination Recommendation	Not Applicable

Commentary:

- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) CHUH 1613, 3213, and 4213] and/or related administrative guidelines: 1) An Employee shall not associate with or fraternize with students in a manner that may give the appearance of impropriety (including, but not limited to, the creation of, or participation in, any situation or activity that could involve harmful substances such as illegal drugs or Alcohol; and 2) Any inappropriate conduct with a student by any Employee will subject the offender to potential criminal prosecution and disciplinary action by the Board, up to and including Termination.
- For additional guidance on establishing or verifying this violation, consult the Board *Drug-Free Workplace Policies* (DFWPs) [CHUH 3122.01 and 4122.01], *CDL Holder Testing Policy* (CHTP) [CHUH 4162], *Substance Abuse Policies* (SAPs) [CHUH 3170 and 4170], related administrative guidelines, and/or the Agreement.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this violation: 1) Must be reported to the Superintendent or his/her designee; and 2) Must be reported to the appropriate outside agency (e.g. law enforcement or social services) by the Superintendent or his/her designee where mandated.
- Some examples of this violation may be incompatible with initial or continued employment by the District; for management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

RISK MANAGEMENT IN EDUCATION PROGRAM 1: EMPLOYEE CONDUCT

Glossary [Table of Contents](#)



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) *POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)*

ALCOHOL OR DRUG POLICY VIOLATION (CONT'D)

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4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

COMMISSION OF A SEX OFFENSE

Definition: This term means any act that: 1) Involves non-compliance with a Board policy or administrative procedure concerning sexual conduct; and 2) May be of interest to a law enforcement agency.

Examples: Include, but are not limited to, the following:

- Committing a sexual act with a non-student minor, regardless of age or the presence or absence of consent.
- Touching another employee or visitor in a sexually inappropriate manner.
- Possessing, distributing, or accessing material that is either: 1) Harmful to Minors; or 2) Represents child pornography.
- Committing any similar prohibited act under federal, state, or local criminal law.

Related alignments include, but are not limited to, the following:

Federal Level: 18 USC §2241 to §2248; 18 USC §2250 et seq.; 18 USC §2421; 18 USC §3600a; 20 USC §1092f; 20 USC §7912; 34 USC §12291(a)(29); 42 USC §12645g; *Adam Walsh Child Protection and Safety Act of 2006* [AWA; 42 USC §16902; Public Law 109-248]; *Sex Offender Registration and Notification Act* [SORNA; 42 USC §16911 et seq.]; *Children's Internet Protection Act of 2000* [CIPA; 47 USC §254; FCC Order 03-188]; 34 CFR §200.44; 47 CFR §54.520

State Level: ORC §9.79(A)(4); §109.572; §124.34; §2744.01 et seq.; §2907.01; §2907.08; §2907.09; §2907.40; §2950.01 et seq.; §3301.074; §3314.41; §3319.02; §3319.08; §3319.081; §3319.088; §3319.101; §3319.16; §3319.20; §3319.291-292; §3319.303; §3319.31; §3319.313; §3319.39; §3319.391 and §3319.392; §3327.10; §3716.11; §3797.01 et seq.

OAC 3301-20-01; 3301-27-01; 3301-35-04; 3301-35-06; 3301-73-21; 3301-83-23

Licensure Code: 1 (a); 1 (d); 1 (h); 1 (l); 2 (a); 2 (c); 2 (d); 4 (b); 4 (d); 4 (e); 9 (e); 9 (g); 9 (h)

Board Level: CHUH 0123; 1220; 1240.01; 1310; 1340; 1520; 1541; 1613; 1662; 2280; 3120; 3120.04; 3120.05; 3120.06; 3120.07; 3120.08; 3120.09; 3121; 3139; 3140; 3210; 3213; 3362; 3362.01; 4120; 4120.04; 4120.05; 4120.08; 4120.09; 4121; 4139; 4140; 4210; 4213; 4362; 4362.01; 6460; 7540; 7540.01; 7540.04; 7542; 7543; 7544; 8141; 8142; 8320; 8470; 8600.04; 8650; 9130

See also related administrative guidelines

Agreement Level: CHTU 795 4A; 4C; 4F; 11C; Appendix

EAPSC Preamble

MU 795 13.04C

OAPSE 102 5C; 15A; Appendix



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

COMMISSION OF A SEX OFFENSE (CONT'D)

OAPSE 617 5C; 17J

Case management considerations include, but are not limited to, the following:

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: YES

Initial Classification: EXTREME

Case Management Options: Commission of a Sex Offense				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Termination Recommendation	Not Applicable	Not Applicable	Not Applicable
Relatively Equal	Termination Recommendation	Not Applicable	Not Applicable	Not Applicable
Mostly Aggravating	Termination Recommendation	Not Applicable	Not Applicable	Not Applicable

Commentary:

- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [CHUH 1613, 3213, and 4213] and/or related administrative guidelines: 1) An Employee shall not associate or fraternize with students in a manner that may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity that could be considered sexually suggestive; and 2) Any sexual conduct with a student by any Employee will subject the offender to potential criminal prosecution and disciplinary action by the Board, up to and including Termination.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this violation: 1) Must be reported to the Superintendent or his/her designee; and 2) Must be reported to the appropriate outside agency (e.g. law enforcement or social services) by the Superintendent or his/her designee where mandated.
- For additional guidance on establishing or verifying technology-related instances of this violation, consult the Board *Computer Technology and Networks Policy* (CTNP) [CHUH 7540], *Technology Privacy Policy* (TPP) [CHUH 7540.01], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [CHUH 7540.04], *Access to District Technology from PCDs Policy* (ADTPP) [CHUH 7542], *Remote Access Policy* (RAP) [CHUH 7543], *Social Media Policy* (SMP) [CHUH 7544], related administrative guidelines, related administrative guidelines, and/or the AUSA.
- Most examples of this violation are incompatible with initial or continued employment by the District; for management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

DISHONESTY (CRIMINAL)

Definition: This term means any act, or failure to act, that: 1) Involves a verbal lack of truthfulness or deception; and 2) May be of interest to a law enforcement agency.

Examples: Include, but are not limited to, the following:

- Engaging in a dishonest act of commission (e.g., the criminal misrepresentation of facts, such as initiating a false allegation of criminal activity or making false statements to law enforcement during the course of an investigation).
- Engaging in a dishonest act of omission (e.g., the failure to relate all pertinent details to an investigator, such as neglecting mandatory reporting responsibilities regarding suspected child abuse or withholding knowledge of the existence of contradictory evidence).

Related alignments include, but are not limited to, the following:

Federal Level: 18 USC §201 et seq.; 18 USC §663; 18 USC §911; 18 USC §1001 et seq.; 18 USC §1169; 18 USC §1501 et seq.; 18 USC §1621 et seq.; 18 USC §2258; 18 USC §3600a; 34 USC §12291(a)(3); 42 USC §5119; 42 USC §12645g; 42 USC §13031; 42 USC §16990; *Education Department General Administrative Regulations* [EDGAR; 34 CFR §74-86 and 97-99]; 47 CFR §54.503

State Level: ORC §9.10; §9.11; §9.12; §9.25; §9.30; §9.31; §9.311; §9.312; §9.314; §102.06; §117.01 et seq.; §124.341; §124.59; §125.04; §135.01 et seq.; §153.12; §153.54; §167.01 et seq.; §2151.421; §2921.12; §2921.14 and §2921.15; §2921.22; §2921.42 and §2921.43; §3315.01 et seq.; §3319.02; §3319.08; §3319.081; §3319.101; §3319.16; §3319.073; §3319.20; §3319.31; §3319.313; §3319.39; §3319.45; §4113.51; §4113.52; §4115.04; §4115.32 et seq.; §4116.02; §4116.03; §5705.01 et seq.

OAC 3301-20-01; 3301-27-01; 3301-57-01; 3301-73-21

Licensure Code: 1 (a); 1 (d); 1 (h); 1 (l); 3 (f); 3 (g); 4 (b); 4 (d); 4 (e); 7 (a); 7 (j)

Board Level: CHUH 0123; 0141.2; 0175.1; 1130; 1220; 1240.01; 1310; 1340; 1411; 1422; 1520; 1541; 1613; 1623; 1662; 2110; 2280; 3113; 3120; 3120.04; 3120.05; 3120.06; 3120.07; 3120.08; 3120.09; 3121; 3123; 3139; 3140; 3210; 3211; 3213; 3214; 3217; 3362; 3440; 4113; 4120; 4120.04; 4120.05; 4120.08; 4120.09; 4121; 4123; 4139; 4140; 4210; 4211; 4213; 4214; 4217; 4362; 4440; 5516; 5517; 5517.01; 5830; 6111; 6112; 6114; 6210; 6220; 6231; 6232; 6320; 6325; 6423; 6440; 6460; 6550; 6600; 6605; 6610; 6621; 6625; 6660; 6661; 6662; 6670; 6800; 6830; 7217; 7240; 7450; 7455; 8141; 8142; 8320; 8410; 8462; 8600.04; 8650; 8900; 9130

See also related administrative guidelines

Agreement Level: CHTU 795 4A; 4C; 4F; 11C; Appendix
EAPSC Preamble

RISK MANAGEMENT IN EDUCATION PROGRAM 1: EMPLOYEE CONDUCT



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

DISHONESTY (CRIMINAL) (CONT'D)

MU 795 13.04C

OAPSE 102 5C; 15A; Appendix

OAPSE 617 5C; 17J

Case management considerations include, but are not limited to, the following:

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: YES

Initial Classification: MAJOR

Case Management Options: Dishonesty (Criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension Recommendation	Termination Recommendation	Not Applicable
Relatively Equal	Suspension Recommendation	Termination Recommendation	Termination Recommendation	Not Applicable
Mostly Aggravating	Termination Recommendation	Termination Recommendation	Termination Recommendation	Not Applicable

Commentary:

- Consistent with the Board *Whistleblower Protection Policies* (WPPs) [ORC §4113.52; CHUH 1411, 3211, and 4211] and/or related administrative guidelines: 1) To report suspected fraud or fraudulent activity, an Employee may file a report using the Auditor of State’s system either in addition to or instead of filing a written report with his or her Supervisor or other District authority; and 2) An Employee is subject to disciplinary action, up to and including Termination, if he or she is aware of a violation of federal, state, or local law that the Board has the authority to correct and he or she does not make a written report to his or her Immediate Supervisor.
- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [CHUH 1613, 3213, and 4213] and/or related administrative guidelines, each Employee shall report immediately to the Superintendent or his/her designee any knowledge of threats or violence by students.
- Consistent with the Board *Student Abuse and Neglect Policy* (SANP) [CHUH 8462] and/or related administrative guidelines: 1) Reporting of suspected child abuse is required in every case that reasonably indicates that a child under eighteen (18) years of age or a physically or mentally disabled child under twenty-one (21) years of age has been abused (physically or mentally), neglected, or faces the threat of such; and 2) Each Employee shall make such report to the proper legal authorities immediately pursuant with state laws and those policies.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this violation: 1) Must be reported to the Superintendent or his/her designee; and 2) Must be reported to the appropriate outside agency (e.g. law enforcement or social services) by the Superintendent or his/her designee where mandated.
- Some examples of this violation may be incompatible with initial or continued employment by the District; for management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

FALSIFICATION OF OR FAILURE TO ACCURATELY PROVIDE INFORMATION (CRIMINAL)

Definition: This term means any act, or failure to act, that: 1) Involves a non-verbal lack of truthfulness or deception; and 2) May be of interest to a law enforcement agency.

Examples: Include, but are not limited to, the following:

- Submitting a signed testimony known to contain false information.
- Knowingly filing a report required by federal, state or local authorities containing false, missing, incomplete, or incorrect information.
- Altering official applications or records after their submittal.
- Presenting forged credentials relating to eligibility for initial or continued employment.
- Making a false disqualifying statement on a fingerprint clearance card.
- Accounting for the receipt, deposit, or disbursement of funds in a manner prohibited by federal, state, or local criminal law.

Related alignments include, but are not limited to, the following:

Federal Level: 18 USC §285 et seq.; 18 USC §470 et seq.; 18 USC §1001 et seq.; 18 USC §1341 et seq.; 18 USC §1426; *Education Department General Administrative Regulations* [EDGAR; 34 CFR §74-86 and 97-99]

State Level: ORC §9.10; §9.11; §9.12; §9.25; §9.30; §9.31; §9.311; §9.312; §9.314; §102.02; §111.99; §117.01 et seq.; §124.341; §125.04; §133.27; §135.01 et seq.; §153.12; §153.54; §167.01 et seq.; §4115.04; §4115.32 et seq.; §4116.02; §4116.03; §2903.35; §2913.42; §2921.13-15; §3314.403; §3315.01 et seq.; §3319.02; §3319.08; §3319.081; §3319.101; §3319.16; §3319.20; §3319.291; §3319.31; §3319.313; §3319.39; §3319.311; §3319.313(F); §3319.317; §4113.51; §4113.52; §5705.01 et seq.

OAC 3301-20-01; 3301-27-01; 3301-73-21

Licensure Code: 1 (a); 1 (d); 1 (h); 1 (l); 3 (a); 3 (b); 3 (f); 3 (g); 4 (b); 4 (e); 7 (h); 7 (i); 7 (j)

Board Level: CHUH 0123; 1220; 1240.01; 1310; 1340; 1411; 1520; 1541; 2110; 2280; 3120; 3120.04; 3120.05; 3120.06; 3120.07; 3120.08; 3120.09; 3121; 3139; 3140; 3210; 3211; 3440; 4120; 4120.04; 4120.05; 4120.08; 4120.09; 4121; 4139; 4140; 4210; 4211; 4440; 5830; 6107; 6111; 6112; 6116; 6210; 6220; 6231; 6232; 6423; 6440; 6460; 6550; 6600; 6610; 6621; 6625; 6660; 6661; 6662; 6670; 6800; 6820; 6830; 7455; 8141; 8142; 8320; 8600.04; 8650; 8900; 9130

See also related administrative guidelines

Agreement Level: CHTU 795 4A; 4C; 4F; 11C; Appendix

EAPSC Preamble

MU 795 13.04C

RISK MANAGEMENT IN EDUCATION PROGRAM 1: EMPLOYEE CONDUCT



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

FALSIFICATION OF OR FAILURE TO ACCURATELY PROVIDE INFORMATION (CRIMINAL) (CONT'D)

OAPSE 102 5C; 15A; Appendix

OAPSE 617 5C; 9G; 17J

Case management considerations include, but are not limited to, the following:

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: YES

Initial Classification: MAJOR

Case Management Options: Falsification of or Failure to Accurately Provide Information (Criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension Recommendation	Termination Recommendation	Not Applicable
Relatively Equal	Suspension Recommendation	Termination Recommendation	Termination Recommendation	Not Applicable
Mostly Aggravating	Termination Recommendation	Termination Recommendation	Termination Recommendation	Not Applicable

Commentary:

- Consistent with the Board *Whistleblower Protection Policies* (WPPs) [ORC §4113.52; CHUH 1411, 3211, and 4211] and/or related administrative guidelines, an Employee is subject to disciplinary action, up to and including Termination, for purposely, knowingly, or recklessly making a false whistleblower report.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this violation: 1) Must be reported to the Superintendent or his/her designee; and 2) Must be reported to the appropriate outside agency (e.g. law enforcement or social services) by the Superintendent or his/her designee where mandated.
- Some examples of this violation may be incompatible with initial or continued employment by the District; for management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (CRIMINAL)

Definition: This term means any act that: 1) Involves an action or behavior that is inappropriate or unacceptable for the work (or learning) environment in which it occurs; and 2) May be a matter of interest to a law enforcement agency.

Examples: Include, but are not limited to, the following:

- Committing an act of violence in the Workplace.
- Causing injury to or endangering a person directly or through Neglect of Duty.
- Assaulting or battering a person.
- Threatening or injuring a person, or damaging property, in an act of criminal harassment or civil rights intimidation.
- Stalking a person.
- Committing an act of indecent exposure.
- Engaging in an act of retaliation prohibited under federal, state, or local criminal law.

Related alignments include, but are not limited to, the following:

Federal Level: 18 USC §111 et seq.; 18 USC §241 et seq.; 18 USC §592 et seq.; 18 USC §1513; 18 USC §2231 et seq.; 18 USC §2261; 20 USC §7912; 34 USC §12291(a)(8)(10)(30); 42 USC §12645g; 34 CFR §200.44

State Level: ORC §9.79(A)(3); §109.572; §111.99; §117.53; §124.341; §2151.87; §2307.44; §2744.01 et seq.; §2903.13 and §2903.14; §2903.16; §2903.21; §2903.211; §2903.22; §2903.31 through §2903.341; §2905.03; §2905.11 and §2905.12; §2905.21 through §2905.24; §2905.32 and §2905.33; §2909.01 et seq.; §2915.01 et seq.; §2919.01 et seq.; §2921.24; §2921.45; §2927.02; §2927.03; §2927.12; §3316.19; §3319.02; §3319.08; §3319.081; §3319.088; §3319.101; §3319.16; §3319.20; §3319.291-292; §3319.303; §3319.31; §3319.313; §3319.39; §3319.391 and §3319.392; §3319.41; §3734.11; §3761.01 et seq.; §4112.01 et seq.; §4113.18; §4115.10; §4511.20; §4511.33; §4511.34; §4511.204; §4511.76; §5705.41; §5705.412; §5705.45

OAC 3301-20-01; 3301-27-01; 3301-32-09; 3301-35-04; 3301-35-06; 3301-37-10; 3301-73-21; 3301-83-12; 3301-83-23

Licensure Code: 1 (a); 1 (d); 1 (f); 1 (h); 1 (l); 2 (b); 2; (g); 4 (b); 4 (d); 4 (e)

Board Level: CHUH 0123; 1220; 1240.01; 1310; 1340; 1411; 1422; 1520; 1541; 1623; 1662; 2280; 3120; 3120.04; 3120.05; 3120.06; 3120.07; 3120.08; 3120.09; 3121; 3123; 3139; 3140; 3210; 3211; 3362; 3362.01; 4120; 4120.04; 4120.05; 4120.08; 4120.09; 4121; 4123; 4139; 4140; 4210; 4211; 4362; 4362.01; 5516; 5517; 5517.01; 5630; 5630.01; 6231; 6460; 7530.01; 7530.02; 7530.03; 8141; 8142; 8320; 8462; 8600.04; 8650; 9130

See also related administrative guidelines

Agreement Level: CHTU 795 4A; 4C; 4F; 11C; Appendix

RISK MANAGEMENT IN EDUCATION PROGRAM 1: EMPLOYEE CONDUCT



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (CRIMINAL) (CONT'D)

EAPSC Preamble

MU 795 13.04C

OAPSE 102 5C; 15A; Appendix

OAPSE 617 5C; 17J

Case management considerations include, but are not limited to, the following:

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: YES

Initial Classification: MAJOR

Case Management Options: Inappropriate, Abusive or Offensive Conduct (Criminal)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension Recommendation	Termination Recommendation	Not Applicable
Relatively Equal	Suspension Recommendation	Termination Recommendation	Termination Recommendation	Not Applicable
Mostly Aggravating	Termination Recommendation	Termination Recommendation	Termination Recommendation	Not Applicable

Commentary:

- Consistent with the Board *Student Abuse and Neglect Policy (SANP)* [CHUH 8462] and/or related administrative guidelines, each Principal should be mindful of the possibility of physical or mental abuse being inflicted on a student by an Employee.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this violation: 1) Must be reported to the Superintendent or his/her designee; and 2) Must be reported to the appropriate outside agency (e.g. law enforcement or social services) by the Superintendent or his/her designee where mandated.
- Some examples of this violation may be incompatible with initial or continued employment by the District; for management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

THEFT, ABUSE, OR UNAUTHORIZED USE OF PROPERTY

Definition: This term means any act, or failure to act, that: 1) Involves the stealing, wrongful appropriation, improper diversion, misuse, or destruction of board property, or that of an employee, student, or other party; and 2) May be of interest to a law enforcement agency.

Examples: Include, but are not limited to, the following:

- Stealing funds from a petty cash account.
- Diverting District technology or other assets for personal use.
- Damaging property in an act of vandalism or retaliation.
- Misusing a vehicle owned, leased, or operated by the Board.
- Using equipment owned, leased, or operated by the Board after hours without proper authorization or approval.
- Knowingly including unauthorized personal expenses on an expense report.

Related alignments include, but are not limited to, the following:

Federal Level: 18 USC §641 et seq.; 18 USC §871 et seq.; 18 USC §891 et seq.; 18 USC §2311 et seq.; 42 USC §12645g; *Education Department General Administrative Regulations* [EDGAR; 34 CFR §74-86 and 97-99]

State Level: ORC §3.06; §117.01 et seq.; §124.71; §135.01 et seq.; §2909.05 through §2909.07.; §2909.09; §2911.32; §2913.01 et seq.; §3315.01 et seq.; §3319.02; §3319.08; §3319.081; §3319.101; §3319.16; §3319.20; §3319.31; §3319.313; §3319.39; §5705.01 et seq.

OAC 3301-20-01; 3301-27-01; 3301-73-21

Licensure Code: 1 (a); 1 (d); 1 (h); 1 (l); 4 (b); 4 (d); 4 (e); 7 (a); 7 (f); 7 (g); 7 (h); 7 (i); 7 (j)

Board Level: CHUH 0123; 1130; 1220; 1240.01; 1310; 1340; 1411; 1520; 1541; 2110; 2280; 3113; 3120; 3120.04; 3120.05; 3120.06; 3120.07; 3120.08; 3120.09; 3121; 3139; 3140; 3210; 3211; 3440; 4113; 4120; 4120.04; 4120.05; 4120.08; 4120.09; 4121; 4139; 4140; 4210; 4211; 4440; 5514; 5830; 6111; 6112; 6114; 6231; 6423; 6460; 6550; 6600; 6605; 6610; 6621; 6625; 6660; 6661; 6662; 6670; 6800; 6830; 7300; 7310; 7440; 7440.02; 7450; 7455; 7510; 7530; 7530.01; 7540; 7540.04; 7541; 7542; 7543; 7550; 8142; 8305; 8320; 8351; 8600.04; 8650; 8710; 8740; 8900; 9130; 9190

See also related administrative guidelines

Agreement Level: CHTU 795 4A; 4C; 4F; 11C; Appendix

EAPSC Preamble; 14.00.0

MU 795 13.04C

OAPSE 102 5C; 15A; Appendix

OAPSE 617 5C; 9C; 9F; 17J



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

THEFT, ABUSE OR UNAUTHORIZED USE OF PROPERTY (CONT'D)

Case management considerations include, but are not limited to, the following:

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: YES

Initial Classification: MAJOR

Case Management Options: Theft, Abuse or Unauthorized Use of Property				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension Recommendation	Termination Recommendation	Not Applicable
Relatively Equal	Suspension Recommendation	Termination Recommendation	Termination Recommendation	Not Applicable
Mostly Aggravating	Termination Recommendation	Termination Recommendation	Termination Recommendation	Not Applicable

Commentary:

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this violation: 1) Must be reported to the Superintendent or his/her designee; and 2) Must be reported to the appropriate outside agency (e.g. law enforcement or social services) by the Superintendent or his/her designee where mandated.
- For additional guidance on establishing or verifying technology-related instances of this violation, consult the Board *Computer Technology and Networks Policy* (CTNP) [CHUH 7540], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [CHUH 7540.04], *Access to District Technology from PCDs Policy* (ADTPP) [CHUH 7542], *Remote Access Policy* (RAP) [CHUH 7543], related administrative guidelines, and/or the AUSA.
- Some examples of this violation may be incompatible with initial or continued employment by the District; for management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

WEAPONS POLICY VIOLATION

Definition: This term means any act that: 1) Violates a Board policy or administrative procedure concerning weapons; and 2) May be a matter of interest to a law enforcement agency.

Examples: Include, but are not limited to, the following:

- Possessing, storing, making, or using a Weapon, including a concealed Weapon, in a School Safety Zone [CHUH 3217 and 4217].
- Possessing, storing, making, or using a Weapon, including a concealed Weapon, in any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board (including, but not limited to, property or vehicles owned, leased, or operated by the Board or school-sponsored events) [CHUH 3217 and 4217].

Related alignments include, but are not limited to, the following:

Federal Level: 18 USC §175 et seq.; 18 USC §229 et seq.; 18 USC §831 et seq.; 18 USC §841 et seq.; *Gun Control Act of 1968* [GCA; 18 USC §921 et seq.; Public Law 90-618]; *Gun Free School Zones Act of 1990* [GFSZA; 18 USC §922 and 924]; 20 USC §7912; *Gun Free Schools Act* [20 USC §7151 and §7961]; 42 USC §12645g; 27 CFR §447.1 et seq.; 34 CFR §200.44

State Level: ORC §109.572; §2744.01 et seq.; §2909.26 through §2909.28; §2921.36; §2923.01 et seq.; §3319.02; §3319.08; §3319.081; §3319.088; §3319.101; §3319.16; §3319.20; §3319.291-292; §3319.303; §3319.31; §3319.313; §3319.39; §3319.391 and §3319.392

OAC 3301-20-01; 3301-27-01; 3301-73-21; 3301-83-20; 3301-83-23

Licensure Code: 1 (a); 1 (d); 1 (h); 1 (l); 4 (c)

Board Level: CHUH 0123; 1220; 1240.01; 1310; 1340; 1520; 1541; 2280; 3120; 3120.04; 3120.05; 3120.06; 3120.07; 3120.08; 3120.09; 3121; 3139; 3140; 3210; 3217; 4120; 4120.04; 4120.05; 4120.08; 4120.09; 4121; 4139; 4140; 4210; 4217; 5772; 6460; 7217; 8142; 8320; 8403; 8600.04; 8650; 9130

See also related administrative guidelines

Agreement Level: CHTU 795 4A; 4C; 4F; 11C; Appendix

EAPSC Preamble

MU 795 13.04C

OAPSE 102 5C; 15A; Appendix

OAPSE 617 5C; 17J



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

WEAPONS POLICY VIOLATION (CONT'D)

Case management considerations include, but are not limited to, the following:

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: YES

Initial Classification: MAJOR

Case Management Options: Weapons Policy Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension Recommendation	Termination Recommendation	Not Applicable
Relatively Equal	Suspension Recommendation	Termination Recommendation	Termination Recommendation	Not Applicable
Mostly Aggravating	Termination Recommendation	Termination Recommendation	Termination Recommendation	Not Applicable

Commentary:

- A Public Employer may not establish, maintain, or enforce a policy or rule that prohibits, or has the effect of prohibiting, a person who has been issued a valid concealed handgun permit from transporting or storing a firearm or ammunition when both of the following conditions are met: 1) Each firearm and all of the ammunition remains inside the person's privately owned motor vehicle while the person is physically present inside the motor vehicle, or each firearm and all of the ammunition is locked within the trunk, glove box, or other enclosed compartment or container within or on the person's privately owned motor vehicle; and 2) The vehicle is in a location where it is otherwise permitted to be [ORC §2923.1210(A)].

NOTE: No Public Employer shall be held liable in any civil action for damages, injuries, or death resulting from or arising out of another person's actions involving a firearm or ammunition transported or stored pursuant to ORC § 2923.1210(A), including theft of a firearm from an employee's or invitee's automobile, unless the Public Employer intentionally solicited or procured the other person's injurious actions [ORC § 2923.1210(B)].

- Consistent with the Board *Weapons Policies* (WPs) [CHUH 3217, 4217, and 7217] and/or related administrative guidelines:
 - The Superintendent shall conspicuously post required notices at each school entrance and in areas inside of buildings where visitors are required to report. Notices shall also be posted: 1) At each entrance to a school activity (particularly those activities held outside of the school building); 2) At each parcel of land; and 3) In each school bus or vehicle owned, leased, or operated by the Board.
 - Employees shall report any information concerning weapons and/or threats of violence by students, employees, or visitors to the administration. Failure to do so may subject an Employee to disciplinary action, up to and including Termination.
 - Important policy exceptions include: 1) Weapons under the control of law enforcement personnel; 2) Items approved by a Principal as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved (working firearms and ammunition shall never be approved); 3) Theatrical props used in appropriate settings; and 4) Starter pistols used in appropriate sporting events.
 - Unless the employee is an authorized security officer, the Superintendent shall refer an Employee who violates related policies to law enforcement, regardless of whether he or she possesses a valid concealed weapon permit. Such an Employee will also be subject to disciplinary action, up to and including Termination, as permitted by Board policy and the

RISK MANAGEMENT IN EDUCATION

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4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

WEAPONS POLICY VIOLATION (CONT'D)

Agreement.

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this violation: 1) Must be reported to the Superintendent or his/her designee; and 2) Must be reported to the appropriate outside agency (e.g. law enforcement or social services) by the Superintendent or his/her designee where mandated.
- Some examples of this violation may be incompatible with initial or continued employment by the District; for management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

RISK MANAGEMENT IN EDUCATION PROGRAM 1: EMPLOYEE CONDUCT

Glossary [Table of Contents](#)



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) *POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)*

WEAPONS POLICY VIOLATION (CONT'D)

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4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

OTHER CRIMINAL VIOLATION (NON-DISQUALIFYING)

Definition: This term means any act, or failure to act, that: 1) Is not otherwise specified in this section of the guide; 2) Does not statutorily render an applicant ineligible for initial employment (or an existing Employee from continued employment); and 3) May be a matter of interest to a law enforcement agency.

Examples: Include, but are not limited to, the following:

- Breaking and entering into a structure owned, leased, or operated by the Board.
- Creating or contributing to an unlawful civil disturbance.
- Coercing a witness.
- Being involved in a criminal conspiracy.
- Being Convicted of Driving Under the Influence (DUI) when no transportation duties are required of the Employee.

Related alignments include, but are not limited to, the following:

Federal Level: Includes 18 USC §81, 18 USC §228, 18 USC §231 et seq., 18 USC §331 et seq., 18 USC §351 et seq., 18 USC §371 et seq., 18 USC §401 et seq., 18 USC §1071 et seq., 18 USC §1081 et seq., 18 USC §1261 et seq., 18 USC §1301 et seq., 18 USC §1361 et seq., 18 USC §1425, 18 USC §1460 through 1466, 18 USC §1470, 18 USC §1581 et seq., 18 USC §1751 et seq., 18 USC §1801, 18 USC §1831 et seq., 18 USC §1951 et seq., 18 USC §1961 et seq., 18 USC §2101 et seq., 18 USC §2111 et seq., 18 USC §2325 et seq., 18 USC §2331 et seq., 18 USC §2341 et seq., 18 USC §2381 et seq., *Electronic Communications Privacy Act of 1986* [18 USC §2510 et seq.], 18 USC §2701 et seq., 42 USC §12645g, and any federal level statutes or related implementing regulations (criminal, but non-disqualifying) not otherwise specified

State Level: Includes ORC §109.572; §124.36; §124.62, §2744.01 et seq.; §2903.05, §2903.06, §2903.08 through §2903.09, §2909.01, §2909.03, §2909.21, §2909.29, §2911.10, §2911.12, §2911.21, §2911.32, §2917.04, §2917.11 through §2917.21, §2917.32, §2917.41, §2917.47, §2919.01 et seq., §2921.21, §2921.23, §2921.29, §2921.31 through §2921.331, §2921.35, §2921.51 and §2921.52, §2923.01 et seq., §2927.01, §2927.023, §2927.11, §2927.13, §2933.51, §3319.02, §3319.08, §3319.081, §3319.088, §3319.101, §3319.16, §3319.20, §3319.291-292, §3319.303, §3319.31, §3319.313, §3319.39, §3319.391 and §3319.392, §3716.01 et seq., §3737.62, §3751.01 et seq., §3767.14, §4117.23, and any state level statutes (criminal, but non-disqualifying) not otherwise specified

Includes OAC 3301-20-01, 3301-27-01, 3301-73-21, 3301-83-23, and any related state level implementing regulations (criminal, but non-disqualifying) not otherwise specified

Licensure Code: 1 (a); 1 (d); 1 (h); 1 (l); 4 (b); 4 (d); 4 (e); 5 (b)

Board Level: Includes CHUH 0123, 1220, 1240.01, 1310, 1340, 1520, 1541, 2280, 3120, 3120.04, 3120.05, 3120.06, 3120.07, 3120.08, 3120.09, 3121, 3139, 3140, 3210, 3362, 3362.01, 3440, 4120, 4120.04, 4120.05,



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

OTHER CRIMINAL VIOLATION (NON-DISQUALIFYING) (CONT'D)

4120.08, 4120.09, 4121, 4139, 4140, 4210, 4362, 4362.01, 4440, 6460, 7440.01, 7440.03, 7540, 7540.01, 7540.04, 7544, 8142, 8320, 8420.02, 8600.04, 8650, 9130, and any Board Level policies (criminal, but non-disqualifying) not otherwise specified

See also related administrative guidelines

- Agreement Level:**
- Includes CHTU 795 4A, 4C, 4F, 11C, Appendix, and any Agreement level provisions (criminal, but non-disqualifying) not otherwise specified
 - Includes EAPSC Preamble and any Agreement level provisions (criminal, but non-disqualifying) not otherwise specified
 - Includes MU 795 13.04C and any Agreement level provisions (criminal, but non-disqualifying) not otherwise specified
 - Includes OAPSE 102 5C, 15A, Appendix, and any Agreement level provisions (criminal, but non-disqualifying) not otherwise specified
 - Includes OAPSE 617 5C, 17J, and any Agreement level provisions (criminal, but non-disqualifying) not otherwise specified

Case management considerations include, but are not limited to, the following:

- Initial Responsibility:** DISTRICT LEVEL
- Mandatory Reporting:** YES
- Initial Classification:** SEVERE

Case Management Options: Other Criminal Violation (Non-Disqualifying)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Suspension Recommendation	Termination Recommendation	Not Applicable	Not Applicable
Relatively Equal	Termination Recommendation	Termination Recommendation	Not Applicable	Not Applicable
Mostly Aggravating	Termination Recommendation	Termination Recommendation	Not Applicable	Not Applicable

Commentary:

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this violation: 1) Must be reported to the Superintendent or his/her designee; and 2) Must be reported to the appropriate outside agency (e.g. law enforcement or social services) by the Superintendent or his/her designee where mandated.
- For additional guidance on establishing or verifying technology-related instances of this violation, consult the Board *Computer Technology and Networks Policy* (CTNP) [CHUH 7540], *Technology Privacy Policy* (TPP) [CHUH 7540.01], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [CHUH 7540.04], *Social Media Policy* (SMP) [CHUH 7544], related administrative guidelines, related administrative guidelines, and/or the AUSA.
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

OTHER CRIMINAL VIOLATION (DISQUALIFYING)

Definition: This term means any act, or failure to act, that: 1) Is not otherwise specified in this section of the guide; 2) Statutorily renders an applicant ineligible for initial employment (or an existing Employee from continued employment); and 3) May be a matter of interest to a law enforcement agency.

Examples: Include, but are not limited to, the following:

- Pleading guilty to, being found guilty by a jury or court, or being Convicted of an Absolute Bar Offense reportable to the State Superintendent for major License action.
- Being Convicted of Driving Under the Influence (DUI) when transportation duties are required of the Employee.

Related alignments include, but are not limited to, the following:

Federal Level: Includes 18 USC §1111 et seq., 18 USC §1201 et seq., 18 USC §1466a, 18 USC §2243, 18 USC §2250, 18 USC §2251 et seq., 18 USC §2423, 18 USC §2425, 18 USC §2427, 18 USC §3283, 20 USC §7912, 34 CFR §200.44, 42 USC §12645g, and any federal level statutes or related implementing regulations (criminal and disqualifying) not otherwise specified

State Level: Includes ORC §9.79, §109.572, §124.34, §2744.01 et seq., §2903.01, §2903.02, §2903.03, §2903.04, §2903.041, §2903.11, §2903.12, §2903.15, §2905.01, §2905.02, §2905.04, §2905.05, §2905.11, §2907.02, §2907.03, §2907.04, §2907.05, §2907.06, §2907.07, §2907.12, §2907.21, §2907.22, §2907.23, §2907.24, §2907.241, §2907.25, §2907.31, §2907.311, §2907.32, §2907.321, §2907.322, §2907.323, §2907.33, §2907.34, §2909.02, §2909.22, §2909.23, §2909.24, §2911.01, §2911.02, §2911.11, §2911.12, §2913.44, §2917.01, §2917.02, §2917.03, §2917.31, §2917.33, §2919.12, §2919.121, §2919.13, §2919.22 (B)(1)(2)(3)(4), §2919.23, §2921.02, §2921.03, §2921.04, §2921.05, §2921.11, §2921.34, §2921.41, §2923.122, §2923.123, §2923.161, §2923.17, §2923.21, §2925.02, §2925.03, §2925.04, §2925.041, §2925.05, §2925.06, §2925.13, §2925.22, §2925.23, §2925.24, §2925.32, §2925.36, §2925.37, §2927.24, §3301.074, §3311.82, §3314.41, §3319.02, §3319.08, §3319.081, §3319.088, §3319.101, §3319.11(C), §3319.16, §3319.20, §3319.291-292, §3319.303, §3319.31, §3319.313, §3319.39, §3319.391 and §3319.392, §3319.52, §3327.10, §3716.11, §3797.01 et seq., and any state level statutes (criminal and disqualifying) not otherwise specified

Includes OAC 3301-20-01, 3301-27-01, 3301-73-21, 3301-83-23, and any related state level implementing regulations (criminal and disqualifying) not otherwise specified

Licensure Code: 1 (a); 1 (d); 1 (h); 1 (l); 2 (a)(b)(c)(d); 4 (a)

Board Level: Includes CHUH 0123, 1220, 1240.01, 1310, 1340, 1520, 1541, 1613, 1662, 2280, 3120, 3120.04, 3120.05, 3120.06, 3120.07, 3120.08, 3120.09, 3121, 3139, 3140, 3210, 3213, 3362, 4120, 4120.04,



**4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)
POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)**

OTHER CRIMINAL VIOLATION (DISQUALIFYING) (CONT'D)

4120.05, 4120.08, 4120.09, 4121, 4139, 4140, 4162, 4210, 4213, 4362, 4440, 6460, 7540, 7540.01, 7540.04, 7542, 7543, 7544, 8141, 8142, 8320, 8462, 8470, 8600.04, 8650, 9130, and any Board Level policies (criminal and disqualifying) not otherwise specified

See also related administrative guidelines

- Agreement Level:**
- Includes CHTU 795 4A, 4C, 4F, 11C, Appendix, and any Agreement level provisions (criminal and disqualifying) not otherwise specified
 - Includes EAPSC Preamble and any Agreement level provisions (criminal and disqualifying) not otherwise specified
 - Includes MU 795 13.04C and any Agreement level provisions (criminal and disqualifying) not otherwise specified
 - Includes OAPSE 102 5C, 15A, Appendix, and any Agreement level provisions (criminal and disqualifying) not otherwise specified
 - Includes OAPSE 617 5C, 17J, and any Agreement level provisions (criminal and disqualifying) not otherwise specified

Case management considerations include, but are not limited to, the following:

- Initial Responsibility:** DISTRICT LEVEL
- Mandatory Reporting:** YES
- Initial Classification:** EXTREME

Case Management Options: Other Criminal Violation (Disqualifying)				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Termination Recommendation	Not Applicable	Not Applicable	Not Applicable
Relatively Equal	Termination Recommendation	Not Applicable	Not Applicable	Not Applicable
Mostly Aggravating	Termination Recommendation	Not Applicable	Not Applicable	Not Applicable

Commentary:

- If there is any judicial finding of guilt or any Conviction or a judicial finding of eligibility for Intervention in Lieu of Conviction against a License holder, or if a License holder agrees to participate in a Pre-Trial Diversion Program, for any of the offenses listed in ORC §3319.31(B)(2) or (C), the prosecutor, on forms prescribed and furnished by the State Board, shall promptly notify the State Board and, if known, any school or district employing the License holder of the License holder's name, address, and the fact that the License holder pleaded guilty to , was Convicted of, has been found eligible for Intervention in Lieu of Conviction for, or has agreed to a diversion program [ORC §3319.31(C) and §3319.52(B)].
- Whenever an Employee (other than an Employee who is a License holder to whom ORC §3319.52 applies), is Convicted of, or pleads guilty to an offense listed in ORC §3319.20, or if the Employee has been found to be eligible for Intervention in Lieu of Conviction, or has agreed to participate in a Pre-Trial Diversion Program for such an offense, the prosecutor in the case, on forms prescribed and furnished by the State board, shall notify the Board of the Employee's name and residence



4.0 EMPLOYEE CODE VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

OTHER CRIMINAL VIOLATION (DISQUALIFYING) (CONT'D)

address, the fact that the Employee was Convicted of, pleaded guilty to, has been found eligible for Intervention in Lieu of Conviction for, or has agreed to a diversion program for the specified offense, the ORC section or municipal ordinance violated, and the sentence imposed by the court [ORC §3319.20(A)].

- A guilty plea or Conviction on any offense listed in ORC §3319.31(C) by an Employee hired to operate a vehicle used for student transportation (i.e., bus/van driver) will serve as a bar to further employment; the rehabilitation standards of ORC §3327.10(K) will not apply [CHUH 4139].
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this violation: 1) Must be reported to the Superintendent or his/her designee; and 2) Must be reported to the appropriate outside agency (e.g. law enforcement or social services) by the Superintendent or his/her designee where mandated.
- For additional guidance on establishing or verifying technology-related instances of this violation, consult the Board *Computer Technology and Networks Policy* (CTNP) [CHUH 7540], *Technology Privacy Policy* (TPP) [CHUH 7540.01], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [CHUH 7540.04], *Access to District Technology from PCDs Policy* (ADTPP) [CHUH 7542], *Remote Access Policy* (RAP) [CHUH 7543], *Social Media Policy* (SMP) [CHUH 7544], related administrative guidelines, related administrative guidelines, and/or the AUSA.
- For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

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4.0 EMPLOYEE CODE VIOLATIONS (CONT'D) *POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)*

OTHER CRIMINAL VIOLATION (DISQUALIFYING) (CONT'D)

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5.0 PROCEDURES FOR INFORMAL ACTIONS ACKNOWLEDGED ORAL WARNINGS

An Employee facing this Informal Action will receive:

Professional Staff Member

- An informal meeting with his or her Supervisor in a private location [CHTU 795 11D].
- The option of Union representation, if applicable [ORC §4117.03(A)(3); CHTU 795 11A, 11B, and 11D; EAPSC Preamble].
- An explanation of the allegation(s) involved [CHTU 795 11B].
- An opportunity to respond to the allegation(s) [CHTU 795 11B].
- Consideration of the response and all pertinent case facts prior to any decision to take action [CHTU 795 11B].
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action specifying: 1) The incident(s) upon which the action was based; 2) The violated statute and/or policy; 3) The action being taken to the incident(s); 4) Expectations for correction, if any; 5) Notice that repeat offenses may result in more severe disciplinary action; 6) Disclosure of any and all remedies available; and 7) A disposition disclosure.

Support Staff Member

- An informal meeting with his or her Supervisor in a private location.
- The option of Union representation, if applicable [ORC §4117.03(A)(3); MU 795 13.04A; OAPSE 102 15B and 15C].
- An explanation of the allegation(s) involved [MU 795 13.04B].
- An opportunity to respond to the allegation(s) [MU 795 13.04B].
- Consideration of the response and all pertinent case facts prior to any decision to take action [MU 795 13.04B].
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action specifying: 1) The incident(s) upon which the action was based; 2) The violated statute and/or policy; 3) The action being taken to the incident(s); 4) Expectations for correction, if any; 5) Notice that repeat offenses may result in more severe disciplinary action; 6) Disclosure of any and all remedies available; and 7) A disposition disclosure.

Workflows for this type of Informal Action are as follows:

Professional Staff Member

- **Before action.** The Supervisor will complete an informal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant Informal Action [CHTU 795 11B and 11C]; and 2) Includes the Employee's response to the allegation(s), if such a response is given [CHTU 795 11B].

NOTE: If an Administrator determines there may be Cause for disciplinary action and intends to make it a matter of record, the bargaining unit member will be informed of the following: 1) The reason(s) for the meeting(s); 2) The scheduled meeting time(s) and date(s); 3) The topic(s) of the meeting(s); and 4) The right to a Union representative at such meeting(s) [CHTU 795 11A, 11B, 11C, and 11D; EAPSC Preamble] (see Form 3.04 and Form 3.06 for documentation examples).

If a Union representative is requested, no action should be taken until the Union representative is present; however, the availability of the Union representative should not unreasonably delay the meeting(s).

At the meeting(s) the bargaining unit member will have the opportunity to respond to, rebut, offer mitigation, and/or accept the allegation(s) and intended action [CHTU 795 11B].

- **During action.** The Supervisor will:
 - Meet with the Employee within a reasonable timeframe to deliver the action (see Form 3.05 and Form 3.06 for documentation examples).
 - State his or her reason(s) for proceeding with the action [CHTU 795 11B and 11C], referencing



5.0 PROCEDURES FOR INFORMAL ACTIONS (CONT'D) *ACKNOWLEDGED ORAL WARNINGS (CONT'D)*

- any aggravating and/or mitigating factors considered prior to the decision (see [Section 3.0](#)).
- Present the Employee with the documentation of the action (see Form 5.01 for documentation example).
- Permit the Employee sufficient time to read the documentation.
- Request signed/initialed and dated acknowledgement of receipt from the Employee.

NOTE: Signed/initialed acknowledgement indicates only that the bargaining unit member has read the material, not that he or she agrees with its contents. If the bargaining unit member refuses to acknowledge the reading, this fact shall be noted on the record, along with the date of reading.

- **After action.** The Supervisor will:

- Provide the Employee with a copy of the executed action.
- Offer the Employee an opportunity to respond to the action in writing within sixty (60) calendar days of receiving the material, and inform the Employee of his or her right to include any comments he or she deems appropriate.

NOTE: Any written response: 1) Must be signed and dated; and 2) Will be attached, if received in a timely manner.

- Inform the Employee of his or her contest rights, if applicable [CHTU 795 12A and Appendix].
- Retain the executed action in the Supervisor File (see [Section 8.0](#)) [CHTU 795 4E (2)].

Support Staff Member

- **Before action.** The Supervisor will complete an informal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant Informal Action [MU 795 13.04B and 13.04C; OAPSE 102 15A]; and 2) Includes the Employee's response to the allegation(s), if such a response is given [MU 795 13.04B].

NOTE: If a Supervisor determines there may be Cause for disciplinary action and intends to make it a matter of record, the bargaining unit member will be informed of the following: 1) The reason(s) for the meeting(s); 2) The scheduled meeting time(s) and date(s); 3) The topic(s) of the meeting(s); and 4) The right to a Union representative at such meeting(s) [MU 795 13.04A and 13.04B; OAPSE 102 15B and 15C] (see Form 3.04 and Form 3.06 for documentation examples). The bargaining unit member and the Union shall be given a minimum notice of twenty-four (24) hours of such disciplinary meetings when, in the Board's judgment, the bargaining unit member in question presents no potential risk of harm to property or people [OAPSE 102 15C].

If a Union representative is requested, no action should be taken until the Union representative is present; however, the availability of the Union representative should not unreasonably delay the meeting(s).

At the meeting(s) the bargaining unit member will have the opportunity to respond to, rebut, offer mitigation, and/or accept the allegation(s) and intended action [MU 795 13.04B].

- **During action.** The Supervisor will:

- Meet with the Employee within a reasonable timeframe to deliver the action (see Form 3.05 and Form 3.06 for documentation examples).
- State his or her reason(s) for proceeding with the action [MU 795 13.04B and 13.04C; OAPSE 102 15A], referencing any aggravating and/or mitigating factors considered prior to the decision (see [Section 3.0](#)).
- Present the Employee with the documentation of the action (see Form 5.01 for documentation example).
- Permit the Employee sufficient time to read the documentation.
- Request signed/initialed and dated acknowledgement of receipt from the Employee.

NOTE: Signed/initialed acknowledgement indicates only that the bargaining unit member has read the material, not that he or she agrees with its contents. If the bargaining unit member refuses to acknowledge the reading, this fact shall be noted on the record, along with the date of reading.



5.0 PROCEDURES FOR INFORMAL ACTIONS (CONT'D) ACKNOWLEDGED ORAL WARNINGS (CONT'D)

- **After action.** The Supervisor will:
 - Provide the Employee with a copy of the executed action.
 - Offer the Employee an opportunity to respond to the action in writing within sixty (60) calendar days of receiving the material [MU 795], a reasonable timeframe after receiving the material [OAPSE 102], or twenty (20) calendar days of his or her signature on the document [OAPSE 617], and inform the Employee of his or her right to include any comments he or she deems appropriate.
- NOTE:** Any written response: 1) Must be signed and dated; and 2) Will be attached, if received in a timely manner.
- Inform the Employee of his or her contest rights, if applicable [MU 795 14.1A et seq. and Appendix; OAPSE 102 5F (1), 15A, 15D, 17A et seq. and Appendix; OAPSE 617 19A et seq. and Appendix].
 - Retain the executed action in the Supervisor File (see [Section 8.0](#)) [MU 795 11.0; OAPSE 102 5A (1)(2); OAPSE 617 5A (1)].

Post-action considerations include, but may not be limited to, the following:

Professional Staff Member

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.03(A)(5); CHTU 795 12A and Appendix] if the claim falls within the definition of a Grievance.

There are no appeal provisions under state statute, Board policy, or the Agreement.

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration of action.** See [Section 8.0](#).

Support Staff Member

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.03(A)(5); MU 795 14.1A et seq. and Appendix; OAPSE 102 5F (1), 15A, 15D, 17A et seq. and Appendix; OAPSE 617 19A et seq. and Appendix] if the claim falls within the definition of a Grievance.

NOTE: The Grievance Procedure may not be used during the Probationary Period [OAPSE 102 5F (1); OAPSE 617 5D (1)].

There are no appeal provisions under state statute, Board policy, or the Agreement.

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration of action.** See [Section 8.0](#).

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5.0 PROCEDURES FOR INFORMAL ACTIONS (CONT'D) *ACKNOWLEDGED ORAL WARNINGS (CONT'D)*

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5.0 PROCEDURES FOR INFORMAL ACTIONS (CONT'D)

WRITTEN WARNINGS

An Employee facing this Informal Action will receive:

Professional Staff Member

- An informal meeting with his or her Supervisor in a private location [CHTU 795 11D].
- The option of Union representation, if applicable [ORC §4117.03(A)(3); CHTU 795 11A, 11B, and 11D; EAPSC Preamble].
- An explanation of the allegation(s) involved [CHTU 795 11B].
- An opportunity to respond to the allegation(s) [CHTU 795 11B].
- Consideration of the response and all pertinent case facts prior to any decision to take action [CHTU 795 11B].
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action specifying: 1) The incident(s) upon which the action was based; 2) The violated statute and/or policy; 3) The action being taken to the incident(s); 4) Expectations for correction, if any; 5) Notice that repeat offenses may result in more severe disciplinary action; 6) Disclosure of any and all remedies available; and 7) A disposition disclosure.

Support Staff Member

- An informal meeting with his or her Supervisor in a private location.
- The option of Union representation, if applicable [ORC §4117.03(A)(3); MU 795 13.04A; OAPSE 102 15B and 15C].
- An explanation of the allegation(s) involved [MU 795 13.04B].
- An opportunity to respond to the allegation(s) [MU 795 13.04B].
- Consideration of the response and all pertinent case facts prior to any decision to take action [MU 795 13.04B].
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action specifying: 1) The incident(s) upon which the action was based; 2) The violated statute and/or policy; 3) The action being taken to the incident(s); 4) Expectations for correction, if any; 5) Notice that repeat offenses may result in more severe disciplinary action; 6) Disclosure of any and all remedies available; and 7) A disposition disclosure.

Workflows for this type of Informal Action are as follows:

Professional Staff Member

- **Before action.** The Supervisor will complete an informal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant Informal Action [CHTU 795 11B and 11C]; and 2) Includes the Employee's response to the allegation(s), if such a response is given [CHTU 795 11B].

NOTE: If an Administrator determines there may be Cause for disciplinary action and intends to make it a matter of record, the bargaining unit member will be informed of the following: 1) The reason(s) for the meeting(s); 2) The scheduled meeting time(s) and date(s); 3) The topic(s) of the meeting(s); and 4) The right to a Union representative at such meeting(s) [CHTU 795 11A, 11B, 11C, and 11D; EAPSC Preamble] (see Form 3.04 and Form 3.06 for documentation examples).

If a Union representative is requested, no action should be taken until the Union representative is present; however, the availability of the Union representative should not unreasonably delay the meeting(s).

At the meeting(s) the bargaining unit member will have the opportunity to respond to, rebut, offer mitigation, and/or accept the allegation(s) and intended action [CHTU 795 11B].

- **During action.** The Supervisor will:
 - Meet with the Employee within a reasonable timeframe to deliver the action (see Form 3.05 and Form 3.06 for documentation examples).
 - State his or her reason(s) for proceeding with the action [CHTU 795 11B and 11C], referencing



5.0 PROCEDURES FOR INFORMAL ACTIONS (CONT'D)

WRITTEN WARNINGS (CONT'D)

- any aggravating and/or mitigating factors considered prior to the decision (see [Section 3.0](#)).
- Present the Employee with the documentation of the action (see Form 5.02 for documentation example).
- Permit the Employee sufficient time to read the documentation.
- Request signed/initialed and dated acknowledgement of receipt from the Employee.

NOTE: Signed/initialed acknowledgement indicates only that the bargaining unit member has read the material, not that he or she agrees with its contents. If the bargaining unit member refuses to acknowledge the reading, this fact shall be noted on the record, along with the date of reading.

- **After action.** The Supervisor will:

- Provide the Employee with a copy of the executed action.
- Offer the Employee an opportunity to respond to the action in writing within sixty (60) calendar days of receiving the material, and inform the Employee of his or her right to include any comments he or she deems appropriate.

NOTE: Any written response: 1) Must be signed and dated; and 2) Will be attached, if received in a timely manner.

- Inform the Employee of his or her contest rights, if applicable [CHTU 795 12A and Appendix].
- Retain the executed action in the Supervisor File (see [Section 8.0](#)) [CHTU 795 4E (2)].

Support Staff Member

- **Before action.** The Supervisor will complete an informal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant Informal Action [MU 795 13.04B and 13.04C; OAPSE 102 15A]; and 2) Includes the Employee's response to the allegation(s), if such a response is given [MU 795 13.04B].

NOTE: If a Supervisor determines there may be Cause for disciplinary action and intends to make it a matter of record, the bargaining unit member will be informed of the following: 1) The reason(s) for the meeting(s); 2) The scheduled meeting time(s) and date(s); 3) The topic(s) of the meeting(s); and 4) The right to a Union representative at such meeting(s) [MU 795 13.04A and 13.04B; OAPSE 102 15B and 15C] (see Form 3.04 and Form 3.06 for documentation examples). The bargaining unit member and the Union shall be given a minimum notice of twenty-four (24) hours of such disciplinary meetings when, in the Board's judgment, the bargaining unit member in question presents no potential risk of harm to property or people [OAPSE 102 15C].

If a Union representative is requested, no action should be taken until the Union representative is present; however, the availability of the Union representative should not unreasonably delay the meeting(s).

At the meeting(s) the bargaining unit member will have the opportunity to respond to, rebut, offer mitigation, and/or accept the allegation(s) and intended action [MU 795 13.04B].

- **During action.** The Supervisor will:

- Meet with the Employee within a reasonable timeframe to deliver the action (see Form 3.05 and Form 3.06 for documentation examples).
- State his or her reason(s) for proceeding with the action MU 795 13.04B and 13.04C; OAPSE 102 15A], referencing any aggravating and/or mitigating factors considered prior to the decision (see [Section 3.0](#)).
- Present the Employee with the documentation of the action (see Form 5.02 for documentation example).
- Permit the Employee sufficient time to read the documentation.
- Request signed/initialed and dated acknowledgement of receipt from the Employee.

NOTE: Signed/initialed acknowledgement indicates only that the bargaining unit member has read the material, not that he or she agrees with its contents. If the bargaining unit member refuses to acknowledge the reading, this fact shall be noted on the record, along with the date of reading.



5.0 PROCEDURES FOR INFORMAL ACTIONS (CONT'D)

WRITTEN WARNINGS (CONT'D)

- **After action.** The Supervisor will:
 - Provide the Employee with a copy of the executed action.
 - Offer the Employee an opportunity to respond to the action in writing within sixty (60) calendar days of receiving the material [MU 795], a reasonable timeframe after receiving the material [OAPSE 102], or twenty (20) calendar days of his or her signature on the document [OAPSE 617], and inform the Employee of his or her right to include any comments he or she deems appropriate.

NOTE: Any written response: 1) Must be signed and dated; and 2) Will be attached, if received in a timely manner.

 - Inform the Employee of his or her contest rights, if applicable [MU 795 14.1A et seq. and Appendix; OAPSE 102 5F (1), 15A, 15D, 17A et seq. and Appendix; OAPSE 617 19A et seq. and Appendix].
 - Retain the executed action in the Supervisor File (see [Section 8.0](#)) [MU 795 11.0; OAPSE 102 5A (1)(2); OAPSE 617 5A (1)].

Post-action considerations include, but may not be limited to, the following:

Professional Staff Member

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.03(A)(5); CHTU 795 12A et seq. and Appendix] if the claim falls within the definition of a Grievance. .

There are no appeal provisions under state statute, Board policy, or the Agreement.

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration of action.** See [Section 8.0](#).

Support Staff Member

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.03(A)(5); MU 795 14.1A et seq. and Appendix; OAPSE 102 5F (1), 15A, 15D, 17A et seq. and Appendix; OAPSE 617 19A et seq. and Appendix] if the claim falls within the definition of a Grievance.

NOTE: The Grievance Procedure may not be used during the Probationary Period [OAPSE 102 5F (1); OAPSE 617 5D (1)].

There are no appeal provisions under state statute, Board policy, or the Agreement.

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration of action.** See [Section 8.0](#).

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5.0 PROCEDURES FOR INFORMAL ACTIONS (CONT'D) *WRITTEN WARNINGS (CONT'D)*

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6.0 PROCEDURES FOR FORMAL ACTIONS *OFFICIAL REPRIMANDS*

An Employee facing this Formal Action will receive:

Professional Staff Member

- A formal meeting with the Superintendent or his/her designee in a private location [CHTU 795 11D].
- The option of Union representation, if applicable [ORC §4117.03(A)(3); CHUH 3139; CHTU 795 11A, 11B, and 11D; EAPSC Preamble].
- An explanation of the allegation(s) involved [CHTU 795 11B].
- An opportunity to respond to the allegation(s) [CHTU 795 11B].
- Consideration of the response and all pertinent case facts prior to any decision to take action [CHTU 795 11B].
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action [CHTU 795 4E (5)] specifying: 1) The incident(s) upon which the action was based; 2) The violated statute and/or policy; 3) The action being taken to the incident(s); 4) Expectations for correction, if any; 5) Notice that repeat offenses may result in more severe disciplinary action; 6) Disclosure of any and all remedies available; and 7) A disposition disclosure.

Support Staff Member

- A formal meeting with the Superintendent or his/her designee in a private location.
- The option of Union representation, if applicable [ORC §4117.03(A)(3); CHUH 4139; MU 795 13.04A; OAPSE 102 15B and 15C].
- An explanation of the allegation(s) involved [MU 795 13.04B].
- An opportunity to respond to the allegation(s) [MU 795 13.04B].
- Consideration of the response and all pertinent case facts prior to any decision to take action [MU 795 13.04B].
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action [MU 795 11.02] specifying: 1) The incident(s) upon which the action was based; 2) The violated statute and/or policy; 3) The action being taken to the incident(s); 4) Expectations for correction, if any; 5) Notice that repeat offenses may result in more severe disciplinary action; 6) Disclosure of any and all remedies available; and 7) A disposition disclosure.

Workflows for this type of Formal Action are as follows:

Professional Staff Member

If initiated at the building or site level, the case must be transferred to the District level. For pay and duty status considerations pending an investigation or disciplinary action, see Form 3.03 for documentation example and Resource 6.01.

- **Before action.** The Superintendent or his/her designee will complete a formal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant Formal Action [CHUH 3139; CHTU 795 11B and 11C]; and 2) Includes the Employee's response to the allegation(s), if such a response is given [CHTU 795 11B].

NOTE: If the Superintendent or his/her designee determines there may be Cause for disciplinary action and intends to make it a matter of record, the bargaining unit member will be informed of the following: 1) The reason(s) for the meeting(s); 2) The scheduled meeting time(s) and date(s); 3) The topic(s) of the meeting(s); and 4) The right to a Union representative at such meeting(s) [CHTU 795 11A, 11B, 11C, and 11D; EAPSC Preamble] (see Form 3.04 and Form 3.06 for documentation examples).

If a Union representative is requested, no action should be taken until the Union representative is present; however, the availability of the Union representative should not unreasonably delay the meeting(s).



6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D)

OFFICIAL REPRIMANDS (CONT'D)

At the meeting(s) the bargaining unit member will have the opportunity to respond to, rebut, offer mitigation, and/or accept the allegation(s) and intended action [CHTU 795 11B].

- **During action.** The Superintendent or his/her designee will:
 - Meet with the Employee within a reasonable timeframe to deliver the action (see Form 3.05 and Form 3.06 for documentation examples).
 - State his or her reason(s) for proceeding with the action [CHTU 795 11B and 11C], referencing any aggravating and/or mitigating factors considered prior to the decision (see [Section 3.0](#)).
 - Present the Employee with the documentation of the action (see Form 6.01 for documentation example).
 - Permit the Employee sufficient time to read the documentation [CHTU 795 4E (3)].
 - Request signed/initialed and dated acknowledgement of receipt from the Employee [CHTU 795 4E (4)].

NOTE: Signed/initialed acknowledgement indicates only that the bargaining unit member has read the material, not that he or she agrees with its contents [CHTU 795 4E (4)]. If the bargaining unit member refuses to acknowledge the reading, this fact shall be noted on the record, along with the date of reading [CHTU 795 4E (4)]

- **After action.** The Superintendent or his/her designee will:
 - Provide the Employee with a copy of the executed action [CHTU 795 4E (5)].
 - Offer the Employee an opportunity to respond to the action in writing within sixty (60) calendar days of receiving the material [CHTU 795 4E (5)], and inform the Employee of his or her right to include any comments he or she deems appropriate.

NOTE: Any written response: 1) Must be signed and dated; and 2) Will be attached, if received in a timely manner.

- Inform the Employee of his or her contest rights, if applicable [CHTU 795 12A and Appendix].
- Retain the executed action in the Personnel File (see [Section 8.0](#)) [CHTU 795 4E (1)(3)].

For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

Support Staff Member

If initiated at the building or site level, the case must be transferred to the District level. For pay and duty status considerations pending an investigation or disciplinary action, see Form 3.03 for documentation example and Resource 6.01.

- **Before action.** The Superintendent or his/her designee will complete a formal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant Formal Action [CHUH 4139; MU 795 13.04B and 13.04C; OAPSE 102 15A]; and 2) Includes the Employee's response to the allegation(s), if such a response is given [MU 795 13.04B].

NOTE: If the Superintendent or his/her designee determines there may be Cause for disciplinary action and intends to make it a matter of record, the bargaining unit member will be informed of the following: 1) The reason(s) for the meeting(s); 2) The scheduled meeting time(s) and date(s); 3) The topic(s) of the meeting(s); and 4) The right to a Union representative at such meeting(s) [MU 795 13.04A and 13.04B; OAPSE 102 15B and 15C] (see Form 3.04 and Form 3.06 for documentation examples). The bargaining unit member and the Union shall be given a minimum notice of twenty-four (24) hours of such disciplinary meetings when, in the Board's judgment, the bargaining unit member in question presents no potential risk of harm to property or people [OAPSE 102 15C].

If a Union representative is requested, no action should be taken until the Union representative is present; however, the availability of the Union representative should not unreasonably delay the meeting(s).

At the meeting(s) the bargaining unit member will have the opportunity to respond to, rebut, offer mitigation, and/or accept the allegation(s) and intended action [MU 795 13.04B].

- **During action.** The Superintendent or his/her designee will:



6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) OFFICIAL REPRIMANDS (CONT'D)

- Meet with the Employee within a reasonable timeframe to deliver the action (see Form 3.05 and Form 3.06 for documentation examples).
- State his or her reason(s) for proceeding with the action [MU 795 13.04B and 13.04C; OAPSE 102 15A], referencing any aggravating and/or mitigating factors considered prior to the decision (see [Section 3.0](#)).
- Present the Employee with the documentation of the action (see Form 6.01 for documentation example).

NOTE: If an Employee in the Civil Service is involved, the action may be constructed as a Last Chance Agreement at the discretion of the Superintendent or his/her designee [ORC §124.34(E)].

- Permit the Employee sufficient time to read the documentation [MU 795 11.01; OAPSE 102 5A (3); OAPSE 617 5A (1)].
- Request signed/initialed and dated acknowledgement of receipt from the Employee [MU 795 11.01; OAPSE 102 5A (4); OAPSE 617 5A (1)].

NOTE: Signed/initialed acknowledgement indicates only that the bargaining unit member has read the material, not that he or she agrees with its contents [MU 795 11.01; OAPSE 102 5A (3); OAPSE 617 5A (1)]. If the bargaining unit member refuses to acknowledge the reading, this fact shall be noted on the record, along with the date of reading [MU 795 11.01; OAPSE 102 5A (3); OAPSE 617 5A (1)].

- **After action.** The Superintendent or his/her designee will:

- Provide the Employee with a copy of the executed action [MU 795 11.02].
- Offer the Employee an opportunity to respond to the action in writing within sixty (60) calendar days of receiving the material [MU 795 11.02], a reasonable timeframe after receiving the material [OAPSE 102], or twenty (20) calendar days of his or her signature on the document [OAPSE 617 5A (1)], and inform the Employee of his or her right to include any comments he or she deems appropriate.

NOTE: A bargaining unit member who does not agree with the material read, may at that time make written comments regarding the material [OAPSE 102 5A (4)]. Otherwise, any written response: 1) Must be signed and dated; and 2) Will be attached, if received in a timely manner.

- Inform the Employee of his or her contest rights, if applicable [MU 795 14.1A et seq. and Appendix; OAPSE 102 5F (1), 15A, 15D, 17A et seq. and Appendix; OAPSE 617 19A et seq. and Appendix].
- Retain the executed action in the Personnel File (see [Section 8.0](#)) [MU 795 11.0; OAPSE 102 5A (1)(2); OAPSE 617 5A (1)].

For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

Post-action considerations include, but may not be limited to, the following:

Professional Staff Member

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.03(A)(5); CHTU 795 12A and Appendix] if the claim falls within the definition of a Grievance.

There are no appeal provisions under state statute, Board policy, or the Agreement.

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration of action.** See [Section 8.0](#).

Support Staff Member

- **Records management.** See [Section 8.0](#).



6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D)

OFFICIAL REPRIMANDS (CONT'D)

- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.03(A)(5); MU 795 14.1A et seq. and Appendix; OAPSE 102 5F (1), 15A, 15D, 17A et seq. and Appendix; OAPSE 617 19A et seq. and Appendix] if the claim falls within the definition of a Grievance.

NOTE: The Grievance Procedure may not be used during the Probationary Period [OAPSE 102 5F (1); OAPSE 617 5D (1)].

There are no appeal provisions under state statute, Board policy, or the Agreement.

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration of action.** See [Section 8.0](#).



6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) SUSPENSIONS

An Employee facing this Formal Action will receive:

Professional Staff Member

- The Due Process afforded by state statute, Board policy, and/or the Agreement [ORC §4117.03 and §4117.08(C); CHUH 1520, 1541, 3124, 3139, and 3140; CHTU 795 4E (5), 11A, 11B, 11C, 11D, 12A et seq., and Appendix; EAPSC Preamble].

NOTE: If the Superintendent or his/her designee determines there may be Cause for disciplinary action and intends to make it a matter of record, the bargaining unit member will be informed of the following: 1) The reason(s) for the meeting(s); 2) The scheduled meeting time(s) and date(s); 3) The topic(s) of the meeting(s); and 4) The right to a Union representative at such meeting(s) [CHTU 795 11A, 11B, 11C, and 11D; EAPSC Preamble] (see Form 3.04, Form 3.05, and Form 3.06 for documentation examples).

If a Union representative is requested, no action should be taken until the Union representative is present; however, the availability of the Union representative should not unreasonably delay the meeting(s).

At the meeting(s) the bargaining unit member will have the opportunity to respond to, rebut, offer mitigation, and/or accept the allegation(s) and intended action [CHTU 795 11B].

Support Staff Member

- The Due Process afforded by state statute, Board policy, and/or the Agreement [ORC §124.34 or §3319.081(C), §4117.03, and §4117.08(C); CHUH 4124, 4139, and 4140; MU 795 11.02, 13.04A, 13.04B, 13.04C, 14.1A et seq. and Appendix; OAPSE 102 5A (5), 5F (1), 15A, 15B, 15C, 15D, 17A et seq., and Appendix; OAPSE 617 5A (3), 5D (1), 10, 19A et seq., and Appendix].

NOTE: If the Superintendent or his/her designee determines there may be Cause for disciplinary action and intends to make it a matter of record, the bargaining unit member will be informed of the following: 1) The reason(s) for the meeting(s); 2) The scheduled meeting time(s) and date(s); 3) The topic(s) of the meeting(s); and 4) The right to a Union representative at such meeting(s) [MU 795 13.04A and 13.04B; OAPSE 102 15B and 15C; OAPSE 617 10] (see Form 3.04, Form 3.05, and Form 3.06 for documentation examples). The bargaining unit member and the Union shall be given a minimum notice of twenty-four (24) hours of such disciplinary meetings when, in the Board's judgment, the bargaining unit member in question presents no potential risk of harm to property or people [OAPSE 102 15C; OAPSE 617 10].

If a Union representative is requested, no action should be taken until the Union representative is present; however, the availability of the Union representative should not unreasonably delay the meeting(s).

At the meeting(s) the bargaining unit member will have the opportunity to respond to, rebut, offer mitigation, and/or accept the allegation(s) and intended action [MU 795 13.04B].

Workflows for this type of Formal Action are as follows:

Professional Staff Member

If initiated at the building or site level, the case must be transferred to the District level. For pay and duty status considerations pending an investigation or disciplinary action, see Form 3.03 for documentation example and Resource 6.01.

The Superintendent, Treasurer, or Board will complete an investigation of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action; and 2) Includes the Employee's response to the allegation(s), if such a response is given.

Provisions under state statute, Board policy, and/or the Agreement include the following:

Administrator

Administrators may only be suspended under the terms of their employment contracts.

Such a disciplinary action shall be: 1) Documented; and 2) Hand-delivered or served by certified mail.



6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D)

SUSPENSIONS (CONT'D)

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

Teacher

Teachers may only be suspended under the terms of state law and/or the Agreement.

NOTE: Disciplinary responses available to the Board include suspensions with or without pay [CHTU 795 11C]. Suspensions without pay are intended to be used for more serious disciplinary infractions [CHTU 795 11C].

Such a disciplinary action shall be: 1) Documented; and 2) Hand-delivered or served by certified mail [CHTU 795 4E (3)].

The executed action will be retained in the Personnel File (see [Section 8.0](#)) [CHTU 795 4E (1)(3)].

For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

Support Staff Member

If initiated at the building or site level, the case must be transferred to the District level. For pay and duty status considerations pending an investigation or disciplinary action, see Form 3.03 for documentation example and Resource 6.01.

The Superintendent, Treasurer, or Board will complete an investigation of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action; and 2) Includes the Employee's response to the allegation(s), if such a response is given.

Provisions under state statute, Board policy, and/or the Agreement include the following

Civil Service

Outside of the Probationary Period [ORC §124.27(B)], the tenure of every officer or Employee in the classified service of the state and the counties, Civil Service townships, cities, city health districts, general health districts, and city school districts of the state, holding a position under ORC Chapter 124, shall be during good behavior and efficient service [ORC §124.34(A)]. No officer or Employee shall be reduced in pay or position, fined, suspended, or have his or her longevity reduced or eliminated, except as provided in ORC §124.32 (regarding transfers and reinstatements), and for : 1) Incompetency; 2) Inefficiency; 3) Dishonesty; 4) Drunkenness; 5) Immoral conduct; 6) Insubordination; 7) Discourteous treatment of the public; 8) Neglect of Duty; 9) Violation of any policy or work rule of the officer's or Employee's appointing authority; 10) Violation of ORC Chapter 124, the rules of the director of administrative services, or the CSC; 11) Any other failure of good behavior; 12) Any other acts of misfeasance, malfeasance, or nonfeasance in office; or 13) Conviction of a felony while employed in the Civil Service [ORC §124.06 and §124.34(A)].

An appointing authority may require an Employee who is suspended to report to work to serve the Suspension, and in such cases, the Employee shall continue to be compensated at his or her regular rate of pay for hours worked (a "Suspension with pay") [ORC §124.34(A)].

The action of the Board to suspend or demote an Employee is done in compliance with all statutorily mandated procedures, including the opportunity for a hearing, if required, prior to the action.

The appointing authority shall serve the Employee with a copy of the order that shall state the reason(s) for the action [ORC §124.34(B)] by either hand-delivery or certified mail. The notice shall be in ordinary and concise language, and shall specify: 1) The specific act(s) and/or omission(s) upon which the



6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) SUSPENSIONS (CONT'D)

disciplinary action is based; 2) A statement of the Cause for the action taken; 3) A quotation of the rule or regulation which it is claimed the Employee violated; 4) The date when the Employee may be heard if he or she so wishes; 5) The penalty that may be suffered as a result of the Employee's act(s) and/or omission(s); and 6) The rules for the administrative hearing.

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

Non-Civil Service

The Board may suspend or demote an Employee for a definite period of time for: 1) Violation of written rules and regulations as set forth by the Board; 2) Incompetency; 3) Inefficiency; 4) Dishonesty; 5) Drunkenness; 6) Immoral conduct; 7) Insubordination; 8) Discourteous treatment of the public; 9) Neglect of Duty; or 10) Any other acts of misfeasance, malfeasance, or nonfeasance [ORC §3319.081(C); CHUH 4139 and 4140].

The action may be taken in accordance with: 1) The procedures set forth in ORC; and 2) The applicable terms of any Agreement, as appropriate [CHUH 4124, 4139, and 4140; MU 795 11.0; OAPSE 102 5A (1)(2); OAPSE 617 5A (1)].

Such a disciplinary action shall be: 1) Documented; and 2) Served by certified mail [ORC §3319.081(C)].

The executed action will be retained in the Personnel File (see [Section 8.0](#)) [MU 795 11.0; OAPSE 102 5A (1)(2); OAPSE 617 5A (1)].

For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

Post-action considerations include, but may not be limited to, the following:

Professional Staff Member

Provisions under state statute, Board policy, and/or the Agreement include the following:

DISCIPLINARY SUSPENSIONS

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.03(A)(5); CHTU 795 12A et seq. and Appendix] if the claim falls within the definition of a Grievance.

There are no appeal provisions under state statute, Board policy, or the Agreement.

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration of action.** See [Section 8.0](#).

Support Staff Member

Provisions under state statute, Board policy, and/or the Agreement include the following:

DISCIPLINARY SUSPENSIONS

Civil Service

- **Records management.** See [Section 8.0](#). Even if the Suspension was taken with pay, the action shall be recorded in the Employee's Personnel File in the same manner as other disciplinary actions and has the same effect as a Suspension without pay for the purpose of recording disciplinary actions [ORC §124.34(A)].



6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D)

SUSPENSIONS (CONT'D)

- **Contest.** Grievance is permitted using the defined Grievance Procedure outside of the Probationary Period if the claim falls within the definition of a Grievance.

Appeal is permitted using the procedure defined in state statute [ORC §124.34(B)] outside of the Probationary Period, unless otherwise prohibited by an Agreement; however, an officer or Employee may not appeal to the SPBR or the Commission any disciplinary action taken by an appointing authority as a result of the officer's or Employee's Conviction of a felony [ORC §124.34(A)].

Within ten (10) calendar days following the date on which the order is served, the Employee, except as otherwise provided in ORC §124.34, may file an appeal of the order in writing with the CSC or the SPBR [ORC §124.34(B)]. For the purposes of ORC §124.34, the date on which an order is served is the date of hand delivery of the order or the date of delivery of the order by certified United States mail, whichever occurs first [ORC §124.34(B)].

If an appeal is filed, the CSC or SPBR: 1) Shall forthwith notify the appointing authority; and 2) Shall hear, or appoint a trial board to hear, the appeal within thirty (30) calendar days from and after its filing with the CSC or SPBR [ORC §124.34(B)]. The CSC, SPBR, or trial board may affirm, disaffirm, or modify the judgment of the appointing authority; however, in an appeal of a removal order based upon a violation of a Last Chance Agreement, the CSC, SPBR, or trial board may only determine if the Employee violated the Last Chance Agreement and thus affirm or disaffirm the judgment of the appointing authority [ORC §124.34(B)].

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration of action.** See [Section 8.0](#).

Non-Civil Service

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.03(A)(5); seq.; MU 795 14.1A et seq. and Appendix; OAPSE 102 5F (1), 15A, 15D, 17A et seq. and Appendix; OAPSE 617 19A et seq. and Appendix] if the claim falls within the definition of a Grievance.

NOTE: The Grievance Procedure may not be used during the Probationary Period [OAPSE 102 5F (1); OAPSE 617 5D (1)]. Otherwise, discipline involving Suspension shall be introduced to Step 2 of the Grievance Procedure OAPSE 102 15D].

Appeal is permitted using the procedure defined in state statute [ORC §3319.081(C)].

Within ten (10) days following the receipt of such notice by the Employee, the Employee may file an appeal, in writing, with the court of common pleas of the county in which such school board is situated [ORC §3319.081(C)]. After hearing the appeal the common pleas court may affirm, disaffirm, or modify the action of the school board [ORC §3319.081(C)].

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration of action.** See [Section 8.0](#).



6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) TERMINATIONS

An Employee facing this Formal Action will receive:

Professional Staff Member

- The Due Process afforded by state statute, Board policy, and/or the Agreement [ORC §3319.02(C), §3319.02 (D)(3), §3319.16 and §4117.08(C); CHUH 1520, 1541, 3124, 3139, and 3140; CHTU 795 4A, 4E (5), 11A, 11B, 11C, 11D, 11E, 12A et seq., and Appendix; EAPSC Preamble].

NOTE: If the Superintendent or his/her designee determines there may be Cause for disciplinary action and intends to make it a matter of record, the bargaining unit member will be informed of the following: 1) The reason(s) for the meeting(s); 2) The scheduled meeting time(s) and date(s); 3) The topic(s) of the meeting(s); and 4) The right to a Union representative at such meeting(s) [CHTU 795 11A, 11B, 11C, and 11D; EAPSC Preamble] (see Form 3.04, Form 3.05, and Form 3.06 for documentation examples).

If a Union representative is requested, no action should be taken until the Union representative is present; however, the availability of the Union representative should not unreasonably delay the meeting(s).

At the meeting(s) the bargaining unit member will have the opportunity to respond to, rebut, offer mitigation, and/or accept the allegation(s) and intended action [CHTU 795 11B].

Support Staff Member

- The Due Process afforded by state statute, Board policy, and/or the Agreement [ORC §124.34 or §3319.081(C) and §4117.08(C); CHUH 4124, 4139, and 4150; MU 795 11.02, 13.04A, 13.04B, 13.04C, 14.1A et seq. and Appendix; OAPSE 102 5A (5), 5F (1), 15A, 15B, 15C, 15D, 17A et seq., and Appendix; OAPSE 617 5A (3), 5D (1), 10, 19A et seq., and Appendix].

NOTE: If the Superintendent or his/her designee determines there may be Cause for disciplinary action and intends to make it a matter of record, the bargaining unit member will be informed of the following: 1) The reason(s) for the meeting(s); 2) The scheduled meeting time(s) and date(s); 3) The topic(s) of the meeting(s); and 4) The right to a Union representative at such meeting(s) [MU 795 13.04A and 13.04B; OAPSE 102 15B and 15C; OAPSE 617 10] (see Form 3.04, Form 3.05, and Form 3.06 for documentation examples). The bargaining unit member and the Union shall be given a minimum notice of twenty-four (24) hours of such disciplinary meetings when, in the Board's judgment, the bargaining unit member in question presents no potential risk of harm to property or people [OAPSE 102 15C; OAPSE 617 10].

If a Union representative is requested, no action should be taken until the Union representative is present; however, the availability of the Union representative should not unreasonably delay the meeting(s).

At the meeting(s) the bargaining unit member will have the opportunity to respond to, rebut, offer mitigation, and/or accept the allegation(s) and intended action [MU 795 13.04B].

Workflows for this type of Formal Action are as follows:

Professional Staff Member

If initiated at the building or site level, the case must be transferred to the District level. For pay and duty status considerations pending an investigation or disciplinary action, see Form 3.03 for documentation example and Resource 6.01.

The Superintendent, Treasurer, or Board will complete an investigation of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action; and 2) Includes the Employee's response to the allegation(s), if such a response is given.

Provisions under state statute, Board policy, and/or the Agreement include the following:

Superintendent

Termination of a Superintendent's contract shall be pursuant to ORC §3319.16 [ORC §3319.01; CHUH 1240.01].

For the ORC §3319.16 procedure, see Resource 6.02A.



6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D)

TERMINATIONS (CONT'D)

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

Treasurer

Except for a Treasurer who is automatically disqualified from service pursuant to ORC §3313.22(B) (regarding an Otherwise Qualified Treasurer), Termination of a Treasurer's contract: 1) Shall be in accordance with ORC §3319.16 [ORC §3313.22(E); CHUH 1340]; and 2) Shall be for Good and Just Cause [CHUH 1340].

For the ORC §3319.16 procedure, see Resource 6.02A.

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

Administrator

No contract may be terminated by a school board except pursuant to ORC §3319.16 [ORC §3319.02(C) and §3319.02(D)(3); CHUH 1520].

The Board may suspend an Administrator pending final action to terminate the Administrator's contract [ORC §3319.02(C), §3319.02 (D)(3), and §3319.16; CHUH 1520 and 3140] if, in its judgment, the character of the charges warrants such action [ORC §3319.02(C), §3319.02 (D)(3), and §3319.16].

The employment contract of an Administrator may be terminated, upon a majority vote of the Board, for Good and Just Cause, including disclosing a question to a student on a state-mandated assessment [ORC §3319.02(C), §3319.02(D)(3), §3319.16, and §3319.151(A); CHUH 1520 and 1541]. In all such cases, the Board shall abide by Due Process, statutory procedures, and any applicable terms of the Administrator's employment contract [CHUH 1520 and 1541].

For the ORC §3319.16 procedure, see Resource 6.02A.

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

Teacher

Teachers may only be terminated under the terms of state law and/or the Agreement. Notwithstanding any provision to the contrary in ORC Chapter 4117, the provisions of ORC §3319.16 (regarding the grounds for Termination of the contract of a Teacher) prevail over any conflicting provisions of an Agreement entered into after the date defined in statute [ORC §3319.16].

The Board may suspend a Teacher pending final action to terminate the Teacher's contract [ORC §3319.16; CHUH 3124] if, in its judgment, the character of the charges warrants such action [ORC §3319.16].

The employment contract [CHUH 3124] of a Professional Staff Member may be suspended and/or terminated in accordance with law, upon a majority vote of the Board, for Good and Just Cause [ORC §3319.16; CHUH 3140; CHTU 795 11E] including disclosing a question to a student on a State-mandated assessment [ORC §3319.151(A); CHUH 3140; CHTU 795 11C and 11E]. In such cases, the Board shall abide by Due Process, statutory procedures, and the applicable terms set forth in the Agreement [CHUH 3140; CHTU 795 11E].



6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) *TERMINATIONS (CONT'D)*

For the ORC §3319.16 procedure, see Resource 6.02A. For procedural differences in the Termination process for a Teacher in a municipal school district, see ORC §3311.82(B) through (E).

The executed action will be retained in the Personnel File (see [Section 8.0](#)) [CHTU 795 4E (1)(3)]

For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

Support Staff Member

If initiated at the building or site level, the case must be transferred to the District level. For pay and duty status considerations pending an investigation or disciplinary action, see Form 3.03 for documentation example and Resource 6.01.

The Superintendent, Treasurer, or Board will complete an investigation of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action; and 2) Includes the Employee's response to the allegation(s), if such a response is given.

Provisions under state statute, Board policy, and/or the Agreement include the following:

Civil Service

Outside of the Probationary Period [ORC §124.27(B)], the tenure of every officer or Employee in the classified service of the state and the counties, Civil Service townships, cities, city health districts, general health districts, and city school districts of the state, holding a position under ORC Chapter 124, shall be during good behavior and efficient service [ORC §124.34(A)]. No officer or Employee shall be removed, except as provided in ORC §124.32 (regarding transfers and reinstatements), and for: 1) Incompetency; 2) Inefficiency; 3) Dishonesty; 4) Drunkenness; 5) Immoral conduct; 6) Insubordination; 7) Discourteous treatment of the public; 8) Neglect of Duty; 9) Violation of any policy or work rule of the officer's or Employee's appointing authority; 10) Violation of ORC Chapter 124, the rules of the director of administrative services, or the CSC; 11) Any other failure of good behavior; 12) Any other acts of misfeasance, malfeasance, or nonfeasance in office; or 13) Conviction of a felony while employed in the Civil Service [ORC §124.06 and §124.34(A)].

If the service of an Employee is unsatisfactory during the Probationary Period, he or she may be removed at any time [ORC §124.27(B)].

The action of the Board to terminate an Employee is done in compliance with all statutorily mandated procedures, including the opportunity for a hearing, if required, prior to the action.

The appointing authority shall serve the Employee with a copy of the order that shall state the reason(s) for the action [ORC §124.34(B)] by certified mail. The notice shall be in ordinary and concise language, and shall specify: 1) The specific act(s) and/or omission(s) upon which the disciplinary action is based; 2) A statement of the Cause for the action taken; 3) A quotation of the rule or regulation which it is claimed the Employee violated; 4) The date when the Employee may be heard if he or she so wishes; 5) The penalty that may be suffered as a result of the Employee's act(s) and/or omission(s); and 6) The rules for the administrative hearing.

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

Non-Civil Service

The contracts as provided for in ORC §3319.081 may be terminated by a majority vote of the Board [ORC §3319.081(C); CHUH 4139 and 4140]. Except as provided in ORC §3319.0810 (regarding contracting for student transportation services) and ORC §3319.172 (regarding reductions in force), the contracts may be terminated only for: 1) Violation of written rules and regulations as set forth by the



6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) TERMINATIONS (CONT'D)

Board; 2) Incompetency; 3) Inefficiency; 4) Dishonesty; 5) Drunkenness; 6) Immoral conduct; 7) Insubordination; 8) Discourteous treatment of the public; 9) Neglect of Duty; or 10) Any other acts of misfeasance, malfeasance, or nonfeasance [ORC §3319.081(C); CHUH 4140].

The action may be taken in accordance with: 1) The procedures set forth in ORC; and 2) The applicable terms of any Agreement, as appropriate [CHUH 4139 and 4140; MU 795 13.04A, 13.04B, and 13.04C; OAPSE 102 15A, 15B, 15C, and 15D; OAPSE 617 10].

The action of the Board terminating the contract of an Employee shall be served by certified mail [ORC §3319.081(C)].

The executed action will be retained in the Personnel File (see [Section 8.0](#)) [OAPSE 102 5A (1)(2); OAPSE 617 5A (1)].

For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

Post-action considerations include, but may not be limited to, the following:

Professional Staff Member

Provisions under state statute, Board policy, and/or the Agreement include the following:

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.03(A)(5); CHTU 795 12A et seq. and Appendix] if the claim falls within the definition of a Grievance.

Appeal is permitted using the procedure defined in state statute (see Resource 6.02A) [ORC §3319.16].

NOTE: A Probationary Period may apply [CHTU 795 4A].

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration of action.** See [Section 8.0](#).

Support Staff Member

Provisions under state statute, Board policy, and/or the Agreement include the following:

Civil Service

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure outside of the Probationary Period if the claim falls within the definition of a Grievance.

Appeal is permitted using the procedure defined in state statute [ORC §124.34(B)] outside of the Probationary Period [ORC §124.27(B)], unless otherwise prohibited by an Agreement; however, an officer or Employee may not appeal to the SPBR or the Commission any disciplinary action taken by an appointing authority as a result of the officer's or Employee's Conviction of a felony [ORC §124.34(A)].

Within ten (10) calendar days following the date on which the order is served, the Employee, except as otherwise provided in ORC §124.34, may file an appeal of the order in writing with the CSC or SPBR [ORC §124.34(B)]. For the purposes of ORC §124.34, the date on which an order is served is the date of hand delivery of the order or the date of delivery of the order by certified United States mail, whichever occurs first [ORC §124.34(B)].



6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D)

TERMINATIONS (CONT'D)

If an appeal is filed, the CSC or SPBR: 1) Shall forthwith notify the appointing authority; and 2) Shall hear, or appoint a trial board to hear, the appeal within thirty (30) calendar days from and after its filing with the CSC or SPBR [ORC §124.34(B)]. The CSC, SPBR, or trial board may affirm, disaffirm, or modify the judgment of the appointing authority; however, in an appeal of a removal order based upon a violation of a Last Chance Agreement, the CSC, SPBR, or trial board may only determine if the Employee violated the Last Chance Agreement and thus affirm or disaffirm the judgment of the appointing authority [ORC §124.34(B)].

In cases of removal, either the appointing authority or the officer or Employee may appeal from the decision of the CSC or SPBR [ORC §124.34(B)]. Any such appeal shall be to the court of common pleas of the county in which the appointing authority is located [ORC §124.34(B)].

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration of action.** See [Section 8.0](#).

Non-Civil Service

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.03(A)(5); MU 795 14.1A et seq. and Appendix; OAPSE 102 5F (1), 15A, 15D, 17A et seq. and Appendix; OAPSE 617 19A et seq. and Appendix] if the claim falls within the definition of a Grievance.

NOTE: The Grievance Procedure may not be used during the Probationary Period [OAPSE 102 5F (1); OAPSE 617 5D (1)]. Otherwise, discipline involving discharge shall be introduced to Step 2 of the Grievance Procedure OAPSE 102 15D].

Appeal is permitted using the procedure defined in state statute [ORC §3319.081(C)].

Within ten (10) days following the receipt of such notice by the Employee, the Employee may file an appeal, in writing, with the court of common pleas of the county in which such school board is situated [ORC §3319.081(C)]. After hearing the appeal the common pleas court may affirm, disaffirm, or modify the action of the school board [ORC §3319.081(C)].

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration of action.** See [Section 8.0](#).

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6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) *TERMINATIONS (CONT'D)*

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7.0 PROCEDURES FOR OTHER ACTIONS CONTRACT ISSUANCE

Professional Staff Member

Superintendent

The board of education in each school district, and the governing board of each service center, shall, at a regular or special meeting held not later than May 1st of the calendar year in which the term of the Superintendent expires, appoint a person possessed of the qualifications provided in ORC §3319.01 to act as Superintendent, for a term not longer than five (5) years beginning August 1st and ending on July 31st [ORC §3319.01; CHUH 0132 and 1220]. At the time of making such appointment or designation of term, the Board: 1) Shall fix the compensation of the Superintendent; and 2) Shall execute a written contract of employment with such Superintendent [ORC §3319.01; CHUH 1220].

Additional provisions include, but are not limited to, the following:

- If a vacancy occurs in the office of Superintendent, the Board shall appoint a Superintendent for a term not to exceed five (5) years from the next preceding August 1st [ORC §3319.01].
- No person shall be appointed to the office of Superintendent of a city, or exempted village school district or a service center who does not hold a License designated for being a Superintendent issued under ORC §3319.22, unless such person had been employed as a county, city, or exempted village Superintendent prior to August 1, 1939 [ORC §3319.01]. No person shall be appointed to the office of local Superintendent who does not hold a License designated for being a Superintendent issued under ORC §3319.22 [ORC §3319.01].
- A Superintendent may not be transferred to any other position during the term of the Superintendent's employment or re-employment, except by mutual agreement by the Superintendent and the Board [ORC §3319.01].
- The Board: 1) Shall adopt a written policy establishing standards for determining whether the Superintendent is incapacitated; and 2) Shall provide that during any period in which the Superintendent is incapacitated, he or she may be placed on Sick Leave or on leave of absence, and may be returned to active duty status from said leave [ORC §3319.011; CHUH 1260]. The Superintendent may request a hearing before the Board on any ORC §3319.011 action [ORC §3319.011; CHUH 1260], and he or she shall have the same rights in any such hearing as are granted to a Teacher in a hearing under ORC §3319.16 [ORC §3319.011].

If the Board determines that the Superintendent is incapacitated in such a manner that he is unable to perform the duties of the office, the Board may, by a majority vote, appoint a person to serve in his or her place *pro tempore* [ORC §3319.011]. The Board shall fix the compensation of the Superintendent *pro tempore* in accordance with ORC §3319.01 [ORC §3319.011; CHUH 1260]. The Superintendent *pro tempore*: 1) Shall perform all of the duties and functions of the Superintendent; 2) Shall serve until the Board, by majority vote, determines the Superintendent's incapacity is removed or until the expiration of the Superintendent's contract or term of office, whichever is sooner; and 3) May be removed at any time for Just Cause by a two-thirds (2/3) vote of the members of the Board [ORC §3319.011; CHUH 1260].

Treasurer

Except as otherwise provided in ORC §3311.19(E), the board of education of each city, local, exempted village, and joint vocational school district, at a regular or special meeting held not later than May 1st, shall appoint a Treasurer [ORC §3313.22(A); CHUH 1310]. The Treasurer shall be appointed for a term not longer than five (5) years beginning August 1st and ending July 31st [ORC §3313.22(A); CHUH 1310]. At the time of making such appointment or designation of term, the Board: 1) Shall fix the compensation of the Treasurer [ORC §3313.24(A); CHUH 1310]; and 2) Shall execute a written contract of employment with the Treasurer [ORC §3313.22(A); CHUH 1310].

Additional provisions include, but are not limited to, the following:



7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D)

CONTRACT ISSUANCE (CONT'D)

- A Treasurer appointed under ORC §3313.22 may not be a member of the Board, or otherwise regularly employed by the Board [ORC §3313.22(B)].
- No board of education, other than the board of an island school district, shall appoint a person Treasurer who does not hold a valid License issued under ORC §3301.074, unless the person is an Otherwise Qualified Treasurer [ORC §3313.22(B); CHUH 1340]. If the Treasurer fails to maintain that License, the Treasurer is automatically disqualified from further service, unless the Treasurer is an Otherwise Qualified Treasurer [ORC §3313.22(B); CHUH 1310 and 1340].
- A Treasurer shall not be transferred to any other position during the term of the Treasurer's employment or re-employment except by mutual agreement between the Treasurer and the Board [ORC §3313.22(A)].
- Except in the case of the appointment of a Treasurer *pro tempore* pursuant to ORC §3313.23, if a vacancy occurs in the office of Treasurer, the Board shall appoint a Treasurer for a term not to exceed five (5) years from the preceding August 1st [ORC §3313.22(A)].

Administrator

The board of education of each school district, and the governing board of an educational service center may appoint one (1) assistant superintendent or more, and such other administrators as are necessary, and the board of each city, exempted village, and local school district: 1) Shall employ principals for all high schools and for such other schools as the board designates; and 2) May appoint assistant principals for any school that they designate [ORC §3319.02(B); CHUH 1520]. In educational service centers and in city, exempted village, and local school districts, administrators and other administrators shall only be employed in accordance with Superintendent nominations [ORC §3319.02(C); CHUH 1520].

The board of education or governing board shall execute a written employment contract with each assistant superintendent, Principal, assistant principal, and Other Administrator it employs or re-employs [ORC §3319.02(C); CHUH 1520]. The term of such Limited Contract shall not exceed three (3) years, except that in the case of a person who has been employed as an assistant superintendent, Principal, assistant principal, or Other Administrator in the District or center for three (3) years or more, the term of the contract shall be for not more than five (5) years, and unless the Superintendent recommends otherwise, not less than two (2) years [ORC §3319.02(C); CHUH 1520]. If the Superintendent so recommends, the term of the contract of a person employed by the District or service center as an Administrator or Other Administrator for three (3) years or more may be one (1) year, but all subsequent contracts granted such person shall be for a term of not less than two (2) years and not more than five (5) years [ORC §3319.02(C); CHUH 1520].

All such contracts shall specify: 1) The Employee's administrative position and duties as included in the job description adopted under ORC §3319.02(D); 2) The salary and other compensation to be paid for performance of duties; 3) The number of days to be worked; 4) The number of days of vacation, if any; and 5) Any paid holidays in the contractual year [ORC §3319.02(C); CHUH 1520, 1619, and/or 3422].

Additional provisions include, but are not limited to, the following:

- When a Teacher with Continuing Service Status becomes an Administrator or Other Administrator with the District or service center with which the Teacher holds Continuing Service Status, the Teacher retains such status in the Teacher's non-administrative position as provided in ORC §3311.77, ORC §3319.08, and ORC §3319.09 [ORC §3319.02(C)].
- Except by mutual agreement of the parties thereto, no Administrator or Other Administrator shall be transferred during the life of a contract to a position of lesser responsibility [ORC §3319.02(C); CHUH 1520].

Teacher

The board of education of each city, exempted village, local, and joint vocational school district and the



7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D)

CONTRACT ISSUANCE (CONT'D)

governing board of each educational service center shall enter into written contracts for the employment and re-employment of all teachers [ORC §3319.08(A); CHUH 3124; CHTU 795 4F]. Contracts for the employment of teachers shall be of two (2) types: 1) Limited contracts; and 2) Continuing contracts [ORC §3319.08(A); CHUH 3124; CHTU 795 4F]. A Limited Contract shall be entered into with each Teacher employed by the Board who is not eligible to be considered for a Continuing Contract [ORC §3319.11(E); CHUH 3124; CHTU 795 4F].

If the Board adopts a motion or resolution to employ a Teacher under a Limited Contract or a Continuing Contract and the Teacher accepts such employment, the failure of such parties to execute a written contract shall not void such employment contract [ORC §3319.08(A)].

Additionally, the board of each school district or service center that authorizes compensation in addition to the salary paid under ORC §3317.14 or ORC §3317.141 for the performance of duties by teachers that are in addition to their regular teaching duties, shall enter into a supplemental written contracts with teachers who perform those duties [ORC §3319.08(A); CHUH 3124; CHTU 795 70]. Such supplemental written contracts shall be limited contracts [ORC §3319.08(A); CHUH 3124], not subject to the (non-renewal) provisions of ORC §3319.11 [ORC §3319.11(I); CHTU 795 70].

Such written contracts and supplemental written contracts shall set forth the duties of teachers and shall specify the salaries and compensation to be paid for regular teaching duties and additional teaching duties, respectively, either or both of which may be increased, but not diminished during the term for which the contracts are made, except as provided in ORC §3319.12 [ORC §3307.21 and §3319.08(A); CHUH 3120, 3120.01, 3120.08, 3124, 3419, 3422, 3430, 3432, 3440, 6510, and 9161].

All professional staff members not covered by the terms of an Agreement with the District shall be entitled to the leave benefits which are not less than those provided in the agreements with comparable bargaining units [CHUH 3422 and 3430].

Additional and/or modified terms under Board policy [CHUH 5111.04] and/or the Agreement may apply.

Substitute Teacher

Teachers may be employed as substitute teachers for terms not to exceed one (1) year for assignment as services are needed to take the place of regular teachers absent on account of illness or on leaves of absence or to fill temporarily positions created by emergencies (such an assignment may be terminated when such services no longer are needed) [ORC §3319.10; CHUH 3120.04].

Teachers employed as substitutes with assignments to one (1) specific teaching position shall, after sixty (60) days of service, be granted Sick Leave, visiting days, and other local privileges granted to regular teachers including a salary not less than the minimum salary on the current adopted salary schedule [ORC §3319.10; CHUH 3120.04; CHTU 795 7H].

Teachers employed as substitutes for one hundred-twenty (120) days or more or more during a school year and re-employed for or assigned to specific teaching positions for the succeeding year shall receive contracts as a regular teachers, if the substitutes meet the local educational requirements for the employment of regular teachers [ORC §3319.10].

Additional and/or modified terms under the Agreement may apply.

Support Staff Member

Civil Service

The Civil Service of the state and the several counties, cities, Civil Service townships, city health districts, general health districts, and city school districts of the state shall be divided into the Unclassified Service and the Classified Service [ORC §124.11]. Appointments to all positions in the Classified Service that are



7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D)

CONTRACT ISSUANCE (CONT'D)

not filled by promotion, transfer, or reduction, as provided in ORC §124.01 to §124.64 and the rules of the director prescribed under those sections: 1) Shall be made only from those persons whose names take rank order on an eligible list; and 2) No employment shall be otherwise given in the Classified Service, except as provided in those sections [ORC §124.27(A)].

Under Civil Service rules, employment contracts are not issued. No appointment or promotion is final until the appointee has satisfactorily served the Probationary Period [ORC §124.27(B)].

Compensation for such employees will be determined by Board policy and/or an Agreement.

Additional and/or modified terms under Board policy and/or an Agreement may apply.

Non-Civil Service

In all school districts wherein the provisions of ORC Chapter 124 do not apply, the employment contract system outlined in ORC §3319.081 shall control for employees whose contracts of employment are not otherwise provided by law [ORC §3319.081]. Newly hired regular non-teaching school employees, including regular hourly rate and per diem employees, shall enter into written contracts for their employment which shall be for a period of not more than one (1) year [ORC §3319.081(A); CHUH 4124; CHTU 795 7J; EAPSC 7.01.1].

Compensation for such employees will be determined by Board policy and/or the Agreement. Benefits for all classified employees not covered by the terms of a currently-valid Agreement shall be determined by: 1) The contracts the Board has with comparable bargaining units; and 2) The recommendation of the Superintendent [CHUH 4422].

If such employees are rehired, their subsequent contracts shall be for a period of two (2) years [ORC §3319.081(A); CHUH 4124; CHTU 795 7J] or three (3) years [CHTU 795 7J]. After the end of the contract period provided in ORC §3319.081(A), if the contract of a non-teaching Employee is renewed, the Employee shall be continued in employment, and the salary provided in the contract may be increased, but not reduced, unless such reduction is a part of a uniform plan affecting the non-teaching employees of the entire District [ORC §3319.081(B); CHUH 4124].

NOTE: For EAPSC bargaining unit members, see "Administrator" above.

Additional and/or modified terms under Board policy [CHUH 5111.04] and/or the Agreement may apply.



7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D)

DECISIONS NOT TO RE-EMPLOY

Professional Staff Member

As a general rule, decisions to non-reemploy should be performance-based, rather than conduct-based, in nature.

Superintendent

The Board: 1) Shall adopt procedures for the evaluation of the Superintendent; and 2) Shall evaluate the Superintendent in accordance with those procedures [ORC §3319.01]. The establishment of such procedures shall not create an expectancy of continued employment [ORC §3319.01].

The Board evaluates the abilities and services of the Superintendent on an annual basis [CHUH 1240], and an evaluation based upon such procedures shall be considered by the Board in deciding whether to renew the Superintendent's contract [ORC §3319.01].

The Board may, at any regular or special meeting held during the period beginning January 1st of the calendar year immediately preceding the year the contract of employment of a Superintendent expires and ending on March 1st of the year it expires, re-employ such Superintendent for a succeeding term for not longer than five (5) years, beginning on the August 1st immediately following the expiration of the Superintendent's current term of employment and ending on July 31st of the year in which such succeeding term expires [ORC §3319.01].

At the expiration of his or her current term of employment, a Superintendent is deemed re-employed for a one (1) year term at the same salary plus any increments that may be authorized by the Board, unless the Board, on or before March 1st of the contract expiration year, either: 1) Re-employs the Superintendent for a succeeding term as provided in ORC §3319.01; or 2) Gives to the Superintendent written notice of its intention not to re-employ the Superintendent [ORC §3319.01; CHUH 1240.01].

Nothing in ORC §3319.01 shall prevent the Board from making the final determination regarding the renewal or non-renewal of the Superintendent's contract [ORC §3319.01; CHUH 1240.01].

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

Treasurer

The Board: 1) Shall adopt procedures for the evaluation of its Treasurer; and 2) Shall evaluate its Treasurer in accordance with those procedures [ORC §3313.22(D)]. The establishment of an evaluation procedure shall not create an expectancy of continued employment [ORC §3313.22(D)].

The Board shall consider an evaluation based upon those procedures in deciding whether to renew the Treasurer's contract [ORC §3313.22(D)].

The Board may, at any regular or special meeting held during the period beginning on January 1st of the calendar year preceding the year the Treasurer's contract of employment expires and ending on March 1st of the year the contract expires, re-employ the Treasurer for a succeeding term for not longer than five (5) years, beginning the August 1st immediately following the expiration of the Treasurer's current term of employment and ending July 31st [ORC §3313.22(C)].

At the expiration of his or her current term of employment, a Treasurer is deemed re-employed for a one (1) year term at the same salary plus any increments that the Board may authorize, unless the Board, on or before March 1st of the contract expiration year, either: 1) Re-employs the Treasurer for a succeeding term as provided in ORC §3313.22(C); or 2) Gives the Treasurer written notice of its intention not to re-employ the Treasurer [ORC §3313.22(A); CHUH 1340].



7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D)

DECISIONS NOT TO RE-EMPLOY (CONT'D)

Nothing in ORC §3313.22(D) shall prevent the Board from making the final determination regarding the renewal or non-renewal of a Treasurer's contract ORC §3313.22(D)].

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

Administrator

The Board: 1) Shall adopt Evaluation Procedures for all administrators and other administrators; and 2) Shall evaluate such employees in accordance with those procedures [ORC §3319.02(D)(1)]. The Evaluation Procedures for principals and assistant principals shall be comparable to those adopted by the Board under ORC §3319.111 for teachers, but shall be tailored to: 1) The duties and responsibilities of principals and assistant principals; and 2) The environment in which they work [ORC §3319.02(D)(1) and (2)]. The establishment of Evaluation Procedures shall not create an expectancy of continued employment [ORC §3319.02(D)(5); CHUH 1520].

An evaluation based upon procedures adopted under ORC §3319.02(D) shall be considered by the Board in deciding whether to renew the contract of employment of an Administrator or Other Administrator [ORC §3319.02(D)(1)]. For the ORC §3319.02 standard Evaluation Procedures, see Resource 7.01A1. For the District's Evaluation Procedures, see CHUH 1530.

An Administrator or Other Administrator is, at the expiration of the current term of employment, deemed re-employed at the same salary plus any increments that may be authorized by the Board: 1) Unless he or she notifies the Board in writing to the contrary on or before June 15th; or 2) Unless the Board, on or before June 1st of the year in which the contract of employment expires, either re-employs such Administrator or Other Administrator for a succeeding term or gives written notice of its intention not to re-employ him or her [ORC §3319.02(C); CHUH 1520]. The term of re-employment of a person deemed to be re-employed shall be one (1) year, except that if such person has been employed by the school district or service center as an Administrator or Other Administrator for three (3) years or more, the term of re-employment shall be two (2) years [ORC §3319.02(C)].

Workflow #1: Superintendent recommends re-employment

In educational service centers and in city, exempted village, and local school districts, administrators and other administrators shall only be re-employed in accordance with nominations of the Superintendent ORC §3319.02(C); CHUH 1520], except as provided in Workflow #2.

Workflow #2: Superintendent does not recommend re-employment

A board of education of a school district or the governing board of a service center may, by a three-fourths (3/4) vote of its full membership, re-employ any Administrator or Other Administrator whom the Superintendent refuses to nominate [ORC §3319.02(C); CHUH 1520].

A board of education or governing board may re-employ an Administrator or Other Administrator at any regular or special meeting held during the period beginning on January 1st of the calendar year immediately preceding the year of expiration of the employment contract and ending on June 1st of the year the employment contract expires [ORC §3319.02(C)]. Before taking action to renew or non-renew the contract of an Administrator or Other Administrator under ORC §3319.02 and prior to June 1st of the year in which his or her contract expires, the Board: 1) Shall notify each such Administrator or Other Administrator of the date that his or her contract expires; and 2) Shall notify each such Administrator or Other Administrator that he or she may request a meeting with the Board [ORC §3319.02(D)(4); CHUH 1520].

Upon request by such an Administrator or Other Administrator, the Board shall grant him or her a meeting in executive session during which the Board shall discuss its reason(s) for considering contract renewal



7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D)

DECISIONS NOT TO RE-EMPLOY (CONT'D)

or non-renewal [ORC §3319.02(D)(4); CHUH 1520]. The Administrator or Other Administrator shall be permitted to have a representative, chosen by him or her, present at the meeting [ORC §3319.02(D)(4); CHUH 1520].

If the Board fails to provide evaluations pursuant to ORC §3319.02(D)(2)(c), or if the Board fails to provide at the request of the Administrator or Other Administrator a meeting as prescribed in ORC §3319.02(D)(4), he or she shall automatically be re-employed at the same salary plus any increments that may be authorized by the Board for a period of one (1) year, except that if the Administrator or Other Administrator has been employed by the school district or service center as an Administrator or Other Administrator for three (3) years or more, the period of re-employment shall be for two (2) years [ORC §3319.02(D)(5); CHUH 1520].

Nothing in ORC §3319.02(D) shall prevent the Board from making the final determination regarding the renewal or non-renewal of the contract of any Administrator or Other Administrator [ORC §3319.02(D)(5)].

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

Teacher

Notwithstanding any provision to the contrary in ORC Chapter 4117, the requirements of ORC §3319.111 and §3319.113 prevail over any conflicting provisions of an Agreement entered into on or after September 24, 2012 [ORC §3319.111(H)] or September 29, 2015 [ORC §3319.113(F)], respectively.

Not later than December 31, 2011, the State Board: 1) Shall develop a standards-based state framework for the evaluation of teachers [ORC §3319.112(A)]; 2) Shall consult with experts, teachers, and principals employed in public schools, and representatives of stakeholder groups in developing the standards and criteria required by ORC §3319.112(B)(1) [ORC §3319.112(C)] and 3) Shall assist school districts in developing evaluation policies under ORC §3311.80, §3311.84, §3319.02, and §3319.111 by serving as a clearinghouse of promising evaluation procedures and evaluation models that districts may use and providing technical assistance to districts in creating evaluation policies [ORC §3319.112(D)]. The State Board may update this framework periodically by adoption of a resolution [ORC §3319.112(A)].

For the ORC §3319.112 standard Teacher evaluation framework, see Resource 7.02A2.

Beginning with the 2014-2015 school year, a school district or school may choose to use the alternative framework prescribed by ORC §3319.114(B) and (C) when evaluating teachers under ORC §3319.111 [ORC §3319.114(A)]. Each school district or school shall choose one of the approved instruments to evaluate the applicable component selected by the school district or school under ORC §3319.114(B)(3) and ORC §3319.114(C)(3) [ORC §3319.114(D)].

For the ORC §3319.114 alternative Teacher evaluation framework, see Resource 7.03A2.

Not later than July 1, 2013, the Board, in consultation with its teachers, shall adopt a standards-based Teacher evaluation policy that conforms to the framework for evaluation of teachers developed under ORC §3319.112 [ORC §3319.111 (A)]. The policy: 1) Shall become operative at the expiration of any Agreement covering teachers employed by the Board that is in effect on September 29, 2011; and 2) Shall be included in any renewal or extension of such an Agreement [ORC §3319.111(A)].

For the ORC §3319.111 standard Evaluation Procedures, see Resource 7.04A2. For the Board evaluation policies for teachers, see CHUH 3220. For District Evaluation Procedures, see CHTU 795 10A, 10C, and Addendum.

Not later than September 30, 2016, the Board shall adopt a standards-based school counselor evaluation



7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D)

DECISIONS NOT TO RE-EMPLOY (CONT'D)

policy that conforms to the framework for the evaluation of school counselors developed under ORC §3319.113 [ORC §3319.113 (C)(1)]. The policy: 1) Shall become operative at the expiration of any Agreement covering school counselors employed by the Board that is in effect on September 29, 2015; and 2) Shall be included in any renewal or extension of such an Agreement [ORC §3319.113 (C)(1)].

For the Board evaluation policies for counselors, see CHUH 3223.

The establishment of these Evaluation Procedures shall not create an expectancy of continued employment for employees under limited contracts. The Board shall consider an evaluation based upon those procedures in deciding whether to renew an Employee's Limited Contract [CHUH 3220 and 3223].

Nothing in CHUH 3220 or 3223 will be deemed to prevent the Board from exercising its rights to non-renew a contract as provided: 1) By law; and 2) By the terms of the Agreement, if applicable [CHUH 3220 and 3223].

Eligible for Continuing Service Status

Notwithstanding any provision to the contrary in ORC Chapter 4117, the dates set forth in ORC §3319.11 as "on or before June 1st" or "on or before June 15th" prevail over any conflicting provisions of an Agreement entered into on or after March 22, 2013 [ORC §3319.11(J)].

The failure of the Superintendent to make a recommendation to the Board under any of the conditions set forth in ORC §3319.11(B)(C)(D) or the failure of the Board to give such Teacher a written notice pursuant to ORC §3319.11(B)(C)(D) shall not prejudice or prevent a Teacher from being deemed re-employed under either a Limited Contract or a Continuing Contract as the case may be under ORC §3319.11 [ORC §3319.11(F)]. Also, a failure of the parties to execute a written contract shall not void any automatic re-employment provisions of ORC §3319.11 [ORC §3319.11(F)].

Workflow #1: Superintendent recommends re-employment

Upon the recommendation of the Superintendent that a Teacher eligible for Continuing Service Status be re-employed, a Continuing Contract shall be entered into between the Board and the Teacher, unless the Board, by a three-fourths (3/4) vote of its full membership, rejects the recommendation of the Superintendent [ORC §3319.11(B)(1); CHUH 3142 and 3223]. Upon subsequent re-employment of the Teacher, only a Continuing Contract may be entered into [ORC §3319.11(C)(1)].

- **Workflow #1A: Board rejects Continuing Contract; Superintendent recommends Extended Limited Contract.** If the Board rejects the recommendation of the Superintendent for re-employment of a Teacher pursuant to ORC §3319.11(B)(1), the Superintendent may recommend re-employment of the Teacher, if Continuing Service Status has not previously been attained elsewhere, under an Extended Limited Contract for a term not to exceed two (2) years, provided that written notice of the Superintendent's intention to make such recommendation has been given to the Teacher with reason(s) directed at the professional improvement of the Teacher on or before June 1st [ORC §3319.11(C)(1); CHUH 3142 and 3223].
 - **Contingency #1: Board rejects Extended Limited Contract; notice is provided.** The Board shall not reject a Superintendent's recommendation, made pursuant to ORC §3319.11(C)(1), of an Extended Limited Contract for a term not to exceed two (2) years, except by a three-fourths (3/4) vote of its full membership [ORC §3319.11(C)(3); CHUH 0162 and 0167]. If the Board rejects by a three-fourths (3/4) vote of its full membership the recommendation of the Superintendent of an Extended Limited Contract for a term not to exceed two (2) years, the Board may declare its intention not to re-employ the Teacher by giving the Teacher written notice on or before the deadline [ORC §3319.11(C)(3); CHUH 3142 and 3223].

If Evaluation Procedures have not been complied with pursuant to ORC §3319.111, or if the



7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D)

DECISIONS NOT TO RE-EMPLOY (CONT'D)

Board does not give the Teacher written notice on or before the deadline of its intention not to re-employ the Teacher, the Teacher is deemed re-employed under an Extended Limited Contract for a term not to exceed one (1) year at the same salary plus any increment provided by the salary schedule [ORC §3319.11(C)(3)]. The Teacher is presumed to have accepted employment under the Extended Limited Contract for a term not to exceed one (1) year, unless such Teacher notifies the Board, in writing, to the contrary on or before June 15th, and an Extended Limited Contract for a term not to exceed one (1) year shall be executed accordingly [ORC §3319.11(C)(3); CHUH 3142 and 3223].

Upon any subsequent re-employment of the Teacher, only a Continuing Contract may be entered into [ORC §3319.11(C)(3)].

- **Contingency #2: Board accepts Extended Limited Contract; notice is not provided.** If the Board takes affirmative action on the Superintendent's recommendation, made pursuant to ORC §3319.11(C)(1), of an Extended Limited Contract for a term not to exceed two (2) years but the Board does not give the Teacher written notice of its affirmative action on the Superintendent's recommendation of an Extended Limited Contract on or before the deadline, the Teacher is deemed re-employed under a Continuing Contract at the same salary plus any increment provided by the salary schedule [ORC §3319.11(C)(2)]. The Teacher is presumed to have accepted employment under such Continuing Contract, unless such Teacher notifies the Board in writing to the contrary on or before June 15th, and a Continuing Contract shall be executed accordingly [ORC §3319.11(C)(2); CHUH 3142 and 3223].

Upon any subsequent re-employment of the Teacher, only a Continuing Contract may be entered into [ORC §3319.11(C)(2)].

- **Workflow #1B: Board rejects Continuing Contract; Superintendent does not recommend Extended Limited Contract.** If the Board rejects by a three-fourths (3/4) vote of its full membership the recommendation of the Superintendent that a Teacher eligible for Continuing Service Status be re-employed and the Superintendent makes no recommendation to the Board pursuant to ORC §3319.11(C), the Board may declare its intention not to re-employ the Teacher by giving the Teacher written notice on or before June 1st of its intention not to re-employ the Teacher [ORC §3319.11(B)(1); CHUH 0162, 0167, 3142 and 3223].

If Evaluation Procedures have not been complied with pursuant to ORC §3319.111, or if the Board does not give the Teacher written notice on or before the deadline of its intention not to re-employ the Teacher, the Teacher is deemed re-employed under an Extended Limited Contract for a term not to exceed one (1) year at the same salary plus any increment provided by the salary schedule [ORC §3319.11(B)(1)]. The Teacher is presumed to have accepted employment under the Extended Limited Contract for a term not to exceed one (1) year, unless such Teacher notifies the Board in writing to the contrary on or before June 15th, and an Extended Limited Contract for a term not to exceed one (1) year shall be executed accordingly [ORC §3319.11(B)(1); CHUH 3142 and 3223].

Upon any subsequent re-employment of the Teacher, only a Continuing Contract may be entered into [ORC §3319.11(B)(1)].

A Teacher eligible for Continuing Contract Status employed under an Extended Limited Contract pursuant to ORC §3319.11(B) or (C), is, at the expiration of such Extended Limited Contract, deemed re-employed under a Continuing Contract at the same salary plus any increment granted by the salary schedule, unless Evaluation Procedures have been complied with pursuant to ORC §3319.111 and the employing board, acting on the Superintendent's recommendation that the Teacher not be re-employed, gives the Teacher written notice on or before June 1st of its intention not to re-employ such Teacher [ORC §3319.11(D); CHUH 3142 and 3223]. A Teacher who does not have Evaluation Procedures applied in compliance with ORC §3319.111 or who does not receive notice on or before



7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D)

DECISIONS NOT TO RE-EMPLOY (CONT'D)

the deadline of the intention of the Board not to re-employ such Teacher is presumed to have accepted employment under a Continuing Contract, unless such Teacher notifies the Board in writing to the contrary on or before June 15th, and a Continuing Contract shall be executed accordingly [ORC §3319.11(D)].

Workflow #2: Superintendent does not recommend re-employment

If the Superintendent recommends that a Teacher eligible for Continuing Service Status not be re-employed, the Board may declare its intention not to re-employ the Teacher by giving the Teacher written notice on or before June 1st of its intention not to re-employ the Teacher [ORC §3319.11(B)(2); CHUH 3142 and 3223].

If Evaluation Procedures have not been complied with pursuant to ORC §3319.111, or the Board does not give the Teacher written notice on or before the deadline of its intention not to re-employ the Teacher, the Teacher is deemed re-employed under an Extended Limited Contract for a term not to exceed one (1) year at the same salary plus any increment provided by the salary schedule [ORC §3319.11(B)(2)]. The Teacher is presumed to have accepted employment under the Extended Limited Contract for a term not to exceed one (1) year, unless such Teacher notifies the board in writing to the contrary on or before June 15th, and an Extended Limited Contract for a term not to exceed one (1) year shall be executed accordingly [ORC §3319.11(B)(2); CHUH 3142 and 3223].

Upon any subsequent re-employment of a Teacher, only a Continuing Contract may be entered into [ORC §3319.11(B)(2)].

Any Teacher receiving written notice of the intention of the Board not to re-employ such Teacher pursuant to ORC §3319.11(B)(C)(D) is entitled to the Treasurer's written statement, hearing, and appeal provisions of ORC §3319.11(G) [ORC §3319.11(B)(3), (C)(3), and (D); CHUH 3142]. All required notices and responses must conform to the provisions of ORC §3319.11(H).

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

Additional and/or modified terms under the Agreement may apply.

Not eligible for Continuing Service Status

Notwithstanding any provision to the contrary in ORC Chapter 4117, the dates set forth in ORC §3319.11 as "on or before June 1st" or "on or before June 15th" prevail over any conflicting provisions of an Agreement entered into on or after March 22, 2013 [ORC §3319.11(J)].

The failure of the Superintendent to make a recommendation to the Board under any of the conditions set forth in ORC §3319.11(E), or the failure of the Board to give such Teacher a written notice pursuant to ORC §3319.11(E), shall not prejudice or prevent a Teacher from being deemed re-employed under a Limited Contract under ORC §3319.11 [ORC §3319.11(F)]. Also, a failure of the parties to execute a written contract shall not void any automatic re-employment provisions of ORC §3319.11 [ORC §3319.11(F)].

Any Teacher employed under a Limited Contract, and not eligible to be considered for a Continuing Contract, is, at the expiration of such Limited Contract, considered re-employed under the provisions of ORC §3319.11(E) at the same salary plus any increment provided by the salary schedule, unless Evaluation Procedures have been complied with pursuant to ORC §3319.111, and the employing board, acting upon the Superintendent's written recommendation that the Teacher not be re-employed, gives such Teacher written notice of its intention not to re-employ such Teacher on or before June 1st [ORC §3319.11(E); CHUH 3142 and 3223]. A Teacher who does not have Evaluation Procedures applied in



7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D)

DECISIONS NOT TO RE-EMPLOY (CONT'D)

compliance with ORC §3319.111 or who does not receive notice of the intention of the Board not to re-employ such Teacher on or before the deadline is presumed to have accepted such employment, unless such Teacher notifies the Board in writing to the contrary on or before June 15th, and a written contract for the succeeding school year shall be executed accordingly [ORC §3319.11(E)].

Any Teacher receiving a written notice of the intention of the Board not to re-employ such Teacher pursuant to ORC §3319.11(E) is entitled to the Treasurer's written statement, hearing, and appeal provisions of ORC §3319.11(G) [ORC §3319.11(E)]. All required notices and responses must conform to the provisions of ORC §3319.11(H).

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

Additional and/or modified terms under the Agreement may apply.

Substitute Teacher

Teachers employed as casual or day-to-day basis substitutes shall not be entitled to the notices of non-re-employment per ORC §3311.81 or §3319.81, but boards of education may grant such teachers Sick Leave and other local privileges (e.g., inclusion of such service in determining Seniority) [ORC §3319.10].

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

Support Staff Member

As a general rule, decisions to non-reemploy should be performance-based, rather than conduct-based, in nature..

For the Board evaluation policies, see CHUH 4220. For the District's evaluation guidelines, see CHTU 795 10B, MU 795 13.02, or OAPSE 102 5B as applicable.

Civil Service

Outside of the Probationary Period [ORC §124.27(B)], the tenure of every officer or Employee in the classified service of the state and the counties, Civil Service townships, cities, city health districts, general health districts, and city school districts of the state, holding a position under ORC Chapter 124, shall be during good behavior and efficient service [ORC §124.34(A)]. No officer or Employee shall be removed, except as provided in ORC §124.32 (regarding transfers and reinstatements), and for: 1) Incompetency; or 2) Inefficiency [ORC §124.06, §124.34(A)].

If the service of an Employee is unsatisfactory during the Probationary Period, he or she may be removed at any time [ORC §124.27(B)].

The action of the Board to terminate an Employee is done in compliance with all statutorily mandated procedures, including the opportunity for a hearing, if required, prior to the action.

The appointing authority shall serve the Employee with a copy of the order that shall state the reason(s) for the action [ORC §124.34(B)] by certified mail. The notice shall be in ordinary and concise language, and shall specify: 1) The specific act(s) and/or omission(s) upon which the disciplinary action is based; 2) A statement of the Cause for the action taken; 3) A quotation of the rule or regulation which it is claimed the Employee violated; 4) The date when the Employee may be heard if he or she so wishes; 5) The penalty that may be suffered as a result of the Employee's act(s) and/or omission(s); and 6) The rules for the administrative hearing.



7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D)

DECISIONS NOT TO RE-EMPLOY (CONT'D)

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

Grievance is permitted using the defined Grievance Procedure outside of the Probationary Period if the claim falls within the definition of a Grievance.

Appeal is permitted using the procedure defined in state statute [ORC §124.34(B)] outside of the Probationary Period [ORC §124.27(B)], unless otherwise prohibited by an Agreement.

Within ten (10) calendar days following the date on which the order is served, the Employee, except as otherwise provided in ORC §124.34, may file an appeal of the order in writing with the CSC or SPBR [ORC §124.34(B)]. For the purposes of ORC §124.34, the date on which an order is served is the date of hand delivery of the order or the date of delivery of the order by certified United States mail, whichever occurs first [ORC §124.34(B)].

If an appeal is filed, the CSC or SPBR: 1) Shall forthwith notify the appointing authority; and 2) Shall hear, or appoint a trial board to hear, the appeal within thirty (30) calendar days from and after its filing with the CSC or SPBR [ORC §124.34(B)]. The CSC, SPBR, or trial board may affirm, disaffirm, or modify the judgment of the appointing authority; however, in an appeal of a removal order based upon a violation of a Last Chance Agreement, the CSC, SPBR, or trial board may only determine if the Employee violated the Last Chance Agreement and thus affirm or disaffirm the judgment of the appointing authority [ORC §124.34(B)].

In cases of removal, either the appointing authority or the officer or Employee may appeal from the decision of the CSC or SPBR [ORC §124.34(B)]. Any such appeal shall be to the court of common pleas of the county in which the appointing authority is located [ORC §124.34(B)].

Additional and/or modified terms under an Agreement may apply.

Non-Civil Service

The contracts provided for in ORC §3319.081 may be terminated by a majority vote of the Board [ORC §3319.081(C)]. Except as provided in ORC §3319.0810 (regarding contracting for student transportation services) and ORC §3319.172 (regarding reductions in force), the contracts may be terminated only for: 1) Violation of written rules and regulations as set forth by the Board; 2) Incompetency; or 3) Inefficiency [ORC §3319.081(C); CHUH 4140].

The action may be taken in accordance with: 1) The procedures set forth in ORC; and 2) The applicable terms of any Agreement, as appropriate [CHUH 4139 and 4140].

In all school districts wherein the provisions of ORC Chapter 124 do not apply, each board of education shall cause notice to be given of its intention not to re-employ said non-teaching Employee, at the expiration of his or her contract [ORC §3319.083]. If such notice is not given on or before June 1st, said Employee shall be deemed re-employed [ORC §3319.083].

The action of the Board terminating the contract of an Employee shall be served by certified mail [ORC §3319.081(C)].

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

Grievance is permitted using the defined Grievance Procedure [ORC §4117.03(A)(5); MU 795 14.1A et seq. and Appendix; OAPSE 102 5F (1), 15A, 15D, 17A et seq. and Appendix] if the claim falls within the definition of a Grievance.

NOTE: The Grievance Procedure may not be used during the Probationary Period [OAPSE 102 5F (1); OAPSE 617 5D (1)].

RISK MANAGEMENT IN EDUCATION

PROGRAM 1: EMPLOYEE CONDUCT



7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D)

DECISIONS NOT TO RE-EMPLOY (CONT'D)

Appeal is permitted using the procedure defined in state statute [ORC §3319.081(C)].

Within ten (10) days following the receipt of such notice by the Employee, the Employee may file an appeal, in writing, with the court of common pleas of the county in which such school board is situated [ORC §3319.081(C)]. After hearing the appeal the common pleas court may affirm, disaffirm, or modify the action of the school board [ORC §3319.081(C)].

Additional and/or modified terms under the Agreement may apply.

RISK MANAGEMENT IN EDUCATION PROGRAM 1: EMPLOYEE CONDUCT

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7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D) *DECISIONS NOT TO RE-EMPLOY (CONT'D)*

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7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D)

RESIGNATIONS

Professional Staff Member

Superintendent

There are no provisions under state statute or Board policy. The Superintendent may resign: 1) In accordance with law; and 2) Any applicable terms of his or her employment contract.

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

Treasurer

There are no provisions under state statute or Board policy. The Treasurer may resign: 1) In accordance with law; and 2) Any applicable terms of his or her employment contract.

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

Administrator

An Administrator of Other Administrator may resign: 1) In accordance with law; and 2) In accordance with any applicable terms of his or her contract [CHUH 1541].

Additional and/or modified terms under Board policy [CHUH 1541] and/or related the contract may apply.

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

For state level reporting and potential License action considerations, if any, see [Section 9.0](#).

Teacher

No Teacher shall terminate his or her contract after July 10th of any school year or during the school year, prior to the termination of the annual session, without the consent of the Board [ORC §3319.15; CHUH 3140]. Such Teacher may terminate his or her contract at any other time by giving written notice of five (5) days to the employing board [ORC §3319.15; CHUH 3140].

A resignation, once accepted by the Board, may not then be rescinded [CHUH 3140].

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

Additional and/or modified terms under the Agreement may apply.

Upon Complaint by the employing board to the State Board and after investigation by it, the License of a Teacher terminating his or her contract in any other manner than provided in ORC §3319.15 may be suspended for not more than one (1) year [ORC §3319.15; CHUH 3140]. Additionally, whenever a Professional Staff Member in a position requiring a License resigns because of or in the course of an investigation wherein it is reasonably believed that such Employee has engaged in Conduct Unbecoming, the Superintendent shall immediately take steps to assure that a report of such conduct is made to the State Department in conformance with state law [CHUH 3139, 3140, and 8141].

For additional state level reporting and potential License action considerations, if any, see [Section 9.0](#).



7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D)

RESIGNATIONS (CONT'D)

Support Staff Member

Civil Service

A classified staff member under contract may resign by filing a written resignation with the Treasurer or the Superintendent at least thirty (30) days prior to the effective date of the resignation, unless an earlier date is permitted by the Board [CHUH 4140].

A resignation, once accepted by the Board, may not then be rescinded [CHUH 4140].

Additional and/or modified terms under an Agreement may apply.

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

Non-Civil Service

Any non-teaching school Employee may terminate the non-teaching school Employee's contract of employment thirty (30) days subsequent to the filing of a written notice of such with the Treasurer [ORC §3319.081(E); CHUH 4140], unless an earlier date is permitted by the Board [CHUH 4140].

A resignation, once accepted by the Board, may not then be rescinded [CHUH 4140].

Additional and/or modified terms under the Agreement may apply.

The executed action will be retained in the Personnel File (see [Section 8.0](#)).

Whenever a Classified Employee in a position requiring a License resigns because of or in the course of an investigation wherein it is reasonably believed that such Employee has engaged in reportable conduct, the Superintendent shall immediately take steps to assure that a report of such conduct is made to the State Department in conformance with CHUH 8141 [CHUH 4139 and 4140].

For additional state level reporting and potential License action considerations, if any, see [Section 9.0](#).



7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D) SALARY REDUCTIONS AND REDUCTIONS IN FORCE

Professional Staff Member

Superintendent

The compensation of the Superintendent may be increased or decreased during the term of the contract, provided such decrease is a part of a uniform plan affecting salaries of all employees of the District [ORC §3319.01; CHUH 1220].

Treasurer

The compensation of the Treasurer may be increased or decreased during the term of the contract, provided such decrease is a part of a uniform plan affecting salaries of all employees of the District [ORC §3319.24(B); CHUH 1310].

Administrator

No contract may be suspended except pursuant to ORC §3319.17 or ORC §3319.171 [ORC §3319.02(C); CHUH 1520]. The salaries and compensation prescribed by within administrative contracts shall not be reduced by a board of education, unless such reduction is a part of a uniform plan affecting the entire school district or center [ORC §3319.02(C)].

Notwithstanding ORC §3319.17, the board of education of a city, local, exempted village, or joint vocational school district, or the governing board of an educational service center, may adopt an administrative personnel suspension policy governing the suspension of any contract of employment entered into by a board under ORC §3319.02 [ORC §3319.171(A)]. If a board adopts a policy under ORC §3319.171, no contract entered into by a board under ORC §3319.02 may be suspended except pursuant to the policy; however, if a board does not adopt such a policy, no such contract may be suspended by a board except pursuant to ORC §3319.17 [ORC §3319.171(A)].

An administrative personnel suspension policy shall include, but not be limited to, all of the following: 1) The reason(s) that a board may consider for suspending any contract of employment entered into under ORC §3319.02 (e.g., the financial conditions of the school district or educational service center); 2) Procedures for determining the order of suspension of contracts within the employment service areas affected; and 3) Provisions requiring a right of restoration for employees whose contracts of employment are suspended under the policy if and when any positions become vacant or are created for which any of them are or become qualified [ORC §3319.171(B); CHUH 1520].

Any policy, procedures, and/or provisions adopted under ORC §3319.171(B)(2) shall be developed by the board of a district or service center with input from the Superintendent and all administrators and other administrators employed by that board under ORC §3319.02 [ORC §3319.171(C)].

For the administrative contract suspension policy, see CHUH 1540.

Teacher

Notwithstanding any provision to the contrary in ORC Chapter 4117: 1) The requirements of ORC §3319.17, as it existed prior to September 29, 2011, prevail over any conflicting provisions of an Agreement between an Employee Organization and a Public Employer entered into between September 29, 2005 and September 29, 2011; and 2) The requirements of ORC §3319.17, as it exists on and after September 29, 2011, prevail over any provisions of an Agreement between an Employee Organization and a Public Employer entered into on or after September 29, 2011 [ORC §3319.17(D); CHUH 3131; CHTU 795 5L].

When, for any of the following reasons that apply to any city, exempted village, local, or joint vocational school district or any educational service center, the Board decides that it will be necessary to reduce the



7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D)

SALARY REDUCTIONS AND REDUCTIONS IN FORCE (CONT'D)

number of teachers it employs, it may make a reasonable reduction: 1) In the case of any school district or service center, return to duty of regular teachers after leaves of absence including suspension of schools, territorial changes affecting the school district or center, or financial reasons; 2) In the case of any city, exempted village, local, or joint vocational school district, decreased enrollment of pupils in the school district; 3) In the case of any governing board of a service center providing any particular service directly to pupils pursuant to one (1) or more inter-district contracts requiring such service, reduction in the total number of pupils the governing board is required to provide with the service under all inter-district contracts as a result of the termination or non-renewal of one (1) or more such contracts; or 4) In the case of any governing board providing any particular service that it does not provide directly to pupils pursuant to one (1) or more inter-district contracts requiring such service, reduction in the total level of the service the governing board is required to provide under all inter-district contracts as a result of the termination or non-renewal of one (1) or more such contracts [ORC §3319.17(B); CHUH 3131; CHTU 795 5A].

Additional provisions include, but are not limited to, the following:

- **Superintendent recommendation.** In making any such reduction, any city, exempted village, local, or joint vocational school board shall proceed to suspend contracts in accordance with the recommendation of the Superintendent, who shall, within each teaching field affected, give preference to teachers with Continuing Service Status [ORC §3319.17(C); CHUH 3131]. The Board shall not give preference to any Teacher based on Seniority, except when making a decision between teachers who have comparable evaluations [ORC §3319.17(C); CHUH 3131; CHTU 795 5A, 5C, 5E, 5F, 5G, 5H, 5I, and 5J].
- **Percentage application.** On a case-by-case basis, in lieu of suspending a contract in whole, a school board may suspend a contract in part, so that an Employee: 1) Works a percentage of the time he or she otherwise must work under the contract; and 2) Receives a commensurate percentage of his or her full compensation under the contract [ORC §3319.17(C); CHTU 795 5A].
- **Right of restoration.** The teachers whose continuing contracts are suspended by any school board pursuant ORC §3319.17 shall have the right of restoration to Continuing Service Status by that school board if and when: 1) Teaching positions become vacant; or 2) Teaching positions are created for which any of such teachers are, or become, qualified [ORC §3319.17(C); CHUH 3131; CHTU 795 5A]. No Teacher whose Continuing Contract has been suspended pursuant to ORC §3319.17 shall lose that right of restoration to Continuing Service Status by reason of having declined recall to a position that is less than full-time or, if the Teacher was not employed full-time just prior to suspension of the Teacher's Continuing Contract, to a position requiring a lesser percentage of full-time employment than the position the Teacher last held while employed in the school district or service center [ORC §3319.17(C); CHUH 3131; CHTU 795 5A]. Seniority shall not be the basis for rehiring a Teacher, except when making a decision between teachers who have comparable evaluations [ORC §3319.17(C); CHUH 3131; CHTU 795 5A, 5C, 5E, 5F, 5G, 5H, 5I, 5J, and 5K].

Additional and/or modified terms under the Agreement may apply.

Support Staff Member

Notwithstanding any provision to the contrary in ORC Chapter 4117, the requirements of ORC §3319.172 prevail over any conflicting provisions of agreements between Employee organizations and public employers entered into after the effective date of ORC §3319.172 [ORC §3319.172; CHUH 4131].

Civil Service

Whenever it becomes necessary for an appointing authority to reduce its work force, the appointing authority shall lay off employees or abolish their positions in accordance with ORC §124.321 to ORC §124.327 [ORC §124.321; CHUH 4131].



7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D) *SALARY REDUCTIONS AND REDUCTIONS IN FORCE (CONT'D)*

Additional and/or modified terms under an Agreement may apply.

Non-Civil Service

The board of education of each school district wherein the provisions of ORC Chapter 124 do not apply, and the governing board of each educational service center, may adopt a resolution ordering a reasonable reduction in the number of non-teaching employees for any of the reasons for which reductions in teaching employees may be made, as set forth in ORC §3319.17(B) [ORC §3319.172; CHUH 4131].

Additional provisions include, but are not limited to, the following:

- **Superintendent recommendation.** In making any such reduction, the board of education or governing board shall proceed to suspend contracts in accordance with the recommendation of the Superintendent, who shall, within each pay classification affected, give preference first to employees under continuing contracts and then to employees on the basis of Seniority [ORC §3319.172; CHUH 4131].
- **Percentage application.** On a case-by-case basis, in lieu of suspending a contract in whole, a contract may be suspended in part, so that an individual is required to work a percentage of the time he or she would otherwise be required to work under the contract while receiving a commensurate percentage of his or her full compensation [ORC §3319.172; CHUH 4131].
- **Right of restoration.** Any non-teaching Employee whose Continuing Contract is suspended under ORC §3319.172 shall have the right of restoration to continuing service status by the board of education or governing board that suspended that contract in order of Seniority of service in the school district or service center, if and when a non-teaching position for which the Employee is qualified becomes vacant or is created [ORC §3319.172; CHUH 4131]. No non-teaching Employee whose Continuing Contract has been suspended under ORC §3319.172 shall lose that right of restoration to continuing service status by reason of having declined recall to a position requiring fewer regularly scheduled hours of work than required by the position the Employee last held while employed in the district or service center [ORC §3319.172; CHUH 4131].

Additional and/or modified terms under the Agreement may apply.

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7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D) *SALARY REDUCTIONS AND REDUCTIONS IN FORCE (CONT'D)*

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8.0 PROCEDURES FOR RECORDS MANAGEMENT SUPERVISOR FILES

GENERAL PROVISIONS

The documentation involved with any Informal Action will be retained in an unofficial Supervisor File (or “Building Level File”) in “active” status [CHTU 795 4E (2); MU 795 11.0; OAPSE 102 5A (1); OAPSE 617 5A (1)], subject to any applicable withdrawal and/or expiration requirements.

The Supervisor File will be considered to represent a subsidiary record of the Personnel File [CHUH 8320]. Such files: 1) May be kept in either a manual system or a PI System; and 2) Will be maintained in the Supervisor’s office, separate from personnel files, under his or her direct supervision.

These records may be maintained for a reasonable timeframe.

NOTE: Negotiated provisions include the following:

REQUIRED PRACTICES				
UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5
CONDITIONAL PRACTICES				
UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5
PROHIBITED PRACTICES				
UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5
Materials maintained in files other than the official file shall not be considered as official [CHTU 795 4E (2)].		Materials retained in files other than the official file shall not be considered as official [MU 795 11.0].	Materials retained in files other than the official file shall not be considered as official [OAPSE 102 5A (1)].	Materials retained in files other than the official file shall not be considered as official [OAPSE 617 5A (1)].

Unit 1=CHTU 795; Unit 2=EAPSC; Unit 3=MU 795; Unit 4=OAPSE 102; Unit 5=OAPSE 617.

ACCESS, INSPECTION, AND/OR COPYING (EMPLOYEE)

There are no provisions under state statute, Board policy, or the Agreement.

DISPUTE MANGEMENT (EMPLOYEE)

There are no provisions under state statute, Board policy, or the Agreement.

ACCESS, INSPECTION, AND/OR COPYING (PUBLICDISP)

There are no provisions under state statute, Board policy, or the Agreement.



8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D)

SUPERVISOR FILES (CONT'D)

ACTION-RELATED PROVISIONS

Physical removal of the documentation associated with the action may be subject to the applicable open records and records maintenance provisions of the Ohio Public Records Act as determined by the District Records Commission in accordance with the applicable provisions of state statute [ORC §9.01, §149.011(G), §149.41, §149.43, §1347.01 et seq., §3314.401, and §3319.314]. As such, any materials removed from the Supervisor File should be retained in an Archived Materials File (or “AMF”) maintained in the office of the Director of HR in “inactive” status, and the AMF should be considered to represent a subsidiary record of the Supervisor File.

- **Withdrawal of action.** There are no provisions under state statute, Board policy, or the Agreement. Best practices include the following:
 - The action may be withdrawn: 1) Only if no further incidents of the same or substantially similar nature have been documented; and 2) Only after the following timeframes:

WITHDRAWAL TIMEFRAMES (CALENDAR MONTHS)					
ACTION:	UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5
Acknowledged Oral Warning	12		12	12	12
Written Warning	12		12	12	12

Unit 1=CHTU 795; Unit 2=EAPSC; Unit 3=MU 795; Unit 4=OAPSE 102; Unit 5=OAPSE 617.

- A withdrawn action may not be used to justify progressive discipline on the same or substantially similar grounds in the future.
- The Supervisor is under no obligation to withdraw the action.
- Withdrawal of the action may be considered only if all of the following conditions are met:
 - The Employee must submit a signed and dated request to his or her current Supervisor that:
 - 1) Outlines the reason(s) why the Employee believes the withdrawal is warranted; and 2) States that the Employee will adhere to the requirements of the expected action(s) or behavior(s) in the future.
 - The Supervisor must deem that the withdrawal was submitted appropriately by the Employee.
 - The written withdrawal request must be retained by the Supervisor.

To process the withdrawal of an action, the Supervisor:

- Must attach the original withdrawal request to the original documentation of the action.
- Must move all documentation associated with the action from the Supervisor File to the AMF.
- Must advise the Employee in writing within a reasonable timeframe that: 1) The withdrawal was completed; 2) Both the withdrawal request and the original action were moved to the AMF; and 3) The action may not be used to justify progressive discipline if the conduct involved re-occurs.



**8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D)
SUPERVISOR FILES (CONT'D)**

NOTE: Negotiated provisions include the following:

WITHDRAWAL STIIPULATIONS				
UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5

Unit 1=CHTU 795; Unit 2=EAPSC; Unit 3=MU 795; Unit 4=OAPSE 102; Unit 5=OAPSE 617.

- **Expiration of action.** There are no provisions under state statute, Board policy, or the Agreement. Best practices include the following:
 - The action will expire: 1) Only if no further incidents of the same or substantially similar nature have been documented; and 2) Only after the following timeframes:

EXPIRATION TIMEFRAMES (CALENDAR MONTHS)					
BARGAINING UNIT:	UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5
Acknowledged Oral Warning	36		36	36	36
Written Warning	36		36	36	36

Unit 1=CHTU 795; Unit 2=EAPSC; Unit 3=MU 795; Unit 4=OAPSE 102; Unit 5=OAPSE 617.

- An expired action may not be used to justify progressive discipline on the same or substantially similar grounds in the future.

To process the expiration of an action, the Supervisor:

- Must move all documentation associated with the action from the Supervisor File to the AMF.

NOTE: Negotiated provisions include the following:

EXPIRATION STIIPULATIONS				
UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5

Unit 1=CHTU 795; Unit 2=EAPSC; Unit 3=MU 795; Unit 4=OAPSE 102; Unit 5=OAPSE 617.

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) *SUPERVISOR FILES (CONT'D)*

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) PERSONNEL FILES

GENERAL PROVISIONS

The documentation involved with any Formal Action will be retained in an official Personnel File (or “Personnel Record”, or “Employment Record File”) in “active” status [CHTU 795 4E (1); MU 795 11.0; OAPSE 102 5A (A); OAPSE 617 5A (1)], subject to any applicable withdrawal and/or expiration requirements.

A single master Personnel File, containing the materials either required or permitted under state statute and/or Board policy, shall be maintained for each Employee in either a manual system or a PI System [ORC §1347.01(E)(F); CHUH 8320 and 8320.01; CHTU 795 4E (1)]. Such files shall be maintained in the District office, under the direct supervision of the Superintendent or his/her designee [ORC §1347.05(A) and (C); CHUH 8320; CHTU 795 4E (1); MU 795 11.0; OAPSE 102 5A (1); OAPSE 617 5A (1)].

These records will be maintained for all employees and former employees unless, or until: 1) They are deemed no longer accurate, relevant, or necessary under Board policy; and 2) The District Records Commission approves of their disposal in accordance with law [CHUH 8320].

Only that information about the professional role of the Employee that is submitted by duly authorized school administrative personnel and/or the Board may be entered in the official record file [ORC §1347.05(H); CHUH 8320]. Information obtained from personnel records by Board members shall only be used for: 1) Aiding the fulfillment of their legal responsibilities in making decisions on such matters as appointments, assignments, promotions, demotions, remuneration, discipline, and dismissals; 2) Aiding the development and implementation of personnel policies; or 3) Such other uses needed to carry out their legal responsibilities [CHUH 0149].

The board of education of each school district, the governing board of each educational service center, and the chief administrator of each chartered non-public school shall require that a report of any investigation by that board of education, governing board, or chief administrator regarding whether an Employee has committed an act or offense for which the school district, service center superintendent, board president, chief administrator, governing authority president, or chairperson is required to report to the State Department under ORC §3319.313 be kept in the Personnel File [ORC §3319.314; CHUH 1240.01, 1340, 1541, 3139, 3140, 4139, and 4140]. If, after an investigation under ORC §3319.311(A), the State Department determines that the results of that investigation do not warrant initiating action under ORC §3319.31, the board of education, governing board, or chief administrator shall require investigation reports to be moved to a separate public file [ORC §3319.314; CHUH 1240.01, 1340, 1541, 3139, 3140, 4139, and 4140].

All documents, communications, or records dealing with complaints should be filed separately from the personnel files of those employees involved.

NOTE: Negotiated provisions include the following:

REQUIRED PRACTICES				
UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5
For disciplinary matters, a face-to-face meeting is required [CHTU 795 4E (4a)]. In all other matters, either party may request a face-to-face meeting or an		The bargaining unit member shall acknowledge having read material by putting his or her name and date when read, on it [MU 795 11.01]. Signature indicates	The bargaining unit member shall acknowledge having read the material by putting his or her name and the date when read on the material [OAPSE 102 5A	The bargaining unit member shall acknowledge having read the material by putting his or her name and the date when read on it [OAPSE 617 5A (2)].

RISK MANAGEMENT IN EDUCATION PROGRAM 1: EMPLOYEE CONDUCT



8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) PERSONNEL FILES (CONT'D)

<p>electronic signature (i.e., email reply, read receipt, etc.) [CHTU 795 4E (4b)].</p> <p>A bargaining unit member shall acknowledge having read material by putting his or her name and the date when read on it [CHTU 795 4E (4)]. Signature indicates only that the Teacher has read the material, not that he or she agrees with its content [CHTU 795 4E (4)].</p>		<p>only that the monitor has read the material, not that he/she is in agreement with its content [MU 795 11.01].</p>	<p>(4)]. Signature indicates only that the Employee has read the material, not that he/she is in agreement with its content [OAPSE 102 5A (4)].</p>	<p>Signature indicates only that the Employee has read the material, not that he/she is in agreement with its content [OAPSE 617 5A (2)].</p>
CONDITIONAL PRACTICES				
UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5
<p>No material of a derogatory nature about a bargaining unit member's service, conduct, character, or personality, including, but not limited to, situations that may potentially impact a bargaining unit member's employment status, shall be placed in the file, unless: 1) The bargaining unit member has had an opportunity to read such material; and 2) The intent to place the material in the file has been expressly noted on the material (e.g., by</p>		<p>No material pertaining to a bargaining unit member's service, conduct, character or personality shall be placed in the file, unless the bargaining unit member has had the opportunity to read, initial, and date such material [MU 795 11.01].</p>	<p>No material pertaining to a bargaining unit member's service, conduct, character or personality shall be placed in the file, unless the bargaining unit member has had the opportunity to read such material [OAPSE 102 5A (3)].</p>	<p>No material of a derogatory nature about a bargaining unit member's service, conduct, character or personality shall be placed in the file, unless the bargaining unit member has had the opportunity to read, initial, and date such material [OAPSE 617 5A (3)].</p>



**8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D)
PERSONNEL FILES (CONT'D)**

the words “copy Board Personnel File”, “c. Board Personnel File”, or “c. Personnel File” [CHTU 795 4E (3)].				
PROHIBITED PRACTICES				
UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5

Unit 1=CHTU 795; Unit 2=EAPSC; Unit 3=MU 795; Unit 4=OAPSE 102; Unit 5=OAPSE 617.

ACCESS, INSPECTION, AND/OR COPYING (EMPLOYEE)

Every state or local agency that maintains a PI System, upon the request and the proper identification of any person who is the subject of PI in the system: 1) Shall inform the person of the existence of any PI in the system of which the person is the subject; 2) Shall, except as provided in ORC §1347.08(C) and (E)(2), permit the person to inspect all (non-confidential material) PI in the system of which the person is the subject; and 3) Shall inform the person about the uses made of such PI, including the identities of system users [ORC §1347.08(A)]. If stipulated by Board policy or the Agreement: 1) Advance written notice is required for access or inspection; and 2) Said review must occur during either regular working hours or the hours permitted by the Agreement, if applicable [CHTU 795 4E (6); MU 795 11.02; OAPSE 102 5A (6); OAPSE 617 5A (4)].

An Employee wishing to access or inspect any (non-confidential) material in his or her own Personnel File: 1) Shall review the record in the presence of the Superintendent or his/her designee; 2) Shall make no alterations or additions to the record nor remove any materials therefrom; and 3) Shall sign a log attached to the file (indicating the date and person reviewing) if so requested [ORC §149.43, §1347.05(G) and §1347.15(B)(4); CHUH 8320 and 8320.01]. Any person wishing to exercise a right provided by ORC §1347.08 may be accompanied by another person of his or her choice [ORC §1347.08(B) and §1347.15].

If an individual authorized to inspect (non-confidential) PI that is maintained in a PI System requests the state or local agency that maintains the system to provide a copy of any PI that the individual is authorized to inspect, the agency shall provide such to the individual [ORC §1347.08(D)] with (or without) prior notice as defined by Board policy [CHUH 8320] or the Agreement, if applicable [CHTU 795 4E (6); MU 795 11.02; OAPSE 102 5A (6); OAPSE 617 5A (4)]. Each state and local agency may establish reasonable fees for such copying services [ORC §1347.08(D)], unless otherwise prohibited by the Agreement.

NOTE: Negotiated provisions include the following:

ACCESS, INSPECTION, AND COPYING (EMPLOYEE)				
UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5
By appointment, and between 8:15AM and 4:00 PM, a bargaining unit member shall be permitted immediately to examine his or her		Upon request, and between 8:15AM and 4:00 PM, a bargaining unit member shall be permitted immediately to examine his or her	Upon request, and between 8:15AM and 4:00 PM (or by appointment if the bargaining unit member’s work hours conflict with these times), a	Upon request, and between 8:15AM and 4:00 PM, a bargaining unit member shall be permitted immediately to examine his or her



**8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D)
PERSONNEL FILES (CONT'D)**

<p>file and to copy any (non-confidential) material in it [CHTU 795 4E (6)] A bargaining unit member may also request, in writing, that his or her file be provided to him or her in electronic format, which, absent extenuating circumstances, will be provided within five (5) work days [CHTU 795 4E (6)].</p>		<p>file and to copy any (non-confidential) material in it [MU 795 11.02].</p>	<p>bargaining unit member shall be permitted immediately to examine his or her file [OAPSE 102 5A (6)]. The bargaining unit member must give the Human Resources Department notice of twenty-four (24) hours if he bargaining unit member wants (non-confidential) material in his or her Personnel File reproduced [OAPSE 102 5A (6)].</p>	<p>file [OAPSE 617 5A (4)]. To reproduce any (non-confidential) material in the file, the bargaining unit member must give notice of twenty-four (24) hours OAPSE 617 5A (4)].</p>
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Unit 1=CHTU 795; Unit 2=EAPSC; Unit 3=MU 795; Unit 4=OAPSE 102; Unit 5=OAPSE 617.

DISPUTE MANGEMENT (EMPLOYEE)

If any person disputes the accuracy, relevance, timeliness, or completeness of PI that pertains to him or her and that is maintained by any state or local agency in a PI System, he or she may request the agency to investigate the current status of the information [ORC §1347.09(A)(1); CHUH 8320 and 8320.01]. The agency: 1) Shall, within a reasonable timeframe (after, but not later than, ninety (90) days after receiving the request from the disputant) make a reasonable investigation to determine whether the disputed information is accurate, relevant, timely, and complete; 2) Shall notify the disputant of the results of the investigation and of the action that the agency plans to take with respect to the disputed information; and 3) Shall delete any information that it cannot verify or that it finds to be inaccurate [ORC §1347.05(H) and §1347.09(A)(1); CHUH 8320.01].

If after an agency's determination, the disputant is not satisfied, the agency shall do either of the following: 1) Permit the disputant to include within the system a brief statement of his or her position on the disputed information (the agency may limit the statement to not more than one hundred (100) words if the agency assists the disputant to write a clear summary of the dispute) [ORC§1347.09 (A)(2)(a)]; or 2) Permit the disputant to include within the system a notation that the disputant protests that the information is inaccurate, irrelevant, outdated, or incomplete (the agency shall maintain a copy of the disputant's statement of the dispute, and may limit the statement to not more than one hundred (100) words if the agency assists the disputant to write a clear summary of the dispute) [ORC §1347.09(A)(2)(b)]. The agency shall include the statement or notation in any subsequent transfer, report, or dissemination of the disputed information, and may include with the statement or notation of the disputant a statement by the agency that it has reasonable grounds to believe that the dispute is frivolous or irrelevant, and of the reasons for its belief [ORC §1347.09(A)(3)]; however, the presence of contradictory information in the disputant's file does not alone constitute reasonable grounds to believe that the dispute is frivolous or irrelevant [ORC §1347.09(B)].

Following any deletion of information that is found to be inaccurate or the accuracy of which can no longer be verified, or if a statement of dispute was filed by the disputant, the agency shall, at the written request



**8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D)
PERSONNEL FILES (CONT'D)**

of the disputant, furnish notification that the information has been deleted, or furnish a copy of the disputant's statement of the dispute, to any person specifically designated by the person [ORC §1347.09(C)]. The agency shall clearly and conspicuously disclose to the disputant that he has the right to make such a request to the agency [ORC §1347.09(C)].

NOTE: Negotiated provisions include the following:

DISPUTE MANAGEMENT (EMPLOYEE)				
UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5
A bargaining unit member has the right to respond to any material filed and to have this response attached to the file copy [CHTU 795 4E (5)]. Attachments shall be submitted to the Board within sixty (60) calendar days of receiving the material [CHTU 795 4E (5)].		A bargaining unit member has the right to respond to any material filed and to have this response attached to the file copy [MU 795 11.02]. Attachments shall be submitted to the Board within sixty (60) calendar days of receiving the material [MU 795 11.02].	A bargaining unit member has the right to respond to any material filed and to have this response attached to the file copy [OAPSE 102 5A (5)].	

Unit 1=CHTU 795; Unit 2=EAPSC; Unit 3=MU 795; Unit 4=OAPSE 102; Unit 5=OAPSE 617.

ACCESS, INSPECTION, AND/OR COPYING (PUBLIC)

The public may access, inspect, and copy any (non-confidential) material in the Personnel File under state statute using the defined procedures [ORC §149.41, §149.43 and §1347.01 et seq.; CHUH 8310, and 8320]. An access log will be maintained [ORC §1347.05(G) and §1347.15(B)(4); CHUH 8320 and 8320.01].

NOTE: Negotiated provisions include the following:

ACCESS, INSPECTION, AND COPYING (PUBLIC)				
UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5

Unit 1=CHTU 795; Unit 2=EAPSC; Unit 3=MU 795; Unit 4=OAPSE 102; Unit 5=OAPSE 617.

ACTION-RELATED PROVISIONS

Physical removal of the documentation associated with the action may be subject to the applicable open records and records maintenance provisions of the Ohio Public Records Act as determined by the District Records Commission in accordance with the applicable provisions of state statute [ORC §9.01, §149.011(G), §149.41, §149.43, §1347.01 et seq., §3314.401, and §3319.314; CHUH 8310, 8315, 8320, and 8320.01]. As such, any materials removed from the Personnel File should be retained in an Archived Materials File (or "AMF") maintained in the office of the Director of HR in "inactive" status, and the AMF should be considered to represent a subsidiary record of the Personnel File [CHUH 8320].

- **Withdrawal of action.** There are no provisions under state statute or Board policy. Under the Agreement, the following provisions apply:



8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) PERSONNEL FILES (CONT'D)

- The action may be withdrawn: 1) Only if no further incidents of the same or substantially similar nature have been documented [CHTU 795 4E (7); MU 795 11.02; OAPSE 102 5A (7); OAPSE 617 5A (5)]; and 2) Only after the following timeframes [CHTU 795 4E (7); MU 795 11.02; OAPSE 102 5A (7); OAPSE 617 5A (5)]:

WITHDRAWAL TIMEFRAMES (CALENDAR MONTHS)					
ACTION:	UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5
Official Reprimand	36		36	36	36
Suspension	36		36	36	36
Termination					

Unit 1=CHTU 795; Unit 2=EAPSC; Unit 3=MU 795; Unit 4=OAPSE 102; Unit 5=OAPSE 617.

- A withdrawn action may not be used to justify progressive discipline on the same or substantially similar grounds in the future.
- The Superintendent or his/her designee is obligated to withdraw the action when required by the Agreement [MU 795 11.02; OAPSE 102 5A (7); OAPSE 617 5A (5)]; otherwise, withdrawal of the action is subject to the following conditions:
 - The Employee must submit a signed and dated request to the Superintendent or his/her designee that: 1) Outlines the reason(s) why the Employee believes the withdrawal is warranted [CHTU 795 4E (7)]; and 2) States that the Employee will adhere to the requirements of the expected action(s) or behavior(s) in the future.
 - The Superintendent or his/her designee must deem that the withdrawal request was submitted appropriately by the Employee.
 - The written withdrawal request must be retained by the Superintendent or his/her designee.

To process the withdrawal of an action, the Superintendent or his/her designee:

- Must attach the original withdrawal request to the original documentation of the action.
- Must move all documentation associated with the action from the Personnel File to the AMF.
- Must advise the Employee in writing within a reasonable timeframe that: 1) The withdrawal was completed; 2) Both the withdrawal request and the original action were moved to the AMF; and 3) The action may not be used to justify progressive discipline if the conduct involved re-occurs.

NOTE: Negotiated provisions include the following:

WITHDRAWAL STIPULATIONS				
UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5
Except for composite evaluations and/or where prohibited by law, a bargaining unit		Any bargaining unit member may request the removal of disciplinary personnel actions from his	Any bargaining unit member may request the removal of disciplinary personnel actions from his	Any bargaining unit member may request the removal of disciplinary personnel actions from his

RISK MANAGEMENT IN EDUCATION PROGRAM 1: EMPLOYEE CONDUCT



8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) PERSONNEL FILES (CONT'D)

<p>member may request removal of materials of a derogatory nature from his or her Personnel File [CHTU 795 4E (7)]. Such a request shall be made to the Assistant Superintendent of HR and Operations [CHTU 795 4E (7)].</p> <p>Upon making such request, the bargaining unit member: 1) Shall be given an opportunity to justify his or her position; and 2) Shall have the right to Union representation [CHTU 795 4E (7)]. Materials shall not be removed unless 1) Three (3) years have elapsed since the material was inserted and the issue has not occurred again; or 2) The member is retiring or resigning [CHTU 795 4E (7)].</p>		<p>or her Personnel File after three (3) years of good behavior as demonstrated by a lack of any such disciplinary actions during the most recent three (3) years [MU 795 11.02].</p> <p>Such a request meeting the above requirements indicated immediately above shall be honored [MU 795 11.02].</p>	<p>or her Personnel File after three (3) years of good behavior as demonstrated by a lack of any such disciplinary actions during the most recent three (3) years [OAPSE 102 5A (7)].</p> <p>Such a request meeting the above requirements indicated immediately above shall be honored [OAPSE 102 5A (7)].</p>	<p>or her Personnel File after three (3) years of good behavior as demonstrated by a lack of any such disciplinary actions during the most recent three (3) years [OAPSE 617 5A (5)].</p> <p>Such a request meeting the above requirements as indicated immediately above shall be honored [OAPSE 617 5A (5)].</p>
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Unit 1=CHTU 795; Unit 2=EAPSC; Unit 3=MU 795; Unit 4=OAPSE 102; Unit 5=OAPSE 617.

- **Expiration of action.** There are no provisions under state statute, Board policy, or the Agreement.

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) *PERSONNEL FILES (CONT'D)*

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9.0 STATE LEVEL ACTIONS REPORTING

Licensed employees within the District are subject to the state Licensure Code (see Resource 9.01A), and a Licensed Employee who is found by the State Board (or the State Superintendent acting on behalf of the State Board) to have violated one (1) or more of the principles of the Licensure Code may be subject to discipline at both the local and state levels. Notwithstanding any provision to the contrary in ORC Chapter 4117, the mandatory reporting provisions of ORC §3319.313 and §3319.314 prevail over any conflicting provisions of an Agreement or contract for employment entered into after March 30, 2007 [ORC §3319.08 and §3319.315].

No individual required to submit a report under ORC §3319.313(B) shall knowingly fail to comply with his or her required reporting obligations [ORC §3319.313(F)]. An individual who provides information to the State Superintendent in accordance with ORC §3319.313 in Good Faith shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the provision of that information [ORC §3319.313(G)].

The Superintendent of each school district or each educational service center and the chief administrator of each chartered non-public school shall promptly submit to the State Superintendent the information prescribed in ORC §3319.313(D) when any of the following conditions applies to an Employee who holds a License issued by the State Board [ORC §3319.313(B); CHUH 1541, 3139, 3140, 4140, 8141, and/or related administrative guidelines]:

- The Superintendent, chief administrator, president, or chairperson knows that the Employee has pleaded guilty to, has been found guilty by a jury or court of, has been Convicted of, has been found eligible for Intervention in Lieu of Conviction for, or has agreed to participate in a Pre-Trial Diversion Program for an offense described in ORC §3319.31(B)(2), §3319.31(C), or §3319.39(B)(1) [ORC §3319.313(B)(1)];
- The school district board of education, service center governing board, or non-public school chief administrator or governing authority has initiated Termination or non-renewal proceedings against, has terminated, or has not renewed the contract of the Employee because the board of education, governing board, or chief administrator has reasonably determined that the Employee has committed an act that is unbecoming to the teaching profession or an offense described in ORC §3319.31(B)(2), §3319.31(C) or §3319.39(B)(1) [ORC §3319.313(B)(2); OAC 3301-73-21];
- The Employee has resigned under threat of Termination or non-renewal as described in ORC §3319.313(B)(2) [ORC §3319.313(B)(3)]; or
- The Employee has resigned because of or in the course of an investigation by the board of education, governing board, or chief administrator regarding whether the Employee has committed an act that is unbecoming to the teaching profession or an offense described in ORC §3319.31(B)(2), §3319.31(C), or §3319.39(B)(1) [ORC §3319.313(B)(4); OAC 3301-73-21].

If the Employee to whom any of the conditions prescribed in ORC §3319.313(B) is the Superintendent, Treasurer, or chief administrator of a school district, educational service center, or chartered non-public school, the president of the board of education of the school district, the governing board of the educational service center, or the president or chairperson of the governing authority of the chartered non-public school shall make the required report [ORC §3319.313(B)(C)].

If a report is required under ORC §3319.313, the Superintendent, chief administrator, president, or chairperson shall submit to the State Superintendent: 1) The name and social security number of the Employee about whom the information is required; and 2) A factual statement regarding any of the conditions prescribed in ORC §3319.313(B) that apply to the Employee [ORC §3319.313(D)].

A determination made by the board of education, governing board, chief administrator, or governing authority as described in ORC §3319.313(B)(2) or a Termination, non-renewal, resignation, or other separation described in ORC §3319.313(B)(2)(3)(4) does not create a presumption of the commission or lack of the commission by the Employee of an act that is unbecoming to the teaching profession or an offense described in ORC §3319.31(B)(2), §3319.31(C), or §3319.39(B)(1) [ORC §3319.313(E); OAC 3301-73-21].



9.0 STATE LEVEL ACTIONS (CONT'D)

INVESTIGATIONS

No person shall knowingly make a false report to the State Board or State Superintendent alleging misconduct by an Employee of a public or chartered non-public school or an Employee of the operator of a community school established under ORC Chapter 3314. or a college-preparatory boarding school established under ORC Chapter 3328 [ORC §3319.311(H)(1)]. Such a person may be subject to civil penalty [ORC §3319.311(H)(2)].

- **Absolute Bar Offense.** In the case of a person about whom the State Board has learned of either a plea of guilty to, a finding of guilt by a jury or court of, or a Conviction of an offense listed in ORC §3319.31(C), or a substantially comparable conduct occurring in a jurisdiction outside the state, the State Board (or the State Superintendent):
 - Need not conduct any further investigation [ORC §3319.311(A)(2)]; and
 - Shall take the action required by ORC §3319.31(C) or (F) [ORC §3319.311(A)(2); OAC 3301-20-01(C)].

Except as provided in ORC §3319.311(G), all information obtained by the State Board or the State Superintendent about the action is a public record under §149.43 [ORC §3319.311(A)(2)]. The name of any person who is not required to report information under ORC §3314.40, §3319.313, §3326.24, §3328.19, §5126.253, or §5153.176 but who in Good Faith provides information to the State Board (or State Superintendent) about alleged misconduct committed by a person who holds a License or has applied for issuance or renewal of a License: 1) Shall be confidential; and 2) Shall not be released [ORC §3319.311(G); OAC 3301-73-04(A)], and any such person shall be immune from any civil liability that otherwise *might* be incurred or imposed for injury, death, or loss to person or property as a result of the provision of that information [ORC §3319.311(G)].

- **Other offense.** The State Board (or State Superintendent) may investigate any information received about a person that reasonably appears to be a basis for action under ORC §3319.31, including information received pursuant to ORC §3314.40, §3319.291, §3319.313, §3326.24, §3328.19, §5126.253, or §5153.176 [ORC §3319.31(D) and §3319.311(A)(1); OAC 3301-20-01(D)]. The lack of a criminal charge, indictment, prosecution or Conviction shall not preclude the State Board from investigating and, if appropriate, initiating an action against a person [OAC 3301-73-21(C)].

Except as provided in ORC §3319.311(A)(2):

- The State Board shall contract with the office of the Attorney General to conduct any investigation of that nature [ORC §3319.311(A)(1); OAC 3301-20-01(D)]; and
- All information received pursuant to ORC §3314.40, §3319.291, §3319.313, §3326.24, §3328.19, §5126.253, or §5153.176, and all information obtained during an investigation: 1) Is confidential; and 2) Is not a public record under ORC §149.43 [ORC §3319.311(A)(1); OAC 3301-73-04(A)], except as provided by OAC 3301-73-04(B) to (H) [OAC 3301-73-04(A)].

If an investigation is conducted under ORC §3319.311(A)(1) regarding information received about a person and no action is taken against the person under ORC §3319.31 or §3319.311 within two (2) years of the completion of the investigation, all records of the investigation shall be expunged [ORC §3319.311(A)(1)].

The State Superintendent [ORC §3319.311(B); OAC 3301-20-01(D)]:

- Shall review the results of each investigation of a person conducted under ORC §3319.311(A)(1);
- Shall determine, on behalf of the State Board, whether the results warrant initiating action under ORC §3319.31(B); and
- Shall advise the State Board of such determination at a meeting of the State Board.

Prior to initiating that action against any person, the person's name and any other PII shall remain confidential [ORC §3319.311(B)].



9.0 STATE LEVEL ACTIONS (CONT'D) LICENSE ACTIONS

The types of disciplinary options that may be used by the State Board (or State Superintendent) to address violations of the Licensure Code include, but are not limited to, a letters of admonishment, consent agreements, suspensions, revocations, permanent revocations, limitations, denials or permanent denials of a licenses, voluntary surrenders of licenses, or voluntary denials of licenses (see Resource 9.01A) [ORC §3319.31(B)(D) and §3319.311(E); OAC 3301-73-03(H), 3301-73-22, and 3301-73-23].

The State Board shall take no action against a person under ORC §3319.31(B) without providing the person with: 1) Written notice of the charge(s); and 2) An opportunity for a hearing in accordance with ORC Chapter 119 [ORC §3319.311(C); OAC 3301-20-01(C) and 3301-73-05 to 3301-73-20].

- **Absolute Bar Offense.** Upon Learning of a plea of guilty to, a finding of guilt by a jury or court of, or a Conviction of any of the offenses listed in ORC §3319.31(C) by a person who holds a current or expired License or is an applicant for a License or renewal of a License, the State Board (or State Superintendent) shall, by a written order, revoke the person's License or deny issuance or renewal of the License to the person [ORC §3319.31(C)(D); OAC 3301-20-01(C) and 3301-73-25(A)(B)]. The State Board (or State Superintendent) shall revoke a License that has been issued to a person to whom ORC §3319.31(C) applies and has expired in the same manner as a License that has not expired [ORC §3319.31(C)(D); OAC 3301-20-01(C)].

Revocation of a License or denial of issuance or renewal of a License under ORC §3319.31(C) [ORC §3319.31(C)(D) and 3301-73-25(C)]:

- Is effective immediately at the time and date that the State Board (or State Superintendent) issues the written order;
 - Is not subject to appeal in accordance with ORC Chapter 119; and
 - Remains in force during the pendency of an appeal by the person of the plea of guilty, finding of guilt or Conviction that is the basis of the action taken under ORC §3319.31(C).
- **Other offense.** For any of the following reasons, the State Board, in accordance with ORC Chapter 119 and ORC §3319.311, may refuse to issue a License to an applicant, limit a License it issues to an applicant, suspend, revoke, or limit a License that has been issued to any person, or revoke a License that has been issued to any person and has expired [ORC §3314.40 and §3319.31(B); OAC 3301-20-01(D)]:
 - Engaging in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or person's position [ORC §3319.31(B)(1); OAC 3301-73-21];
 - A plea of guilty to, a finding of guilt by a jury or court of, or a Conviction of any of the following [ORC §3319.31(B)(2)]:
 - A felony other than a felony listed in ORC §3319.31(C);
 - An offense of violence other than an offense of violence listed in ORC §3319.31(C);
 - A theft offense, as defined in ORC §2913.01, other than a theft offense listed in ORC §3319.31(C);
 - A drug abuse offense, as defined in ORC §2925.01, that is not a minor misdemeanor, other than a drug abuse offense listed in ORC §3319.31(C); and
 - A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed above.
 - A judicial finding of eligibility for Intervention in Lieu of Conviction under ORC §2951.041, or agreeing to participate in a Pre-Trial Diversion Program under ORC §2935.36, or a similar diversion program under rules of a court, for any offense listed in ORC §3319.31(B)(2) or §3319.31(C) [ORC §3319.31(B)(3)]; or
 - Failure to comply with ORC §3314.40, §3319.313, §3326.24, §3328.19, §5126.253, or §5502.262 [ORC §3319.31(B)(4)].



9.0 STATE LEVEL ACTIONS (CONT'D) LICENSE ACTIONS (CONT'D)

Additional considerations include, but may not be limited to, the following:

- **Offenses outside of the jurisdiction.** The State Board may take action under ORC §3319.31(B), and the State Board (or State Superintendent) shall take the action required under ORC §3319.31(C), on the basis of substantially comparable conduct occurring in a jurisdiction outside this state or occurring before a person applies for or receives any License [ORC §3319.31(F); OAC 3301-20-01(D) and 3301-73-25(A)(B)].
- **Overtured convictions.** If a plea of guilty, finding of guilt, or Conviction that is the basis of the action taken under ORC §3319.31(B)(2) or (C), or under the version of ORC §3319.311(F) in effect prior to September 12, 2008 is overturned on appeal, upon exhaustion of the criminal appeal, the clerk of the court that overturned the plea, finding, or Conviction or, if applicable, the clerk of the court that accepted an appeal from the court that overturned the plea, finding, or Conviction, shall notify the State Board that the plea, finding, or Conviction has been overturned [ORC §3319.31(E)(1)]. In addition, the person whose License was revoked or denied may file with the State Board a petition for reconsideration of the revocation or denial along with appropriate court document(s) [ORC §3319.31(E)(1)].

Within thirty (30) days after receiving the notification, the State Board shall initiate proceedings to reconsider the revocation or denial of the person's License in accordance with ORC §3319.31(E)(2) [ORC §3319.31(E)(1)] and OAC 3301-73-26. The decision of the State Board under ORC §3319.31(E) is subject to appeal under ORC Chapter 119 [ORC §3319.31(E)(2)].

- **Alternative sanctions.** If the State Board finds that a person has engaged in Conduct Unbecoming, the State Board may take the aggravating factors and mitigating factors outlined in OAC 3301-73-21(B) into account, as applicable and appropriate, into consideration when determining a final action under ORC §3319.31(B)(1) [OAC 3301-73-21(B)]. Additionally, the State Board shall not be precluded from considering the factors listed in OAC 330-73-21(A) when the offense is enumerated in ORC §3319.31(B)(2) or §3319.311(E) [OAC 3301-73-21(D)]. Finally, similar factors are part of the rehabilitation considerations that must be made before employing a person who was previously Convicted of an ORC §3319.31 or §3319.39 offense [OAC 3301-20-01(E)].
- **District applicability.** The presumptive ranges of disciplinary options used by the State Board in licensure actions are only applicable for actions against an Employee's credential or his or her application for such (i.e., they are not applicable for discipline imposed at the local level, which must follow all local contractual provisions including, but not limited to, Due Process, progressive discipline, and Just Cause).



10.0 PROCEDURES FOR REVIEW AND DISSEMINATION

The Superintendent or his/her designee will ensure that:

- Both the ECOC (see [Section 2.0](#)) and the Guide are reviewed and/or revised at regular intervals in conjunction with the policies of the Board [CHUH 0123, 0131, 0131.1, and 0132]; and
- The ECOC is provided to (or made accessible to) and explained to all employees on an annual basis (see Form 10.01) [ORC §3313.20 and §3313.47; CHUH 0131, 0131.3, 0132, 1210, and 1230.01].

Implementation Tip: Obtain acknowledgement of receipt

It is a best practice to obtain such acknowledgements of receipt for the ECOC: 1) Upon revision; or 2) On an annual basis.

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10.0 PROCEDURES FOR REVIEW AND DISSEMINATION (CONT'D)

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