

ADMINISTRATIVE GUIDELINES:

EMPLOYEE CODE OF CONDUCT



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Administrative Guidelines: Employee Code of Conduct (OH) for Web - NEOLA Version
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COMPANY

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INTRODUCTION



May 1, 2015

Dear Cleveland Heights-University Heights City School District employee:

Throughout its history, our district has maintained and enforced high standards for ethical conduct and professional competency. The *Cleveland Heights-University Heights City School District Employee Code of Conduct* (ECOC) is one tool for assisting all staff in meeting these standards.

Because staff conduct has the potential to either support or undermine the stated mission, core beliefs, philosophy and goals/objectives of the district, the ECOC was developed to provide all district employees with a better understanding of:

- The district's expectations for ethical staff behavior outlined in CHUH 1200, 3210 and 4210;
- Their responsibilities to our community for meeting these expectations;
- The types of incidents that demonstrate a failure to meet these expectations;
- The rationale for the district's approach to staff misconduct; and
- Their rights before, during, and after disciplinary actions.

Where applicable, disciplinary action will be taken:

- In accordance with federal law, state statute and Cleveland Heights-University Heights City School District Board of Education policy;
- In a reasonable, fair, and consistent manner; and
- Without regard to race, color, national origin, sex, disability, age, religion, military status, ancestry, genetic information, sexual orientation, gender identity, or any other basis in federal law, state statute, or district policy in accordance with ORC §4112.01 et seq., CHUH 1422, 1422.02, 1623, 3122, 3122.02, 3123, 4122, 4122.02, and 4123.

The ECOC was developed to support all current master agreements between the district and recognized collective bargaining units in matters concerning staff conduct and employee discipline and does not establish new policies or regulations in these areas. Further, the ECOC is not a substitute for good judgment, nor does it cover every possible conduct or disciplinary situation that may be encountered by district personnel during their respective careers.

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

Sincerely,

Dr. Talisa Dixon, Superintendent
Cleveland Heights-University Heights City School District

2155 Miramar Boulevard, University Heights, Ohio 44118-3397 216-371-7171 FAX 216-397-3698
Equal Opportunity Employer

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1.0 STATEMENTS OF PURPOSE AND INTENT

The following guidelines were developed to assist all employees in their understanding of the purpose and intent of the District *Employee Code of Conduct* (ECOC).

PURPOSE OF THE EMPLOYEE CODE OF CONDUCT

The purpose of the 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]:

- **Mission.** We will prepare all students for college and life by providing a challenging curriculum (RIGOR) that connects students' lives and their future (RELEVANCE) in a safe, supportive, and nurturing environment (RELATIONSHIPS).
- **Vision.** Preparing All Students for Success in A Global Economy (PASSAGE).
- **Core values.** As a result of our deep-rooted commitment to our students, the following core beliefs guide our work:
 - Students are fundamental to our mission and their best interests should be central to all decision-making.
 - Improved academic achievement is the result of the professional practices of our teachers and leaders, not the economic, ethnic, or linguistic characteristics of our students.
 - Knowledge enhances our lives because it provides us with a greater understanding of ourselves and the world around us.
 - Every student should have equal opportunities to develop individual talents.
 - Students need to be prepared to participate productively in a diverse global and highly technological society.
 - Our schools should advocate responsible citizenship, ethical behavior, and respect for diversity.
 - The learning process is enhanced by caring relationships built on mutual respect, self-discipline, and responsibility.
 - Accountability for results incorporates focused planning, strategic data analysis, and vigilant monitoring.
 - The learning environment must encourage students to think critically, synthesize information, develop decision-making skills, work collaboratively, and apply their knowledge.
 - Creating a culture of collaborative partnerships and building staff capacity are essential to ensuring academic excellence.
 - Education is a partnership among students, staff, families, and our communities.
- **Philosophy.** The Board believes that the purpose of education is to facilitate the development of the potential of each student [CHUH 2110]. In a free society, every individual has both the right and the responsibility to make choices and decisions for himself or herself and for society [CHUH 2110]. A prerequisite for every member of society in meeting those responsibilities is competence using the rational thought processes needed to make intelligent, ethical choices and decisions [CHUH 2110]. If society, as originally conceived, is to survive and function effectively, young people need to be prepared to exercise their rights and their responsibilities in ways that benefit them and society; likewise, if individuals are to be able to achieve their life goals in a free society, they need to be competent to choose among the myriad alternatives available to them [CHUH 2110].

The enculturation process in our society focuses on preparing the young to meet certain expectations and to avail themselves of opportunities to attain personal goals within society [CHUH 2110]. The school program, which should reflect the enculturation process, needs, therefore, to focus on both the areas of societal expectations and personal opportunity available in society [CHUH 2110].

With regard to societal expectations, people in this society are expected to: 1) Be self-sufficient (that is, to meet their own needs, to the extent they are able, in their own way and without inhibiting the opportunity of others to do the same); and 2) Fulfill their responsibilities to contribute to the "common good" by actively participating in affairs affecting all members of society [CHUH 2110].

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1.0 STATEMENTS OF PURPOSE AND INTENT (CONT'D) *PURPOSE OF THE EMPLOYEE CODE OF CONDUCT (CONT'D)*

Today there is ample evidence that many students are not learning how to make effective, rational, responsible or ethical choices or decisions in regard to how they treat their minds and bodies, how they plan their futures, how they cope with frustration, or how they solve personal, social, and economic problems [CHUH 2110].

The Board and staff believe that the thought and action process involved in taking intelligent, ethical action can be learned just as any other set of procedures can be learned, provided students are given consistent, appropriate opportunities to: 1) See the procedures modeled; 2) Learn what the procedures are; 3) Practice using the procedures and correct ineffective use of them; and 4) Apply the procedures to a variety of relevant situations [CHUH 2110].

The District is committed to making adequate provision for such opportunities and to the applications of these processes to achieving the other educational goals associated with the District's mission [CHUH 2110].

- **Goals; educational outcome.** The Board believes that the mission of the District is being accomplished when there is valid evidence that its educational programs are making it possible for students to achieve one (1) or more of the following educational outcomes, commensurate with their ability and potential: 1) Job skills for the workplace and the skills and attitudes to obtain further education; 2) An understanding of others, including but not limited to those with social and cultural characteristics different from his/her own and of those with mental or physical disabilities and the ability to engage in responsible personal and/or support relationships with those who are different from one's social or ethnic groups; 3) Use of the knowledge, attitudes, and skills to contribute effectively to the decision-making processes of the political and other institutions of the community, state, country, and world; 4) Use of the knowledge, habits, and attitudes that assure good personal and public health, both physical and mental; 5) The willingness and ability to apply ethical principles and values to his/her own life; 6) An understanding of his/her own worth, abilities, potentialities, and limitations; 7) Enjoyment of the process of learning and commitment to continuous learning throughout one's lifetime; and 8) An understanding of and the ability to cope with change [CHUH 2131 and 2131 AG].
- **Goals; educational process.** In order to achieve the educational goals for students, the Board will establish policies which will authorize and encourage: 1) Instruction which bears a meaningful relationship to the present and future needs and/or interests of students; 2) Specialized and individualized kinds of educational experiences to meet the different needs of students; 3) An environment in which interaction among individual students and groups of students helps them learn how and when competition and cooperation are appropriate and productive in accomplishing goals; 4) Efficient and effective use of educational resources; 5) Continued professional growth of staff members; and 6) Constructive cooperation with parents and community groups [CHUH 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 LCPCOE (see [Resource 1.01](#)).
- **Board expectations for ethics and conduct.** All employees are expected to comply with the applicable Board *Staff Ethics Policies* (SEPs) [CHUH 1200, 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).

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INTENT OF THE EMPLOYEE CODE OF CONDUCT

The Board: 1) Recognizes those Employee Rights defined by ORC §4117.01 and §4117.03; and 2) Specifically 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 its purpose, the intent of the ECOC is:

- To alert employees to the types of actions and behaviors that most commonly represent violations of the general standards for ethics and conduct, 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.

Neither the ECOC nor these guidelines are intended to address every possible type of misconduct. 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 OF THE EMPLOYEE CODE OF CONDUCT (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 H. Peppier
Nancy Peppier, President, CHUH City School District Board of Education

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

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

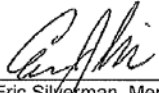
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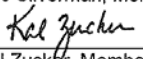


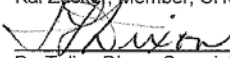
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2.0 EMPLOYEE CODE OF CONDUCT (CONT'D)

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

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3.0 CONDUCT MANAGEMENT OVERVIEW

The following guidelines were developed to ensure that staff ethics or conduct issues are managed in accordance with the purpose and intent of the ECOC.

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 the ECOC 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 ECOC, <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 ECOC, <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 ECOC 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 ECOC, <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 ECOC was designed 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 [see ORC §4112.01 et seq.; CHUH 1422, 1422 AG, 1422.02, 1623, 1623a AG, 3122, 3122 AG, 3122.02, 3122.03, 3123, 3123a AG, 4122, 4122 AG, 4122.02, 4122.03, 4123, and 4123a AG; 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 the ECOC violation.** The grounds for disciplinary action must be determined. Where 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 ECOC violation.** The allegation(s) must be substantiated or refuted by either an investigation conducted under presumption of innocence (see investigation documentation examples in [Form 3.01](#) and [Form 3.02](#)). If the allegation(s) is/are substantiated, the specifics of a charge must be described in as much detail (e.g., the “who”, “what”, “where”, “when” and “how”) as possible supported by all relevant evidence.

NOTE: Upon request, a bargaining unit member is entitled to the presence of representation at any investigatory interview by

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

the administration that the member reasonably believes may result in disciplinary action (see [Form 3.03](#) and [Form 3.05](#)) [*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].

- **Step #3: Determine a course of action.** If the allegation(s) has/have been substantiated, 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 ECOC, 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 ECOC is assigned to one of the following six (6) classifications based on its severity relative to all other ECOC violations:

CLASS	DEFINITION
Concern	This term means a very low level ECOC violation managed on first offense with Non-Disciplinary Counseling only.
Minor	This term means a low level ECOC violation managed on first offense with mostly Informal Action (Formal Action in more serious cases only).
Moderate	This term means a mid-level ECOC violation managed on first offense with mostly Formal Action (Informal Action in less serious cases only).
Major	This term means a high-level ECOC violation managed on first offense with Formal Action only.
Non-Disqualifying	This term means a high level ECOC violation that always places the Employee in jeopardy of Termination upon second offense.
Disqualifying	This term means a very high level ECOC violation managed on first offense with Termination only per state statute.

The classification assigned to each ECOC 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 ECOC violation / event interval pairing shown herein.

NOTE: A connection should be made for the Employee between the charge(s) and the District’s mission, vision, core values, philosophy, objectives, and goals if applicable (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” (see [Resource 3.02](#)) [*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,

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

	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.
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 ECOC, an "appropriate" action means one that "fits" the aggravating and mitigating case facts involved [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 ECOC 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 3.04](#), [Form 3.05](#), [Form 5.01](#), [Form 5.02](#), and [Form 6.01](#)).

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](#)).

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 action [CHUH 0100, 1100, and 1230]:

- Authority to issue an [Acknowledged Oral Warning](#) or a [Written Warning](#) is delegated by the Superintendent to those supervisors who plan, direct, and/or oversee the work of others.

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

- Authority to issue an [Official Reprimand](#) is delegated by the Superintendent to his/her designee(s).
- Authority to take [Suspension](#) or [Termination](#) actions will remain with the Superintendent and 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.

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., §3319.01 et seq., §3320.01 et seq., and §4417.01 et seq.; OAC 3301-35-02; 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 policy for the administration of schools, to be reviewed regularly and revised as necessary [CHUH 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 [CHUH 0122].
- Making such rules and regulations as are necessary for its governance and that of its employees, students of its grounds or premises by adopting bylaws and policies for the organization and operation of the Board and the District [CHUH 0131 and 0131.1].
- Selecting and appointing a Superintendent [ORC §3319.01; CHUH 0132 and 1220].
- Delegating authority for the administration of the schools to the Superintendent and staff [CHUH 0123].
- Retaining oversight of operational procedures [CHUH 1210].
- Delegating 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].
- Defining the Superintendent's responsibilities, helping him or her formulate District goals, and evaluating his or her performance regularly, 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, 1210, 1240, 2605, and 2605 AG].
- 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].
- Establishing fair and equitable terms and conditions of employment and evaluation of all staff [CHUH 0123].
- Referring all operational complaints about staff to the Superintendent for investigation and action, as appropriate.
- 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 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.

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

- Referring all complaints about the Treasurer's staff to the Treasurer for investigation and action, as appropriate.
- 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 her duties as a Board member [CHUH 0122.1, 0123, and 0149].

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 0171 et seq., and 1210].
- Developing, supervising, and operating the school program and facilities [CHUH 1210 and 1230].
- Preparing regulations for the administration of the District which are not inconsistent with statutes or regulations of the State Board or the policies of the Board, which shall be binding on the employees of this District and the students in the schools of the District when issued [CHUH 0132, 1210, and 1230.01].
- Keeping the Board informed of regulations in a timely manner [CHUH 0132].
- Making his or her methods known to the staff through the administrative guidelines of the District [CHUH 1210].
- Selecting and recommending other District personnel [CHUH 1100, 1230, 1520, 3120, 3120a AG, 3120b AG, 3132, 4120, and 4120 AG].
- Evaluating the progress of the professional and non-teaching staff towards the attainment of educational goals [CHUH 1230, 1530, 2605, 2605 AG, 3220, 3223, 4220, and 4220 AG].
- Making regulations and other conditions of employment known to all employees [CHUH 1210].
- Planning, preparing and, participating in the bargaining process to the extent: 1) Determined by the Board; and 2) Permissible by law [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].
- 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 [CHUH1320].

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.

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

- Following established procedures for evaluation of staff [CHUH 1530, 3220, 3223, 4220, and 4220 AG; EAPSC Preamble].
- 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.
- Making final decisions in cases involving Informal Action for direct subordinates.
- Making final decisions in cases involving an Official Reprimand referred up the chain of command.
- Referring recommendations for Suspension or Termination 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.
- Following established procedures for evaluation of staff [CHUH 1530, 3220, 3223, 4220, and 4220 AG; EAPSC Preamble].
- 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:

- Reading, understanding, abiding by, and asking questions about the ECOC.
- Discharging assigned duties ethically, conscientiously, competently, and professionally.

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4.0 ECOC VIOLATIONS

POTENTIAL VIOLATIONS OF POLICY ALONE

The following actions and/or behaviors represent grounds for disciplinary action within the District based on violations of Board policy alone:

ATTENDANCE, PUNCTUALITY, OR CONTRACT DAY POLICY VIOLATION

Definition: This ECOC violation means any conduct that involves a lack of compliance with an established Board policy, approved schedule, routine, or procedure relating to an Employee's availability for duty, or time on duty.

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.

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; §3313.646; §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: LCPCOE §3b

Board level: CHUH 0123; 1200; 1432; 1461; 1520; 1541; 1630.01; 2262; 2280; 3120.10; 3124; 3139; 3140; 3161; 3210; 3243; 3420; 3422; 3430; 3430.01; 3430.03; 3432; 4120.10; 4124; 4139; 4140; 4162; 4210; 4242; 4420; 4422; 4430.01; 4430.03; 4432; 5230; 5420; 6116; 6510; 8210; 8220; 8442; 8442.01

CHUH 3120.10 AG; 3124a AG; 3124b AG; 3243 AG; 3415 AG; 3430.01 AG; 3430.01a AG; 3430.01b AG; 4162a AG; 4235 AG; 4251 AG; 4430.01 AG; 5230 AG; 5420b AG; 8210 AG; 8220 AG

Agreement level: CHTU 795 3B; 6A; 6B; 6C; 6D; 6E; 6F; 6G; 6H; 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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

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

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

OAPSE 617 2H; 5C; 5E; 6D; 6G; 6H; 6I; 6J; 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
Relatively Equal	Written Warning	Official Reprimand	Suspension	Termination
Mostly Aggravating	Official Reprimand	Suspension	Termination	Termination



USE DECISION SUPPORT RUBRIC

Commentary:

- For guidance on avoiding leave-related instances of this ECOC violation, consult the Board *Employee Leave Policies* (ELPs), related administrative guidelines, the Agreement, and/or [Resource 4.01](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

BREACH OF CHAIN OF COMMAND PROTOCOL

Definition: This ECOC violation means any conduct that bypasses an established line of authority under Board policy without authorization.

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.
- 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: LCPCOE §3b

Board level: CHUH 0123; 0148.1; 0165; 1100; 1200; 1230.01; 1411; 1541; 3112; 3139; 3140; 3210; 3211; 4112; 4139; 4140; 4210; 4211; 8325; 9130
CHUH 1411 AG; 3179 AG; 3211 AG; 4179 AG; 4211 AG; 8325 AG; 9130 AG; 9130a AG

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.

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4.0 ECOC 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
Relatively Equal	Written Warning	Official Reprimand	Suspension	Termination
Mostly Aggravating	Official Reprimand	Suspension	Termination	Termination



USE DECISION SUPPORT RUBRIC

Commentary:

- Consistent with the Board *Official Communications Policy* (OCP) [CHUH 0165]: 1) All matters having to do with the management of the personnel of the school system 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 [CHUH 1411 AG, 3211 AG, and 4211 AG]: 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 ECOC violation.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

DISHONESTY (NON-CRIMINAL)

Definition: This ECOC violation means any conduct: 1) That involves a verbal lack of truthfulness or deception; and 2) That is a matter of interest to the District only.

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

- Engaging in an 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 an 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: LCPCOE §3b; §8a

Board level: CHUH 0123; 0141.2; 0175.1; 1130; 1200; 1220; 1411; 1422; 1520; 1541; 1613; 1623; 1662; 2110; 2431; 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; 4120.08; 4122; 4123; 4139; 4140; 4210; 4211; 4213; 4214; 4217; 4231; 4362; 4440; 5113.02; 5136; 5136.01; 5516; 5517; 5517.01; 5517.02; 6110; 6111; 6112; 6210; 6220; 6231; 6232; 6320; 6325; 6423; 6440; 6460; 6550; 6610; 6621; 6625; 6660; 6661; 6662; 6670; 6800; 6830; 7240; 7450; 7455; 7530.01; 8340; 8410; 8442; 8442.01; 8900

CHUH 1411 AG; 1422 AG; 1623a AG; 1662 AG; 2431 AG; 2623 AG; 3120a AG; 3120b AG; 3120c AG; 3120.04 AG; 3120.05 AG; 3122 AG; 3123a AG; 3211 AG; 3213 AG; 3231 AG; 3362 AG; 3362a AG; 3440a AG; 4120 AG; 4120c AG; 4122 AG; 4123a AG; 4211 AG; 4362 AG; 4362a AG; 5113.02 AG; 5136 AG; 5517 AG; 55517.01 AG; 5517.02 AG; 6111a AG; 6111b AG; 6320a AG; 6423 AG; 6610 AG; 6611 AG; 6620 AG; 8340 AG; 8410 AG; 8410b AG; 8410c AG; 8410d AG; 8410f AG; 8430 AG; 8605 AG; 8620 AG

Agreement level: CHTU 795 4A; 11C

EAPSC Preamble; 14.00.0

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

DISHONESTY (NON-CRIMINAL) (CONT'D)

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: 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	Termination
Relatively Equal	Official Reprimand	Suspension	Termination	Termination
Mostly Aggravating	Suspension	Termination	Termination	Termination



USE DECISION SUPPORT RUBRIC

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 [CHUH 1411 AG, 3211 AG, and 4211 AG]: 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 [CHUH 3213 AG]: 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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

DISHONESTY (NON-CRIMINAL) (CONT'D)

students.

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this ECOC violation.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the ECOC.
- 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](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

DISHONESTY (NON-CRIMINAL) (CONT'D)

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

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

Definition: This ECOC violation means any conduct: 1) That involves a non-verbal lack of truthfulness or deception; and 2) That 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: LCPCOE §3b-c; §7g

Board level: CHUH 0123; 1200; 1220; 1411; 1520; 1530; 1541; 2110; 2623; 3120; 3120.04; 3120.05; 3139; 3140; 3210; 3211; 3220; 3223; 3440; 4120; 4120.04; 4120.08; 4139; 4140; 4210; 4211; 4220; 4440; 6107; 6110; 6111; 6112; 6116; 6210; 6220; 6231; 6232; 6423; 6440; 6550; 6610; 6621; 6625; 6660; 6661; 6662; 6670; 6800; 6830; 7450; 7455; 8340; 8442; 8442.01; 8453.02; 8900

CHUH 2623 AG; 3120a AG; 3120b AG; 3120c AG; 3120.04 AG; 3120.05 AG; 3211 AG; 3440a AG; 4120 AG; 4120c AG; 4211 AG; 4220 AG; 4440c AG; 6111a AG; 6111b AG; 6423 AG; 6610 AG; 6611 AG; 6620 AG; 8340 AG

Agreement level: CHTU 795 4A; 9A; 11C

EAPSC Preamble; 14.00.0

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

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

MU 795 13.04C

OAPSE 102 5C; 15A

OAPSE 617 5C; 9G

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	Termination
Relatively Equal	Official Reprimand	Suspension	Termination	Termination
Mostly Aggravating	Suspension	Termination	Termination	Termination



USE DECISION SUPPORT RUBRIC

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 [CHUH 1411 AG, 3211 AG, and 4211 AG], 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 ECOC violation.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the ECOC.
- 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](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE PREPARATION FOR EMPLOYEE JOB RESPONSIBILITIES

- Definition:** This ECOC violation means any demonstration of substandard and/or inconsistent use of required skills or resources to fulfill the duties established in one's job description(s).
- 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 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: LCPCOE §8b

Board level: CHUH 0123; 1100; 1200; 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; 2623.02; 2700; 3120; 3120.01; 3120.10; 3124; 3130; 3131; 3132; 3139; 3140; 3142; 3143; 3210; 3213; 3220; 3223; 3242; 3243; 4120; 4120.01; 4120.10; 4124; 4130; 4131; 4139; 4140; 4210; 4213; 4220; 4242; 5330.01; 5330.02; 5335; 5517.02; 5630.01; 7430; 7540.04; 8410; 8452; 8453.02; 8650

CHUH 1400 AG; 2120 AG; 2131 AG; 2210a AG; 2210c AG; 2210d AG; 2231 AG; 2280.05 AG; 2451 AG; 2460 AG; 2461 AG; 2464 AG; 2605 AG; 2623.02 AG; 2700 AG; 3120a AG; 3120b AG; 3120.01 AG; 3120.10 AG; 3124a AG; 3130 AG; 3142 AG; 3213 AG; 3242c AG; 3243 AG; 4120 AG; 4120.01 AG; 4130 AG; 4131 AG; 4220 AG; 8410c AG; 8410d AG; 8452 AG; 8650 AG

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE PREPARATION FOR EMPLOYEE JOB RESPONSIBILITIES (CONT'D)

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

EAPSC Preamble; 7.00.0 et seq.; Appendix

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
Relatively Equal	Written Warning	Official Reprimand	Suspension	Termination
Mostly Aggravating	Official Reprimand	Suspension	Termination	Termination



USE DECISION SUPPORT RUBRIC

Commentary:

- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [CHUH 1613, 3213, and 4213] and/or related administrative guidelines [CHUH 3213 AG], 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 ECOC violation. Evidence gathered during the course of the investigation should be able to support a conclusion regarding whether the Employee is unable or unwilling to adhere to the Board policy or policies involved.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE SUPERVISION OF STAFF

Definition: This ECOC violation means any conduct involving the neglect or failure to provide reasonable monitoring, guidance, oversight, or direction to subordinates, substitutes, student teachers, or volunteers While on Duty.

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 an ECOC violation 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: LCPCOE §8b

Board level: CHUH 0123; 1200; 1230; 1530; 1541; 2132; 2280; 3120.06; 3120.07; 3120.09; 3139; 3140; 3210; 3220; 3223; 4120.09; 4139; 4140; 4210; 4220

CHUH 4220 AG

Agreement level: CHTU 795 4G; 10A et seq.; 11C; Addendum

EAPSC Preamble

MU 795 13.02; 13.04C; Appendix

OAPSE 102 5C; 15A

OAPSE 617 5C

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4.0 ECOC 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
Relatively Equal	Written Warning	Official Reprimand	Suspension	Termination
Mostly Aggravating	Official Reprimand	Suspension	Termination	Termination



USE DECISION SUPPORT RUBRIC

Commentary:

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE SUPERVISION OF STUDENTS

Definition: This ECOC violation means any conduct involving the neglect or failure to provide assigned monitoring, oversight, direction, and/or guidance to students While on Duty.

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; §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: LCPCOE §2g; §8b

Board level: CHUH 0123; 1200; 1541; 1613; 2132; 2262; 2271; 2280; 2340; 2421.01; 2430; 2430.01; 2430.02; 2431; 2432; 2460; 2575; 2623; 3139; 3140; 3210; 3213; 4139; 4140; 4210; 4213; 5136; 5136.01; 5200; 5330; 5330.02; 5340; 5350; 5500; 5511; 5512; 5513; 5514; 5516; 5517; 5517.01; 5517.02; 5520; 5530; 5531; 5600; 5630.01; 5722; 5725; 5820; 5830; 5840; 5850; 5855; 5860; 5895; 7540.02; 7540.03; 7540.04; 8400; 8410; 8420; 8420.01; 8420.02; 8600; 8640; 8650; 8651; 9150
CHUH 2271 AG; 2280.05 AG; 2280.06 AG; 2340a AG; 2340b AG; 2340d AG; 2421.01 AG; 2430 AG; 2430a AG; 2431 AG; 2431a AG; 2431b AG; 2431c AG; 2431.01 AG; 2460 AG; 2575 AG; 3213 AG; 5136 AG; 5200 AG; 5330a AG; 5340a AG; 5340b AG; 5340d AG; 5350 AG; 5500a AG; 5511 AG; 5515.01 AG; 5517 AG; 55517.01 AG; 5517.02 AG; 5520 AG; 5530 AG; 5530a AG; 5531 AG; 5722 AG; 5820 AG; 5840a AG; 5840b AG; 5850 AG; 7540.02 AG; 7540.03 AG; 8400 AG; 8410c AG; 8410g AG; 8420 AG; 8420a AG; 8430 AG; 8600 AG; 8605 AG; 8606 AG; 8650 AG; 8651 AG; 9150 AG

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

EAPSC Preamble

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE SUPERVISION OF STUDENTS (CONT'D)

MU 795 13.04C; 23.0

OAPSE 102 5C; 15A

OAPSE 617 5C; 17F

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
Relatively Equal	Written Warning	Official Reprimand	Suspension	Termination
Mostly Aggravating	Official Reprimand	Suspension	Termination	Termination



USE DECISION SUPPORT RUBRIC

Commentary:

- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [CHUH 1613, 3213, and 4213] and/or related administrative guidelines [CHUH 3213 AG], employees shall not send students on any personal errands.
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *District Webpage Policy* (DWP) [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], related administrative guidelines [CHUH 7540.02 AG and 7540.03 AG], and/or [Resource 4.02](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

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

Definition: This ECOC violation means any conduct: 1) That is inappropriate or unacceptable in the environment in which it occurs; and 2) That is a matter of interest to the District only.

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

- 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.
- Engaging in an act of retaliation not prohibited by law.

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.]; *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.; §4115.04; §4115.32 et seq.; §4116.02; §4116.03; §2744.01 et seq.; §2901.30; §3301.01 et seq.; §3311.16 et seq.; §3313.20(A); §3313.537; §3313.64; §3313.672; §3313.71 et seq.; §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 through §3329.08; §3331.01 through §3331.09; §3365.01 et seq.; §3703.03; §3707.01 et seq.; §4113.23; §4167.01 et seq.; §4511.75; §4511.76; §4513.263; §5705.01 et seq.

OAC 3301-32-09; 3301-35-02 through 3301-35-09; 3301-37-10; 3301-83-02; 3301-83-03; 3301-83-12; 3301-83-16 and 3301-83-20; 3301-91-09

Licensure code: LCPCOE §8b

Board level: CHUH 0123; 0141.2; 0148; 0148.1; 0164; 0165; 0165.1; 0167.1; 0169.2; 1100; 1110.04; 1130; 1200; 1240; 1330; 1411; 1422; 1460; 1461; 1530; 1541; 1613; 1623; 1662; 2110; 2131; 2132; 2210; 2220; 2230; 2240; 2260; 2260.01; 2260.02; 2261; 2261.01; 2261.02; 2270; 2271; 2280; 2312; 2330; 2340; 2370; 2411; 2412; 2413; 2416; 2421; 2421.01; 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; 3122.03; 3123; 3130; 3131; 3139; 3140; 3160; 3161; 3210; 3211; 3213; 3214; 3217; 3220; 3223; 3231; 3310; 3362; 3362.01; 3440; 4111; 4112;

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

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

4113; 4120; 4120.04; 4120.08; 4122; 4122.03; 4123; 4130; 4131; 4139;
4140; 4160; 4162; 4210; 4211; 4213; 4214; 4217; 4220; 4231; 4362;
4362.01; 4440; 5111; 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; 5511; 5513; 5514;
5515; 5516; 5517; 5517.01; 5517.02; 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; 5780; 5820; 5830;
5840; 5850; 5855; 5860; 5880; 5895; 6110; 6111; 6112; 6114; 6116;
6120; 6140; 6144; 6145; 6150; 6152; 6152.01; 6210; 6220; 6230;
6231; 6232; 6233; 6320; 6325; 6423; 6440; 6450; 6460; 6470; 6510;
6550; 6610; 6621; 6625; 6660; 6661; 6662; 6670; 6680; 6800; 6830;
7100; 7250; 7300; 7310; 7420; 7430; 7440; 7440.01; 7450; 7455;
7510; 7530; 7530.01; 7530.02; 7540; 7540.01; 7540.02; 7540.04;
7542; 7543; 7550; 8310; 8315; 8320; 8320.01; 8325; 8330; 8340;
8351; 8390; 8400; 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; 9210; 9270; 9500; 9600;
9700; 9700.01; 9800

CHUH 1411 AG; 1422 AG; 1623a AG; 1662 AG; 2131 AG; 2210a AG;
2210c AG; 2210d AG; 2220 AG; 2230 AG; 2231 AG; 2240 AG; 2240b
AG; 2260 AG; 2260d AG; 2260f AG; 2260a AG; 2260.01b AG; 2270
AG; 2271 AG; 2280.04 AG; 2280.05 AG; 2280.06 AG; 2280.08 AG;
2330 AG; 2340a AG; 2340b AG; 2340d AG; 2370 AG; 2370a AG; 2412
AG; 2416 AG; 2421.01 AG; 2430 AG; 2430a AG; 2431 AG; 2431a AG;
2431b AG; 2431c AG; 2431.01 AG; 2440 AG; 2451 AG; 2460 AG;
2460.03 AG; 2461 AG; 2464 AG; 2510 AG; 2520 AG; 2575 AG; 2623
AG; 2623.01 AG; 2623.02 AG; 2700 AG; 3111a AG; 3111b AG; 3120a
AG; 3120b AG; 3120c AG; 3120d AG; 3120e AG; 3120f AG; 3120.04
AG; 3120.05 AG; 3122 AG; 3123a AG; 3130 AG; 3160a AG; 3160c
AG; 3179 AG; 3211 AG; 3213 AG; 3231 AG; 3231a AG; 3362 AG;
3362a AG; 3440a AG; 4111a AG; 4111b AG; 4120 AG; 4120c AG;
4120d AG; 4122 AG; 4123a AG; 4130 AG; 4131 AG; 4160a AG; 4160c
AG; 4162a AG; 4162b AG; 4179 AG; 4220 AG; 4251 AG; 4362 AG;
4362a AG; 4440c AG; 5110 AG; 5111 AG; 5113.02 AG; 5120 AG;
5200 AG; 5215 AG; 5230 AG; 5330a AG; 5340a AG; 5340b AG; 5340d
AG; 5420b AG; 5460b AG; 5463 AG; 5500a AG; 5511 AG; 5515.01
AG; 5517 AG; 55517.01 AG; 5517.02 AG; 5520 AG; 5530 AG; 5530a
AG; 5540a AG; 5531 AG; 5600a AG; 5605 AG; 5605a AG; 5610 AG;
5610.01 AG; 5610.02 AG; 5610.03 AG; 5630a AG; 5630b AG; 5710
AG; 5722 AG; 5751 AG; 5780 AG; 5820 AG; 5840a AG; 5840b AG;
5850 AG; 5880 AG; 6111a AG; 6111b AG; 6320a AG; 6320b1 AG;
6423 AG; 6610 AG; 6611 AG; 6620 AG; 7310 AG; 7311 AG; 7420 AG;
7420e AG; 7420f AG; 7420g AG; 7420h AG; 7540.02 AG; 8310a AG;
8310b AG; 8310d AG; 8310e AG; 8315 AG; 8320 AG; 8320.01 AG;
8325 AG; 8330 AG; 8340 AG; 8351 AG; 8360 AG; 8390 AG; 8400 AG;

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

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

8400a AG; 8410 AG; 8410b AG; 8410c AG; 8410d AG; 8410e AG; 8410f AG; 8410g AG; 8420 AG; 8420a AG; 8430 AG; 8431 AG; 8450 AG; 8451 AG; 8452 AG; 8453 AG; 8453.01 AG; 8453.02 AG; 8470 AG; 8600 AG; 8605 AG; 8606 AG; 8610 AG; 8615 AG; 8620 AG; 8650 AG; 8651 AG; 8670 AG; 8800a AG; 8800b AG; 8800c AG; 8800d AG; 8800e AG; 9120a AG; 9120b AG; 9120c AG; 9130 AG; 9130a AG; 9130a AG; 9150 AG; 9160 AG; 9160a AG; 9160c AG; 9190 AG; 9270 AG; 9270a AG; 9700 AG; 9700a AG; 9700b AG

Agreement level:

CHTU 795 2A; 2B; 3B; 4E; 4F; 4G; 5A et seq.; 6C; 6F; 6H; 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 2F; 2G; 4A et seq.; 5A; 5C; 5D; 15A; 17A et seq.; Appendix; Addendum

OAPSE 617 2D; 2E; 2F; 2G; 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](#)

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	Termination
Relatively Equal	Official Reprimand	Suspension	Termination	Termination
Mostly Aggravating	Suspension	Termination	Termination	Termination



USE DECISION SUPPORT RUBRIC

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 [CHUH 3213 AG and 8410c AG]: 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,

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

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

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 guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Electronic Mail/Text Messages Policy* (UEMTMP) [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], *District Webpage Policy* (DWP) [CHUH 7540.02], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [CHUH 7540.04], related administrative guidelines [CHUH 7540.02 AG], and/or [Resource 4.02](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the ECOC.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INAPPROPRIATE USE OF TECHNOLOGY RESOURCES

- Definition:** This ECOC violation means any conduct: 1) That violates one or more Board *Acceptable and Safe Use of Technology Policies* (ASUTPs) and/or the related *Acceptable Use Agreements* (AUAs); and 2) That is a matter of interest to the District only.
- Examples:** Include, but are not limited to, the following:
- Using District technology resources excessively for personal reasons; providing authentication data to unauthorized parties (e.g., giving a student the password to a computer or program).
 - Accessing online websites deemed unacceptable by the District during While on Duty (e.g., using Social Media for personal reasons during the contractual work day).
 - Accessing or displaying materials, content, or information deemed unacceptable by the District using the Network.
 - Failing to monitor student use of technology or failing to limit student access to the Internet and/or World Wide Web as required.
 - Compromising Network security either Intentionally or through neglect.
 - Knowingly failing to monitor the safety and security of minor students using electronic mail, chat rooms or other forms of direct electronic communications.
 - Connecting personal equipment to hardware or the Network in a manner that violates Board policy.
 - Loading unapproved software on computers owned by the District.
 - Transferring or permitting the transfer of District software to personal computers.

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

- Federal level:** *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]*
- State level:** ORC §9.03; §117.53; §3319.02; §3319.08; §3319.081; §3319.16; §3319.21
- OAC 3301-35-06
- Licensure code:** LCPCOE §1g; §2i
- Board level:** CHUH 0123; 0167.1; 0167.2; 1110.04; 1200; 1541; 2110; 2132; 2370; 2531; 3139; 3140; 3210; 4139; 4140; 4210; 5136; 5136.01; 5722; 7530; 7530.01; 7530.02; 7530.03; 7540; 7540.01; 7540.02; 7540.03; 7540.04; 7541; 7542; 7543; 7550; 8315; 8320.01; 8351

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INAPPROPRIATE USE OF TECHNOLOGY RESOURCES (CONT'D)

CHUH 2370 AG; 2370a AG; 2531 AG; 5136 AG; 5722 AG; 7540.02 AG; 7540.03 AG; 8320.01 AG; 8351 AG; 8605 AG

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

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
Relatively Equal	Written Warning	Official Reprimand	Suspension	Termination
Mostly Aggravating	Official Reprimand	Suspension	Termination	Termination



USE DECISION SUPPORT RUBRIC

Commentary:

- For guidance on avoiding this ECOC violation, consult the Board *Use of Electronic Mail/Text Messages Policy* (UEMTMP) [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], *District Webpage Policy* (DWP) [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 [CHUH 7540.02 AG and 7540.03 AG], and/or [Resource 4.02](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the ECOC.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INSUBORDINATION

Definition: This ECOC violation means any 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.

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

- 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 an illegal revolt against established authority.

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

Licensure code: LCPCOE §8b

Board level: CHUH 0123; 1200; 1411; 1541; 2131; 2132; 3139; 3140; 3210; 3211; 4139; 4140; 4210; 4211

CHUH 1411 AG; 2131 AG

Agreement level: CHTU 795 11C

EAPSC Preamble

MU 795 13.04C

OAPSE 102 5C; 15A

OAPSE 617 5C

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4.0 ECOC 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
Relatively Equal	Written Warning	Official Reprimand	Suspension	Termination
Mostly Aggravating	Official Reprimand	Suspension	Termination	Termination



USE DECISION SUPPORT RUBRIC

Commentary:

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

LACK OF TEAMWORK

Definition: This ECOC violation means any conduct involving a refusal to work cooperatively with others or to implement agreed-upon strategies with a designated or assigned team.

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: LCPCOE §8b

Board level: CHUH 0123; 0169.1; 1200; 1230; 1541; 2110; 2111; 2131; 2132; 2261.01; 2261.02; 3139; 3140; 3210; 4139; 4140; 4210; 5420; 5780; 9120; 9140; 9141; 9142; 9143; 9210; 9211; 9500; 9555

CHUH 2131 AG; 2280.05 AG; 5420b AG; 5780 AG; 9120a AG; 9211 AG

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.

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4.0 ECOC 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
Relatively Equal	Written Warning	Official Reprimand	Suspension	Termination
Mostly Aggravating	Official Reprimand	Suspension	Termination	Termination



USE DECISION SUPPORT RUBRIC

Commentary:

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OFF-DUTY MISCONDUCT

Definition: This ECOC violation means any conduct: 1) That occurs outside of the Workplace, contract day, or work day that impacts the ability of an Employee to perform his or her job duties, undermines the legitimate interests of the District, or creates a disruption of District operations; and 2) That 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 §124.57; §102.03; §3319.02; §3319.08; §3319.081; §3319.16

Licensure code: LCPCOE §1b; §3d; §5b; §7a; §7c; §7d; §7h

Board level: CHUH 0123; 0141.2; 0148; 0148.1; 0167.1; 0167.2; 1110.04; 1130; 1200; 1541; 1613; 3113; 3139; 3140; 3210; 3213; 3231; 3310; 4113; 4139; 4140; 4210; 4213; 4231; 7530; 7530.01; 7530.02; 7530.03; 7540; 7540.01; 7540.02; 7540.04; 7542; 7543; 9700

CHUH 3213 AG; 3231 AG; 3231a AG; 7540.02 AG; 8360 AG

Agreement level: CHTU 795 3B; 11C

EAPSC Preamble

MU 795 13.04C

OAPSE 102 5C; 15A

OAPSE 617 5C

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4.0 ECOC 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	Termination
Relatively Equal	Official Reprimand	Suspension	Termination	Termination
Mostly Aggravating	Suspension	Termination	Termination	Termination



[USE DECISION SUPPORT RUBRIC](#)

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 [CHUH 3231 AG]:
 - 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 school system, 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,

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OFF-DUTY MISCONDUCT (CONT'D)

3213, and 4213] and/or related administrative guidelines [CHUH 3213 AG], 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 guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Electronic Mail/Text Messages Policy* (UEMTMP) [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], *District Webpage Policy* (DWP) [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], related administrative guidelines [CHUH 7540.02 AG and 7540.03 AG], and/or [Resource 4.02](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this ECOC violation.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the ECOC.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OFF-DUTY MISCONDUCT (CONT'D)

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

TOBACCO POLICY VIOLATION

- Definition:** This ECOC violation means any conduct that violates one or more of the Board *Tobacco-Free Schools Policies* (TFSPs).
- Examples:** Include, but are not limited to, the following [CHUH 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 other enclosed facility owned or leased or contracted for 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 Board-owned and/or operated vehicles used to transport students or other Board-owned and/or operated vehicles.
 - 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:** LCPCOE §6c-d
- Board level:** CHUH 0123; 1200; 1541; 1613; 2131; 3139; 3140; 3210; 3213; 3215; 4139; 4140; 4210; 4213; 4215; 5512; 7434; 9160
CHUH 2131 AG; 3213 AG
- Agreement level:** CHTU 795 11C
EAPSC Preamble
MU 795 13.04C
OAPSE 102 5C; 15A
OAPSE 617 5C

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4.0 ECOC 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
Relatively Equal	Written Warning	Official Reprimand	Suspension	Termination
Mostly Aggravating	Official Reprimand	Suspension	Termination	Termination



USE DECISION SUPPORT RUBRIC

Commentary:

- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [CHUH 1613, 3213, and 4213] and/or related administrative guidelines [CHUH 3213 AG], 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 guidance on avoiding this ECOC violation, consult the Board *Use of Tobacco by Staff Policies* (UTSP) [CHUH 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 additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OTHER POLICY VIOLATION

Definition: This ECOC violation means any conduct not specified elsewhere in this section of the ECOC: 1) That involves neglect or failure to follow a policy, rule, or procedure of the school or District; and 2) That 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 a Board policy or an established administrative procedure.
- Engaging in an action or behavior that violates a regulatory directive of 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 the *Occupational Safety & Health Act of 1970* [OSHA; 29 USC §651 et seq.; Public Law 91-596; 29 CFR §1910.1 et seq.] and any federal level statutes or 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 state level implementing regulations (non-criminal/non-civil) not otherwise specified

Licensure code: VARIABLE

Board level: Includes CHUH 0123, 1200, 1541, 3139, 3140, 3210, 3216, 4139, 4140, 4210, 4216, 4231, 5511, 8453, 8453.01, and any Board level policies (non-criminal/non-civil) not otherwise specified
Includes CHUH 3231a AG, 5511 AG, 8453 AG, 8453.01 AG, and any District level administrative guidelines (non-criminal/non-civil) not otherwise specified

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, 9H, 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

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4.0 ECOC 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
Relatively Equal	Written Warning	Official Reprimand	Suspension	Termination
Mostly Aggravating	Official Reprimand	Suspension	Termination	Termination



USE DECISION SUPPORT RUBRIC

Commentary:

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

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4.0 ECOC VIOLATIONS (CONT'D) POTENTIAL VIOLATIONS OF CIVIL STATUTE

The following actions and/or behaviors represent grounds for disciplinary action within the District based on violations of Board policy that may also involve violations of federal and/or state civil law:

BREACH OF CONFIDENTIALITY

Definition: This ECOC violation means any act, or failure to act: 1) That involves 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) That 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 §6311 et 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; 29 USC §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; §121.22; §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; §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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

BREACH OF CONFIDENTIALITY (CONT'D)

OAC 3301-2-16

Licensure code:

LCPCOE §5a-b

Board level:

CHUH 0123; 0148; 0148.1; 0149; 0166; 0167.1; 0167.2; 0169.2;
1110.04; 1130; 1200; 1240; 1240.01; 1330; 1340; 1422; 1422.02;
1460; 1461; 1530; 1541; 1613; 1619.01; 1619.02; 1623; 1662; 2110;
2260; 2260.01; 2260.02; 2261.02; 2280; 2411; 2413; 2416; 2460;
2461; 2464; 2623; 2623.01; 2700; 3113; 3120; 3120.04; 3120.05;
3120.09; 3122; 3122.01; 3122.02; 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; 4120.08; 4120.09;
4122; 4122.01; 4122.02; 4123; 4139; 4140; 4160; 4162; 4170;
4170.01; 4213; 4220; 4231; 4362; 4419; 4419.01; 4419.02; 4421;
4421.01; 4430.01; 5111.03; 5136; 5136.01; 5310; 5320; 5330;
5330.02; 5335; 5336; 5350; 5420; 5500; 5516; 5517; 5517.01;
5517.02; 5531; 5540; 5600; 5605; 5610; 5610.01; 5610.02; 5610.03;
5610.04; 5610.05; 5630.01; 5722; 5780; 6107; 6108; 6110; 6520;
7440.01; 7530; 7530.01; 7530.02; 7530.03; 7540; 7540.01; 7540.02;
7540.03; 7540.04; 7542; 7543; 8310; 8315; 8320; 8320.01; 8325;
8330; 8340; 8350; 8351; 8410; 8453; 8453.01; 8453.02; 8462; 8500;
8510; 8531; 9120; 9160; 9700

CHUH 1422 AG; 1623a AG; 1662 AG; 2260 AG; 2260d AG; 2260f AG;
2260a AG; 2260.01b AG; 2280.04 AG; 2280.05 AG; 2416 AG; 2460
AG; 2461 AG; 2464 AG; 2623 AG; 2623.01 AG; 2700 AG; 3120a AG;
3120b AG; 3120c AG; 3120d AG; 3120e AG; 3120.04 AG; 3120.05
AG; 3122 AG; 3122.01 AG; 3123a AG; 3160a AG; 3160c AG; 3170a
AG; 3170b AG; 3213 AG; 3231 AG; 3362 AG; 3362a AG; 3419.01 AG;
3430.01 AG; 3430.01a AG; 3430.01b AG; 4120 AG; 4120c AG; 4120d
AG; 4122 AG; 4122.01 AG; 4123a AG; 4160a AG; 4160c AG; 4162a
AG; 4162b AG; 4170a AG; 4170b AG; 4220 AG; 4362 AG; 4362a AG;
4430.01 AG; 5136 AG; 5330a AG; 5350 AG; 5420b AG; 5500a AG;
5517 AG; 5517.01 AG; 5517.02 AG; 5540a AG; 5531 AG; 5600a AG;
5605 AG; 5605a AG; 5610 AG; 5610.01 AG; 5610.02 AG; 5610.03 AG;
5722 AG; 5780 AG; 7540.02 AG; 7540.03 AG; 8310a AG; 8310b AG;
8310d AG; 8310e AG; 8315 AG; 8320 AG; 8320.01 AG; 8325 AG;
8330 AG; 8340 AG; 8351 AG; 8360 AG; 8410c AG; 8453 AG; 8453.01
AG; 8453.02 AG; 9120a AG; 9120b AG; 9120c AG; 9160 AG

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; 8A et seq.; 15A; 17A
et seq.; Appendices

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

BREACH OF CONFIDENTIALITY (CONT'D)

OAPSE 617 2B; 2D; 4A et seq.; 5B; 5C; 5D; 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	Termination
Relatively Equal	Official Reprimand	Suspension	Termination	Termination
Mostly Aggravating	Suspension	Termination	Termination	Termination



USE DECISION SUPPORT RUBRIC

Commentary:

- Consistent with IDEA Part B, all persons 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 [CHUH 3213 AG]: 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 and 8330 AG) 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 and 5722 AG.
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Electronic Mail/Text Messages Policy* (UEMTMP) [CHUH 0167.1], *Staff Use of PCDs Policy*

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

BREACH OF CONFIDENTIALITY (CONT'D)

(SUPP) [CHUH 7530.02], *Computer Technology and Networks Policy* (CTNP) [CHUH 7540], *Technology Privacy Policy* (TPP) [CHUH 7540.01], *District Webpage Policy* (DWP) [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 [CHUH 7540.02 AG and 7540.03 AG], and/or [Resource 4.02](#).

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this ECOC violation: 1) Must be reported to the Superintendent or his/her designee; and 2) Will be investigated and resolved in accordance with Board policy. In all cases, a “Reasonable Person Standard” should be used to establish this ECOC violation; however, the following are not required for establishing or verifying this ECOC 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.
- Consistent with the Board *Personal Information Systems Policy* (PISP) [ORC §1347.05(D); CHUH 8320.01] and/or related administrative guidelines [CHUH 8320.01 AG], the Board shall discipline any Employee who engages in the unauthorized use or release of the PI contained in the PI System.
- Acts that may represent violations of [criminal law](#) are addressed elsewhere in the ECOC.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

DISCRIMINATION

Definition:

This ECOC violation means any act, or failure to act: 1) That unreasonably and unfavorably differentiates treatment of others based solely 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) That 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.
- 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 [20 USC §6301 et seq.; Public Law 17-110]; *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 Amendments of 2008* [ADA and

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

DISCRIMINATION (CONT'D)

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:

LCPCOE §1c; §1f-g; §2d-e; §5b

Board level:

CHUH 0100; 0123; 0167.1; 1110.04; 1200; 1400; 1422; 1422.02; 1460; 1461; 1541; 1613; 1623; 1662; 2110; 2131; 2240; 2260; 2260.01; 2260.02; 2261; 2261.01; 2261.02; 2270; 2280; 2412; 2413; 2460; 2461; 2464; 2510; 3111; 3120; 3120.01; 3120.04; 3120.05; 3122; 3122.01; 3122.02; 3122.03; 3123; 3131; 3132; 3139; 3140; 3160; 3161; 3213; 3231; 3362.01; 3170; 3210; 3362; 3430.01; 3430.03; 4111; 4120; 4120.01; 4120.04; 4120.08; 4122; 4122.01; 4122.02; 4122.03; 4123; 4131; 4139; 4140; 4160; 4162; 4170; 4210; 4213; 4231; 4362; 4362.01; 4421.01; 4430.01; 5500; 5111; 5111.01; 5111.02; 5113.01; 5120; 5223; 5335; 5336; 5516; 5517; 5517.01; 5517.02; 5531; 5540; 5451; 5600; 5605; 5610; 5610.01; 5610.02; 5610.03; 5610.04; 5610.05; 5722; 5730; 5751; 5840; 6110; 6152.01; 7510; 7530; 7530.01; 7530.02; 7530.03; 7540; 7540.01; 7540.02; 7540.03; 7540.04; 7542; 7543; 8390; 8600; 8800; 9160; 9210; 9270; 9500; 9600; 9700; 9700.01

CHUH 1400 AG; 1422 AG; 1623a AG; 1662 AG; 2131 AG; 2240 AG; 2240b AG; 2260 AG; 2260d AG; 2260f AG; 2260a AG; 2260.01b AG; 2270 AG; 2280.05 AG; 2412 AG; 2460 AG; 2461 AG; 2464 AG; 2510 AG; 3111a AG; 3111b AG; 3120a AG; 3120b AG; 3120c AG; 3120d AG; 3120e AG; 3120.01 AG; 3120.04 AG; 3120.05 AG; 3122 AG; 3122.01 AG; 3123a AG; 3160a AG; 3160c AG; 3170a AG; 3170b AG; 3213 AG; 3231a AG; 3362 AG; 3362a AG; 3430.01 AG; 3430.01a AG; 3430.01b AG; 4111a AG; 4111b AG; 4120 AG; 4120c AG; 4120d AG; 4120.01 AG; 4122 AG; 4122.01 AG; 4123a AG; 4131 AG; 4160a AG; 4160c AG; 4162a AG; 4170a AG; 4170b AG; 4362 AG; 4362a AG; 4430.01 AG; 5111 AG; 5111.01 AG; 5111.02 AG; 5120 AG; 5451b AG; 5500a AG; 5517 AG; 55517.01 AG; 5517.02 AG; 5540a AG; 5531 AG; 5600a AG; 5605 AG; 5605a AG; 5610 AG; 5610.01 AG; 5610.02 AG; 5610.03 AG; 5722 AG; 5751 AG; 5840a AG; 5840b AG; 7540.02 AG; 7540.03 AG; 8390 AG; 8600 AG; 8605 AG; 8606 AG; 8610 AG; 8800a AG; 8800c AG; 9160 AG; 9160a AG; 9160c AG; 9270 AG; 9270a AG;

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

DISCRIMINATION (CONT'D)

9700 AG; 9700a AG; 9700b AG

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

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	Termination
Relatively Equal	Official Reprimand	Suspension	Termination	Termination
Mostly Aggravating	Suspension	Termination	Termination	Termination



USE DECISION SUPPORT RUBRIC

Commentary:

- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Electronic Mail/Text Messages Policy* (UEMTMP) [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], *District Webpage Policy* (DWP) [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 [CHUH 7540.02 AG and 7540.03 AG], and/or [Resource 4.02](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents alleging this ECOC 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. In all cases, a "Reasonable Person Standard" should be used to establish this ECOC violation; however, the following are not required for establishing or verifying this ECOC violation: 1) The filing of an actionable civil complaint with an outside agency; 2) Evidence of intentionality; or 3) Evidence of an

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

DISCRIMINATION (CONT'D)

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

SEXUAL HARASSMENT

Definition:

This ECOC violation means any act, or failure to act: 1) That involves the unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature that may be a matter of interest to an outside agency when: 1) Submission to such conduct is made, either explicitly or implicitly, a term or condition of a person's employment or educational development; 2) Submission to, or rejection of, such conduct by an individual is used as the basis for employment or education decisions affecting such individual or 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work (or educational) performance or creating an intimidating, hostile, or offensive work (or educational) environment [29 CFR §1604.11(a)]; and 2) That 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.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

SEXUAL HARASSMENT (CONT'D)

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

Licensure code:

LCPCOE §2d-e; §5b

Board level:

CHUH 0123; 0167.1; 1110.04; 1200; 1541; 1613; 1662; 2110; 2131; 3139; 3140; 3210; 3213; 3362; 3362.01; 4139; 4140; 4210; 4213; 4362; 4362.01; 5517; 5517.01; 5517.02; 5722; 7530; 7530.01; 7530.02; 7530.03; 7540; 7540.01; 7540.03; 7540.04; 7542; 7543

CHUH 1662 AG; 2131 AG; 3213 AG; 3362 AG; 3362a AG; 4362 AG; 4362a AG; 5517 AG; 5517.01 AG; 5517.02 AG; 5722 AG; 7540.03 AG

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	Termination
Relatively Equal	Official Reprimand	Suspension	Termination	Termination
Mostly Aggravating	Suspension	Termination	Termination	Termination



USE DECISION SUPPORT RUBRIC

Commentary:

- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) CHUH 1613, 3213, and 4213] and/or related administrative guidelines [CHUH 3213 AG], 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 guidance on avoiding technology-related instances of this ECOC violation, consult the Board

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

SEXUAL HARASSMENT (CONT'D)

Use of Electronic Mail/Text Messages Policy (UEMTMP) [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], related administrative guidelines [CHUH 7540.03 AG], and/or [Resource 4.02](#).

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents alleging this ECOC 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. In all cases, a “Reasonable Person Standard” should be used to establish this ECOC violation; however, the following are not required for establishing or verifying this ECOC 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.
- Acts that may represent violations of [criminal law](#) are addressed elsewhere in the ECOC.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

SEXUAL HARASSMENT (CONT'D)

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

OTHER CIVIL VIOLATION

Definition:

This ECOC violation means any act, or failure to act, not specified elsewhere in this section of the ECOC: 1) That negatively impact(s) the work or learning environment, or the rights of one or more students, employees, or other parties; and 2) That 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.
- 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, state, or local civil statute.
- Taking, neglecting to take, or refusing to take, any action that results in the unreasonable denial of an individual's right under law.
- Copying software purchased by the District for personal use.
- Using a technological resource in a manner that violates federal or state law relating to copyrights, trademarks, or public records (e.g., failing to acquire the permission of a copyright owner prior to copying copyrighted material, unless "fair use" conditions are met).
- Restricting student access to ideas, perspectives, or viewpoints motivated solely by personal disapproval of such.
- 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., the *Elementary and Secondary Education Act of 1965*, as amended [20 USC §6301 et seq.; Public Law 17-110], *National Labor Relations Act* [NLRA; 29 USC §151-169], *Fair Labor Standards Act of 1938* [FLSA; 29 USC §201 et seq.] as amended, 29 USC §660, *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 implementing regulations (civil) not otherwise specified

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

OTHER CIVIL VIOLATION (CONT'D)

State level:

Includes ORC §9.40 to §9.45, §9.80, §9.81, §9.83, §9.90, §9.91, §109.65, §117.53, §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, §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, §3313.20(A)(B), §3313.64, §3313.71 et seq., §3315.062, §3315.08, §3317.01 et seq., §3319.02, §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 3301-32-09, 3301-35-04, 3301-35-06, 3301-37-10, 3301-83-12, and any state level implementing regulations (civil) not otherwise specified

Licensure code:

VARIABLE

Board level:

Includes CHUH 0123, 0166, 0167.1, 0167.2, 0169.2, 1110.04, 1200, 1220, 1310, 1411, 1422, 1460, 1461, 1520, 1540, 1541, 1613, 1619, 1619.01, 1619.02, 1623, 1662, 2110, 2131, 2240, 2260, 2260.01, 2260.02, 2261, 2261.01, 2261.02, 2261.03, 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, 3122, 3122.03, 3123, 3124, 3130, 3131, 3139, 3140, 3143, 3160, 3161, 3210, 3211, 3213, 3231, 3310, 3362, 3362.01, 3411, 3419, 3419.01, 3419.02, 3420, 3422, 3531, 4111, 4120, 4120.04, 4120.08, 4122, 4122.03, 4123, 4124, 4130, 4131, 4139, 4140, 4160, 4210, 4211, 4213, 4231, 4362, 4362.01, 4419, 4419.01, 4419.02, 4420, 4421, 4421.01, 4422, 4531, 5111, 5111.03, 5112, 5113.01, 5113.02, 5120, 5130, 5136, 5136.01, 5200, 5215, 5223, 5230, 5310, 5320, 5330, 5330.01, 5330.02, 5335, 5336, 5340, 5341, 5350, 5409, 5410, 5421, 5460, 5460.01, 5500, 5511, 5514, 5515, 5516, 5517, 5517.01, 5517.02, 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, 5780, 5820, 5830, 5840, 5850, 5855, 5860, 5880, 5895, 6110, 6111, 6112, 6114, 6116, 6120, 6144, 6145, 6150, 6151, 6152, 6152.01, 6230, 6231, 6325, 6460, 6470, 6510, 6520, 6800, 6830, 7100, 7240, 7420, 7430, 7440, 7440.01, 7510, 7530, 7530.01, 7530.02, 7530.03, 7540, 7540.01, 7540.02, 7540.03, 7540.04, 7541, 7542, 7543, 8141, 8142, 8310, 8315, 8320, 8320.01, 8325, 8330, 8340, 8351, 8390, 8400, 8405, 8410, 8420, 8420.01, 8420.02, 8431, 8442, 8442.01, 8450, 8451, 8452, 8453, 8453.01, 8453.01, 8453.02, 8470, 8500, 8540, 8550, 8600, 8640, 8650, 8651, 8660, 8710, 8740, 8760, 8800, 9130, 9150, 9160, 9210, 9270, 9500,

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

OTHER CIVIL VIOLATION (CONT'D)

9600, 9700, 9700.01, and any Board level policies (civil) not otherwise specified

Includes CHUH 1411 AG, 1422 AG, 1623a AG, 1662 AG, 2131 AG, 2240 AG, 2240b AG, 2260 AG, 2260d AG, 2260f AG, 2260a AG, 2260.01b AG, 2270 AG, 2271 AG, 2280.04 AG, 2280.05 AG, 2280.06 AG, 2340a AG, 2340b AG, 2340d AG, 2370 AG, 2370a AG, 2412 AG, 2416 AG, 2421.01 AG, 2430 AG, 2430a AG, and 2431 AG, 2431a AG, 2431b AG, 2431c AG, 2431.01 AG, 2451 AG, 2460 AG, 2460.03 AG, 2461 AG, 2464 AG, 2510 AG, 2520 AG, 2531 AG, 2575 AG, 2623.01 AG, 2623.02 AG, 2700 AG, 3111a AG, 3111b AG, 3120a AG, 3120b AG, 3120c AG, 3120d AG, 3120e AG, 3120.04 AG, 3120.05 AG, 3122 AG, 3123a AG, 3124a AG, 3124b AG, 3130 AG, 3141 AG, 3160a AG, 3160c AG, 3211 AG, 3213 AG, 3231 AG, 3231a AG, 3362 AG, 3362a AG, 3415 AG, 3419.01 AG, 4111a AG, 4111b AG, 4120 AG, 4120c AG, 4120d AG, 4122 AG, 4123a AG, and 4130 AG, 4131 AG, 4140 AG, 4160a AG, 4160c AG, 4211 AG, 4251 AG, 4362 AG, 4362a AG, 5110 AG, 5111 AG, 5113.02 AG, 5120 AG, 5136 AG, 5200 AG, 5215 AG, 5230 AG, 5330a AG, 5340a AG, 5340b AG, 5340d AG, 5350 AG, 5460b AG, 5500a AG, 5511 AG, 5515.01 AG, 5517 AG, 5517.01 AG, 5517.02 AG, 5520 AG, 5530 AG, 5530a AG, 5540a AG, 5531 AG, 5600a AG, 5605 AG, 5605a AG, 5610.01 AG, 5610.02 AG, 5610.03 AG, 5710 AG, 5722 AG, 5751 AG, 5780 AG, 5820 AG, 5840a AG, 5840b AG, 5850 AG, 5880 AG, 7311 AG, 7420 AG, 7420e AG, 7420f AG, 7420g AG, 7420h AG, 7540.02 AG, 8310a AG, 8310b AG, 8310d AG, 8310e AG, 8315 AG, 8320 AG, 8320.01 AG, 8325 AG, 8330 AG, 8340 AG, 8351 AG, 8360 AG, 8390 AG, 8400 AG, 8400a AG, 8410 AG, 8410b AG, 8410d AG, 8410g AG, 8420 AG, 8420a AG, 8430 AG, 8431 AG, 8450 AG, 8451 AG, 8452 AG, 8453 AG, 8453.01 AG, 8453.02 AG, 8470 AG, 8600 AG, 8605 AG, 8606 AG, 8610 AG, 8620 AG, 8650 AG, 8651 AG, 8800a AG, 8800b AG, 8800c AG, 8800d AG, 8800e AG, 9120c AG, 9130 AG, 9130a AG, 9150 AG, 9160 AG, 9190 AG, 9270 AG, 9270a AG, 9700 AG, 9700a AG, 9700b AG, any District level administrative guidelines (civil) not otherwise specified

Agreement level:

Includes CHTU 795 1A et seq.

Includes EAPSC 1.00.0 et seq.

Includes MU 795 1.0 et seq.

Includes OAPSE 102 1A et seq.

Includes OAPSE 617 1A et seq.

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

Initial responsibility: DISTRICT LEVEL

Mandatory reporting: YES

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

OTHER CIVIL VIOLATION (CONT'D)

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	Termination
Relatively Equal	Official Reprimand	Suspension	Termination	Termination
Mostly Aggravating	Suspension	Termination	Termination	Termination



USE DECISION SUPPORT RUBRIC

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 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 [CHUH 1411 AG, 3211 AG, and 4211 AG], 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 [CHUH 3213 AG], 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.
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Electronic Mail/Text Messages Policy* (UEMTMP) [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], *District Webpage Policy* (DWP) [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 [CHUH 7540.02 AG and 7540.03 AG], and/or [Resource 4.02](#).
- Consistent with the Board *Personal Information Systems Policy* (PISP) [ORC §1347.05(D); CHUH 8320.01] and/or related administrative guidelines [CHUH 8320.01 AG] , 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 ECOC violation:

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

OTHER CIVIL VIOLATION (CONT'D)

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. In all cases, a “Reasonable Person Standard” should be used to establish such ECOC violations; however, the following are not required for establishing or verifying this ECOC 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.

- All incidents potentially involving other forms of this ECOC violation must be reported to the Superintendent or his/her designee.
- Acts that may represent violations of [criminal law](#) are addressed elsewhere in the ECOC.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

OTHER CIVIL VIOLATION (CONT'D)

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4.0 ECOC VIOLATIONS (CONT'D) POTENTIAL VIOLATIONS OF CRIMINAL LAW

The following actions and/or behaviors represent grounds for disciplinary action within the District based on violations of Board policy that may also involve violations of federal and/or state criminal law:

ALCOHOL OR DRUG POLICY VIOLATION

- Definition:** This ECOC violation means any conduct that violates one or more of the Board *Alcohol, Drug, or Intoxicant Policies* (ADIPs); and 2) That may be a matter 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 Board-owned or Board-operated vehicle; or 4) While performing a Safety-Sensitive Function [CHUH 3122.01, 3122.01 AG, 4122.01, and 4122.01 AG].
 - Performing a Safety-Sensitive Function or operating a Board-owned or Board-operated vehicle: 1) After using Alcohol; or 2) After using an Illegal Drug [CHUH 3122.01, 3122.01 AG, 4122.01, and 4122.01 AG].
 - Reporting for duty, or remaining on duty, when using a Controlled Substance, except when the use is prescribed by a 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 operate a Board-owned vehicle; or 3) To perform a Safety-Sensitive Function [CHUH 3122.01, 3122.01 AG, 4122.01, and 4122.01 AG].
 - 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, 3122.01 AG, 4122.01, and 4122.01 AG].
 - Being indicted or convicted under any criminal drug statute for a violation occurring: 1) In the Workplace [CHUH 3122.01, 3122.01 AG, 4122.01, and 4122.01 AG]; 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, 3122.01 AG, 4122.01, and 4122.01 AG].
 - 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 and 4162a AG].
 - Refusing to submit to Alcohol and/or drug testing when required [CHUH 4162 and 4162a AG].
 - Altering, attempting to alter, or unduly influencing Alcohol and/or drug testing results [CHUH 4162 and 4162a AG].

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

ALCOHOL OR DRUG POLICY VIOLATION (CONT'D)

- 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 and 4162a AG].
- Failing to enroll, when requested 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 and 4162a AG].
- Failing to comply with any other regulation promulgated under any testing program [CHUH 4162 and 4162a AG].
- 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, 3122.01 AG, 4122.01, and 4122.01 AG].
- 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; 2) Impacts, or has the potential to impact, the Board's credibility with any outside concern [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; §3319.313(F); §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 et seq.; 3301-27-01; 3301-35-04; 3301-35-06; 3301-83-07; 3301-83-20; 3301-83-23
Licensure code:	LCPCOE §1b; §1d; §1f; §4a; §6a-e
Board level:	CHUH 0123; 1200; 1220; 1240.01; 1310; 1340; 1400; 1460; 1520; 1541; 1613; 2131; 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; 4120.08; 4120.09; 4121; 4122.01; 4139; 4140; 4160; 4162; 4170; 4170.01; 4210; 4213; 4242; 4440; 5530; 6233; 6460; 6550; 6680; 8142; 8320; 8400; 8442; 8442.01; 8600; 8600.04; 8650; 9130; 9160

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

ALCOHOL OR DRUG POLICY VIOLATION (CONT'D)

CHUH 1400 AG; 2131 AG; 3120a AG; 3120b AG; 3120c AG; 3120d AG; 3120e AG; 3120.04 AG; 3120.05 AG; 3121 AG; 3160a AG; 3160c AG; 3170a AG; 3170b AG; 3213 AG; 3440a AG; 4120 AG; 4120c AG; 4120d AG; 4121 AG; 4122.01 AG; 4160a AG; 4160c AG; 4162a AG; 4162b AG; 4170a AG; 4170b AG; 4440c AG; 5530 AG; 5530a AG; 8320 AG; 8320.01 AG; 8400 AG; 8600 AG; 8605 AG; 8620 AG; 8650 AG; 9130 AG; 9130a AG

Agreement level: CHTU 795 4A; 4C; 4F; 8K; 11C; Appendix

EAPSC Preamble

MU 795 10.04; 13.04C

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

OAPSE 617 5C; 6I; 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	Termination	Not Applicable
Relatively Equal	Suspension	Termination	Termination	Not Applicable
Mostly Aggravating	Termination	Termination	Termination	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) CHUH 1613, 3213, and 4213] and/or related administrative guidelines [CHUH 3213 AG]: 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 guidance on avoiding this ECOC violation, consult the Board *Drug-Free Workplace Policies* (DFWPs) [CHUH 3122.01 and 4122.01], *Substance Abuse Policies* (SAPs) [CHUH 3170 and 4170], *CDL Holder Testing Policy* (CHTP) [CHUH 4162], related administrative guidelines [3122.01 AG, 3170a AG, 3170b AG, 4122.01 AG, 4162a AG, 4170a AG, and 4170b AG], and/or the Agreement

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

ALCOHOL OR DRUG POLICY VIOLATION (CONT'D)

[CHTU 795 8K and Appendix; MU 795 10.04; OAPSE 102 8I and Appendix; OAPSE 617 8J and Appendix]. Key considerations include, but are not limited to, the following CHUH 3170, 3170a AG, 3170b AG, 3170.01, 4162, 4162a AG, 4170, 4170a AG, 4170b AG, and 4170.01]:

- The responsibility to correct unsatisfactory job performance or behavior resulting from a suspected health problem rests with the staff member, and failure to do so, for whatever reason, will result in appropriate corrective or disciplinary action, up to and including Termination, as determined by the Board.
 - Staff who suspect they may have a drug or alcohol problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.
 - Staff members who voluntarily disclose that they have an addiction to alcohol and/or a Controlled Substance may participate in the EAP. Voluntary disclosure of an alcohol or drug addiction by a staff member will not subject the staff member to disciplinary action unless such disclosure is made after the staff member is selected to be tested or immediately prior to the selection of staff members to be tested.
 - Nothing in CHUH 4162 shall prevent the Board from disciplining a staff member for misconduct associated with his or her alcohol use and/or drug use regardless of whether the employee has disclosed that he or she has an alcohol or drug addiction.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
 - All incidents potentially involving this ECOC 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, social services, and/or the State Board/State Department) by the Superintendent or his/her designee where mandated.
 - Some examples of this ECOC 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](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

COMMISSION OF A SEX OFFENSE

Definition: This ECOC violation means any conduct that violates one or more of the Board *Sexual Misconduct Policies* (SMPs); and 2) That may be a matter of interest to a law enforcement agency.

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

- Engaging in an inappropriate relationship with a student or other minor.
- Touching a staff member, student or other person in a sexually inappropriate manner.
- Engaging in sexual conduct with a minor student or other minor regardless of location or consent.
- Possessing, distributing, or accessing child pornography.
- Committing any other act of sexual misconduct prohibited 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 §7912; 34 CFR §200.44; 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]; 47 CFR §54.520

State level: ORC §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(F); §3319.39; §3319.391 and §3319.392; §3327.10; §3716.11; §3797.01 et seq.
OAC 3301-20-01 et seq. et seq.; OAC 3301-20-01 et seq.; 3301-27-01; 3301-35-04; 3301-35-06; §3301-83-23

Licensure code: LCPCOE §1b; §1d; §1f-g; §2i; §4a

Board level: CHUH 0123; 1110.04; 1200; 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; 4120.08; 4120.09; 4121; 4139; 4140; 4210; 4213; 4362; 4362.01; 6460; 7530; 7540; 7540.01; 7540.04; 7542; 7543; 8141; 8142; 8320; 8470; 8600.04; 8650; 9130
CHUH 1662 AG; 3120a AG; 3120b AG; 3120c AG; 3120d AG; 3120e AG; 3120.04 AG; 3120.05 AG; 3121 AG; 3213 AG; 3362 AG; 3362a AG; 4120 AG; 4120c AG; 4120d AG; 4121 AG; 4362 AG; 4362a AG; 8320 AG; 8320.01 AG; 8470 AG; 8650 AG; 9130 AG; 9130a AG

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

EAPSC Preamble

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

COMMISSION OF A SEX OFFENSE (CONT'D)

MU 795 13.04C

OAPSE 102 5C; 15A; Appendix

OAPSE 617 5C; 17I

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

Initial responsibility: DISTRICT LEVEL

Mandatory reporting: YES

Initial classification: [DISQUALIFYING](#)

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	Not Applicable	Not Applicable	Not Applicable
Relatively Equal	Termination	Not Applicable	Not Applicable	Not Applicable
Mostly Aggravating	Termination	Not Applicable	Not Applicable	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [CHUH 1613, 3213, and 4213] and/or related administrative guidelines [CHUH 3213 AG]: 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 guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Computer Technology and Networks Policy* (CTNP) [CHUH 7540], *Technology Privacy Policy* (TPP) [RLS 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], related administrative guidelines, and/or [Resource 4.02](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this ECOC 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, social services, and/or the State Board/State Department) by the Superintendent or his/her designee where mandated.
- Most examples of this ECOC 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](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

DISHONESTY (CRIMINAL)

Definition: This ECOC violation means any conduct: 1) That involves a verbal lack of truthfulness or deception; and 2) That may be a matter of interest to a law enforcement agency.

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

- Engaging in an act of commission (e.g., the criminal misrepresentation of facts, such as initiating a false complaint alleging criminal activity or making false statements to law enforcement during the course of an investigation).
- Engaging in an 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; 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; §2903.15; §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; §3319.313(F); §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 et seq.; 3301-27-01; 3301-57-01

Licensure code: LCPCOE §1b; §1d-f

Board level: CHUH 0123; 0141.2; 0175.1; 1130; 1200; 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; 4120.08; 4120.09; 4121; 4123; 4139; 4140; 4210; 4211; 4213; 4214; 4217; 4362; 4440; 5516; 5517; 5517.01; 5517.02; 5540; 6111; 6112; 6210; 6220; 6231; 6232; 6320; 6325; 6423; 6440; 6460; 6550; 6610; 6621; 6625; 6660; 6661; 6662; 6670; 6800; 6830; 7217; 7230; 7240; 7450; 7455; 8141; 8142; 8320; 8462; 8410; 8600.04; 8650; 8900; 9130

CHUH 1411 AG; 1422 AG; 1623a AG; 1662 AG; 3120a AG; 3120b AG; 3120c AG; 3120d AG; 3120e AG; 3120.04 AG; 3120.05 AG; 3121 AG; 3123a AG; 3211 AG; 3213 AG; 3362 AG; 3362a AG; 3440a AG;

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

DISHONESTY (CRIMINAL) (CONT'D)

4120 AG; 4120c AG; 4120d AG; 4121 AG; 4123a AG; 4211 AG; 4362 AG; 4362a AG; 5517 AG; 5517.01 AG; 5517.02 AG; 5517.01 AG; 5517.02 AG; 6111a AG; 6111b AG; 6320a AG; 6423 AG; 6610 AG; 6611 AG; 6620 AG; 7230 AG; 8320 AG; 8320.01 AG; 8410 AG; 8410b AG; 8430 AG; 8605 AG; 8620 AG; 8650 AG; 9130 AG; 9130a AG

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

EAPSC Preamble

MU 795 13.04C

OAPSE 102 5C; 15A; Appendix

OAPSE 617 5C; 17I

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	Termination	Not Applicable
Relatively Equal	Suspension	Termination	Termination	Not Applicable
Mostly Aggravating	Termination	Termination	Termination	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- Consistent with the Board *Whistleblower Protection Policies* (WPPs) [ORC §4113.52; CHUH 1411, 3211, and 4211] and/or related administrative guidelines [CHUH 1411 AG, 3211 AG, and 4211 AG]: 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 [CHUH 3213 AG], 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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

DISHONESTY (CRIMINAL) (CONT'D)

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 ECOC 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, social services, and/or the State Board/State Department) by the Superintendent or his/her designee where mandated.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

DISHONESTY (CRIMINAL) (CONT'D)

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

FALSIFICATION OF OR FAILURE TO ACCURATELY PROVIDE INFORMATION (CRIMINAL)

Definition: This ECOC violation means any conduct: 1) That involves a non-verbal lack of truthfulness or deception; and 2) That may be a matter 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; §3319.39; §3319.311; §3319.313(F); §3319.317; §4113.51; §4113.52; §5705.01 et seq.
OAC 3301-20-01 et seq.; 3301-27-01

Licensure code: LCPCOE §1b; §1d-f; §3a; §3d; §7g

Board level: CHUH 0123; 1200; 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; 4120.08; 4120.09; 4121; 4139; 4140; 4210; 4211; 4440; 6107; 6111; 6112; 6116; 6210; 6220; 6231; 6232; 6423; 6440; 6460; 6550; 6610; 6621; 6625; 6660; 6661; 6662; 6670; 6800; 6830; 7455; 8141; 8142; 8320; 8600.04; 8650; 8900; 9130
CHUH 1411 AG; 3120a AG; 3120b AG; 3120c AG; 3120d AG; 3120e AG; 3120.04 AG; 3120.05 AG; 3121 AG; 3211 AG; 3440a AG; 4120 AG; 4120c AG; 4120d AG; 4121 AG; 4211 AG; 4440c AG; 6111a AG; 6111b AG; 6423 AG; 6610 AG; 6611 AG; 6620 AG; 8320 AG; 8320.01 AG; 8650 AG; 9130 AG; 9130a AG

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

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

EAPSC Preamble

MU 795 13.04C

OAPSE 102 5C; 15A; Appendix

OAPSE 617 5C; 9G; 17I

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	Termination	Not Applicable
Relatively Equal	Suspension	Termination	Termination	Not Applicable
Mostly Aggravating	Termination	Termination	Termination	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- Consistent with the Board *Whistleblower Protection Policies* (WPPs) [ORC §4113.52; CHUH 1411, 3211, and 4211] and/or related administrative guidelines [CHUH 1411 AG, 3211 AG, and 4211 AG], 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 ECOC 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, social services, and/or the State Board/State Department) by the Superintendent or his/her designee where mandated.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (CRIMINAL)

Definition: This ECOC violation means any conduct: 1) That is inappropriate or unacceptable in the environment in which it occurs; and 2) That may be a matter of interest to a law enforcement agency.

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

- Committing 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 §1513; 18 USC §2231 et seq.; 18 USC §2261; 20 USC §7912; 34 CFR §200.44; 42 USC §12645g

State level: ORC §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 and §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(F); §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 et seq.; 3301-27-01; 3301-32-09; 3301-35-04; 3301-35-06; 3301-37-10; 3301-83-12; 3301-83-23

Licensure code: LCPCOE §1b; §1d-g; §2f-h; §3e; §4a-b; §7a-d

Board level: CHUH 0123; 1200; 1220; 1240.01; 1310; 1340; 1411; 1422; 1520; 1541; 1623; 1662; 2260; 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; 4120.08; 4120.09; 4121; 4123; 4139; 4140; 4210; 4211; 4362; 4362.01; 5516; 5517; 5517.01; 5517.02; 5600; 5630; 6231; 6460; 7530.01; 7530.02; 7530.03; 8141; 8142; 8320; 8400; 8462; 8600.04; 8650; 9130

CHUH 1411 AG ; 1422 AG; 1623a AG; 1662 AG; 2260 AG; 2260d AG; 2260f AG; 2280.05 AG; 3120a AG; 3120b AG; 3120c AG; 3120d AG; 3120e AG; 3120.04 AG; 3120.05 AG; 3121 AG; 3123a AG; 3362 AG; 3362a AG; 4120 AG; 4120c AG; 4120d AG; 4121 AG; 4123a AG;

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

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

4362 AG; 4362a AG; 5517 AG; 517.01 AG; 5517.02 AG; 5600a AG;
5630a AG; 5630b AG; 8320 AG; 8320.01 AG; 8400 AG; 8650 AG;
8650 AG; 9130 AG; 9130a AG

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

EAPSC Preamble

MU 795 13.04C

OAPSE 102 5C; 15A; Appendix

OAPSE 617 5C; 17I

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	Termination	Not Applicable
Relatively Equal	Suspension	Termination	Termination	Not Applicable
Mostly Aggravating	Termination	Termination	Termination	Not Applicable



USE DECISION SUPPORT RUBRIC

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 ECOC 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, social services, and/or the State Board/State Department) by the Superintendent or his/her designee where mandated.
- Some examples of this ECOC 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](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

THEFT, ABUSE, OR UNAUTHORIZED USE OF PROPERTY

Definition: This ECOC violation means any conduct: 1) That involves the stealing, wrongful appropriation, improper diversion, misuse, or destruction of property belonging to the Board, an Employee, a student, or other party; and 2) That may be a matter 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 by the District.
- Using District-owned equipment 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; §3319.313(F); §3319.39; §5705.01 et seq.

OAC 3301-20-01 et seq.; 3301-27-01

Licensure code: LCPCOE §1b; §1d-f; §4a-b; §7e-f; §7h

Board level: CHUH 0123; 1110.04; 1130; 1200; 1220; 1240.01; 1310; 1411; 1340; 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; 4120.08; 4120.09; 4121; 4139; 4140; 4210; 4211; 4440; 5136.01; 5514; 6111; 6112; 6120; 6231; 6423; 6460; 6550; 6610; 6621; 6625; 6660; 6661; 6662; 6670; 6800; 6830; 7230; 7300; 7310; 7440; 7450; 7455; 7510; 7530; 7530.01; 7540; 7540.04; 7541; 7542; 7543; 7550; 8142; 8320; 8351; 8600.04; 8650; 8710; 8740; 8900; 9130

CHUH 1411 AG; 3120a AG; 3120b AG; 3120c AG; 3120d AG; 3120e AG; 3120.04 AG; 3120.05 AG; 3121 AG; 3440a AG; 4120 AG; 4120c AG; 4120d AG; 4121 AG; 4440c AG; 6111a AG; 6111b AG; 6423 AG; 6610 AG; 6611 AG; 6620 AG; 7230 AG; 7310 AG; 8320 AG; 8320.01 AG; 8351 AG; 8650 AG; 9130 AG; 9130a AG; 9190 AG

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

EAPSC Preamble; 14.00.0

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

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

MU 795 13.04C

OAPSE 102 5C; 15A; Appendix

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

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	Termination	Not Applicable
Relatively Equal	Suspension	Termination	Termination	Not Applicable
Mostly Aggravating	Termination	Termination	Termination	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- For guidance on avoiding technology-related instances of this ECOC 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 [Resource 4.02](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this ECOC 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, social services, and/or the State Board/State Department) by the Superintendent or his/her designee where mandated.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

WEAPONS POLICY VIOLATION

Definition:	This ECOC violation means any conduct that violates one or more of the Board <i>Weapons Policies</i> (WPs); and 2) That may be a matter of interest to a law enforcement agency.
Examples:	<p>Include, but are not limited to, the following:</p> <ul style="list-style-type: none">• 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 leased, owned, or contracted for by the Board, school-sponsored events, or in Board-owned vehicles [CHUH 3217 and 4217].
	Related alignments include, but are not limited to, the following:
Federal level:	<i>Gun Free Schools Act of 1994</i> ; 18 USC §175 et seq.; 18 USC §229 et seq.; 18 USC §831 et seq.; 18 USC §841 et seq.; <i>Gun Control Act of 1968</i> [GCA; 18 USC §921 et seq.; Public Law 90-618]; <i>Gun Free School Zones Act of 1990</i> [GFSZA; 18 USC §922 and 924]; 20 USC §7912; 34 CFR §200.44; 42 USC §12645g; 27 CFR §447.1 et seq.
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(F); §3319.39; §3319.391 and §3319.392 OAC 3301-20-01 et seq.; 3301-27-01; 3301-83-20; 3301-83-23
Licensure code:	LCPCOE §1b; §1d-f; §4b; §4d
Board level:	CHUH 0123; 1200; 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; 4120.08; 4120.09; 4121; 4139; 4140; 4210; 4217; 5772; 6460; 7217; 8142; 8320; 8600.04; 8650; 9130 CHUH 3120a AG; 3120b AG; 3120c AG; 3120d AG; 3120e AG; 3120.04 AG; 3120.05 AG; 3121 AG; 4120 AG; 4120c AG; 4120d AG; 4121 AG; 5772 AG; 8320 AG; 8320.01 AG; 8650 AG; 9130 AG; 9130a AG
Agreement level:	CHTU 795 4A; 4C; 4F; 11C; Appendix EAPSC Preamble MU 795 13.04C

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

WEAPONS POLICY VIOLATION (CONT'D)

OAPSE 102 5C; 15A; Appendix

OAPSE 617 5C; 17I

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	Termination	Not Applicable
Relatively Equal	Suspension	Termination	Termination	Not Applicable
Mostly Aggravating	Termination	Termination	Termination	Not Applicable



USE DECISION SUPPORT RUBRIC

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 license 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 and Board-owned vehicle.
 - 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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

WEAPONS POLICY VIOLATION (CONT'D)

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 Agreement.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this ECOC 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, social services, and/or the State Board/State Department) by the Superintendent or his/her designee where mandated.
- Some examples of this ECOC 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](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

WEAPONS POLICY VIOLATION (CONT'D)

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

OTHER CRIMINAL VIOLATION (NON-DISQUALIFYING)

Definition: This ECOC violation means any conduct not specified elsewhere in this section of the ECOC: 1) That does not statutorily render an applicant ineligible for initial employment, or an existing Employee from continued employment; and 2) That 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 District-owned structure.
- Creating or contributing to an unlawful civil disturbance.
- Coercing a witness.
- 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 implementing regulations (criminal, but non-disqualifying) not otherwise specified

State level: Includes ORC §109.572; §124.36; §124.62, §2744.01 et seq.; §2903.041 through §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(F), §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 et seq., 3301-27-01, 3301-83-23, and any state level implementing regulations (criminal, but non-disqualifying) not otherwise specified

Licensure code: LCPCOE §1b; §1f; §3d; §4b-c; §4e

Board level: Includes CHUH 0123, 1110.04, 1200, 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,

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

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

4120, 4120.04, 4120.08, 4120.09, 4121, 4139, 4140, 4210, 4362, 4362.01, 4440, 6460, 6550, 7440.01, 7530, 7540, 7540.01, 7540.04, 8142, 8320, 8420.01, 8420.02, 8600.04, 8650, 9130, and any Board level policies (criminal, but non-disqualifying) not otherwise specified

Includes CHUH 3120a AG, 3120b AG, 3120c AG, 3120d AG, 3120e AG, 3120.04 AG, 3120.05 AG, 3121 AG, 3362 AG, 3362a AG, 3440a AG, 4120 AG, 4120c AG, 4120d AG, 4121 AG, 4362 AG, 4362a AG, 4440c AG, 8320 AG, 8320.01 AG, 8605 AG, 8620 AG, 8650 AG, 9130 AG; 9130a AG, and any District level administrative guidelines (criminal, but non-disqualifying) not otherwise specified

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, 17I, 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: [NON-DISQUALIFYING](#)

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	Termination	Not Applicable	Not Applicable
Relatively Equal	Termination	Termination	Not Applicable	Not Applicable
Mostly Aggravating	Termination	Termination	Not Applicable	Not Applicable



USE DECISION SUPPORT RUBRIC

Commentary:

- For guidance on avoiding technology-related instances of this ECOC 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], related administrative guidelines, and/or [Resource 4.02](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

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

- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this ECOC 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, social services, and/or the State Board/State Department) by the Superintendent or his/her designee where mandated.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

OTHER CRIMINAL VIOLATION (DISQUALIFYING)

Definition: This ECOC violation means any conduct not specified elsewhere in this section of the ECOC: 1) That statutorily renders an applicant ineligible for initial employment, or an existing Employee from continued employment; and 2) That may be a matter of interest to a law enforcement agency.

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

- Receiving a conviction that results in denial or subsequent forfeiture of a fingerprint clearance.
- Receiving a conviction on an “absolute bar” offense reportable to the State Board/State Department for major licensure action.

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 implementing regulations (criminal and disqualifying) not otherwise specified

State level: Includes ORC §109.572, §124.34, §2744.01 et seq., §2903.01 through §2903.04, §2903.11 and §2903.12, §2903.15, §2903.21, §2903.34, §2903.37, §2905.01 and §2905.02, §2905.05, §2905.11, §2907.02 through §2907.07, §2907.21 through §2907.25, §2907.31 through §2907.34, §2909.02, §2909.22 through §2909.24, §2911.01, §2911.02, §2911.10, §2911.11, §2911.211, §2913.44, §2917.01 through §2917.03, §2917.31, §2917.33, §2919.12 and §2919.13, §2921.02, §2921.03 through §2921.05, §2921.11, §2921.34, §2921.41, §2923.122 and §2923.123, §2923.161, §2923.17, §2923.21, §2925.02 through §2925.06, §2925.13, §2925.22 through §2925.24, §2925.32, §2925.36 and §2925.37, §2927.24, §3301.074, §3311.82, §3314.41, §3319.02, §3319.08, §3319.081, §3319.088, §3319.101, §3319.16, §3319.20, §3319.291-292, §3319.303, §3319.31(C), §3319.313(F), §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 et seq., 3301-27-01, 3301-83-23, and any state level implementing regulations (criminal and disqualifying) not otherwise specified

Licensure code: LCPCOE §1b; §1d-f-g; §2a-c; §3d; §4a

Board level: Includes CHUH 0123, 1110.04, 1200, 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, 4120.08, 4120.09, 4121, 4139, 4140, 4162, 4210, 4213, 4362, 4440, 6460, 6550, 7530, 7540, 7540.01, 7540.04, 7542, 7543, 8141, 8142, 8320, 8462, 8470, 8600.04, 8650, 9130, and any

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

OTHER CRIMINAL VIOLATION (DISQUALIFYING) (CONT'D)

Board level policies (criminal and disqualifying) not otherwise specified

Includes CHUH 1662 AG, 3120a AG, 3120b AG, 3120c AG, 3120d AG, 3120e AG, 3120.04 AG, 3120.05 AG, 3121 AG, 3213 AG, 3362 AG, 3362a AG, 4120 AG, 4120c AG, 4120d AG, 4121 AG, 4162a AG, 4362 AG, 4362a AG, 4440c AG, 8320 AG, 8320.01 AG, 8470 AG, 8605 AG, 8620 AG, 8650 AG, 9130 AG; 9130a AG, and any District level administrative guidelines (criminal and disqualifying) not otherwise specified

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, 17I, 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: [DISQUALIFYING](#)

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



USE DECISION SUPPORT RUBRIC

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, the fact that the license holder pleaded guilty to, was convicted of, has been found eligible for

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

OTHER CRIMINAL VIOLATION (DISQUALIFYING) (CONT'D)

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 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 guidance on avoiding technology-related instances of this ECOC 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], related administrative guidelines, and/or [Resource 4.02](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this ECOC 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, social services, and/or the State Board/State Department) by the Superintendent or his/her designee where mandated.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC 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 action will receive the following:

Professional Staff Member

- An informal meeting with his or her Administrator in a private location [CHTU 795 11D].
- The right to be accompanied by union representative, 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 [aggravating and/or mitigating factors](#) in the case 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 taken to address 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.

Classified Employee

- An informal meeting with his or her Supervisor in a private location.
- The right to be accompanied by union representative, 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 [aggravating and/or mitigating factors](#) in the case 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 taken to address 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 Administrator will complete an informal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action [CHTU 795 11B and 11C]; and 2) Includes the Employee's response to the allegation(s) involved, 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, , and 11D; EAPSC Preamble] (see [Form 3.03](#) and [Form 3.05](#)). If a union representative is requested, no action should be taken until the representative is present; however, the availability of said 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 Administrator will:
 - Meet with the Employee within a reasonable timeframe to deliver the action (see [Form 3.04](#) and [Form 3.05](#)).

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

- State his or her reason(s) for proceeding with the action, referencing any [aggravating and/or mitigating factors](#) considered prior to the decision [CHTU 795 11B and 11C].
- Present the Employee with the documentation of the action (see [Form 5.01](#)).
- 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 Administrator 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 BSF (see [Section 8.0](#)) [CHTU 795 4E (2)].

Classified Employee

- **Before action.** The Supervisor will complete an informal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action [MU 795 13.04B and 13.04C; OAPSE 102 15A]; and 2) Includes the Employee's response to the allegation(s) involved, 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 3.03](#) and [Form 3.05](#)). If a union representative is requested, no action should be taken until the representative is present; however, the availability of said representative should not unreasonably delay the meeting(s). The bargaining unit member and OAPSE 102 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].

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 3.04](#) and [Form 3.05](#)).
- State his or her reason(s) for proceeding with the action, referencing any [aggravating and/or mitigating factors](#) considered prior to the decision [MU 795 13.04B and 13.04C; OAPSE 102 15A].
- Present the Employee with the documentation of the action (see [Form 5.01](#)).
- 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.

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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 BSF (see [Section 8.0](#)) [MU 795 11.0; OAPSE 102 5A (1) and 5A (2); OAPSE 617 5A (1)].

Post-action considerations include the following:

Professional Staff Member

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.01 et seq.; CHUH 3139; CHTU 795 12A and Appendix] if the complaint falls within the definition of a Grievance. Appeal is not permitted.
- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration of action.** See [Section 8.0](#).

Classified Employee

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.01 et seq.; CHUH 4139; 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 complaint falls within the definition of a Grievance. Appeal is not permitted.

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

- **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 action will receive the following:

Professional Staff Member

- An informal meeting with his or her Administrator in a private location [CHTU 795 11D].
- The right to be accompanied by union representative, 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 [aggravating and/or mitigating factors](#) in the case 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 taken to address 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.

Classified Employee

- An informal meeting with his or her Supervisor in a private location.
- The right to be accompanied by union representative, 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 [aggravating and/or mitigating factors](#) in the case 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 taken to address 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 Administrator will complete an informal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action [CHTU 795 11B and 11C]; and 2) Includes the Employee's response to the allegation(s) involved, 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 3.03](#) and [Form 3.05](#)). If a union representative is requested, no action should be taken until the representative is present; however, the availability of said 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 Administrator will:
 - Meet with the Employee within a reasonable timeframe to deliver the action (see [Form 3.04](#) and [Form 3.05](#)).

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

- State his or her reason(s) for proceeding with the action, referencing any [aggravating and/or mitigating factors](#) considered prior to the decision [CHTU 795 11B and 11C].
- Present the Employee with the documentation of the action (see [Form 5.02](#)).
- 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 Administrator 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 BSF (see [Section 8.0](#)) [CHTU 795 4E (2)].

Classified Employee

- **Before action.** The Supervisor will complete an informal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action [MU 795 13.04B and 13.04C; OAPSE 102 15A]; and 2) Includes the Employee's response to the allegation(s) involved, 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 3.03](#) and [Form 3.05](#)). If a union representative is requested, no action should be taken until the representative is present; however, the availability of said representative should not unreasonably delay the meeting(s). The bargaining unit member and OAPSE 102 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].

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 3.04](#) and [Form 3.05](#)).
- State his or her reason(s) for proceeding with the action, referencing any [aggravating and/or mitigating factors](#) considered prior to the decision [MU 795 13.04B and 13.04C; OAPSE 102 15A].
- Present the Employee with the documentation of the action (see [Form 5.02](#)).
- 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.

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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 BSF (see [Section 8.0](#)) [MU 795 11.0; OAPSE 102 5A (1) and 5A (2); OAPSE 617 5A (1)].

Post-action considerations include the following:

Professional Staff Member

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.01 et seq.; CHUH 3139; CHTU 795 12A et seq. and Appendix] if the complaint falls within the definition of a Grievance. Appeal is not permitted.
- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration of action.** See [Section 8.0](#).

Classified Employee

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.01 et seq.; CHUH 4139; 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 complaint falls within the definition of a Grievance. Appeal is not permitted.

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

- **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 action will receive the following:

Professional Staff Member

- A formal meeting with the Superintendent or his/her designee in a private location [CHTU 795 11D].
- The right to be accompanied by union representative, 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 [aggravating and/or mitigating factors](#) in the case 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 taken to address 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.

Classified Employee

- A formal meeting with the Superintendent or his/her designee in a private location.
- The right to be accompanied by union representative, 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 [aggravating and/or mitigating factors](#) in the case 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 taken to address 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.

- **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 this type of action [CHUH 3139; CHTU 795 11B and 11C]; and 2) Includes the Employee's response to the allegation(s) involved, 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 3.03](#) and [Form 3.05](#)). If a union representative is requested, no action should be taken until the representative is present; however, the availability of said 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].

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

- **During action.** The Superintendent or his/her designee will:
 - Meet with the Employee within a reasonable timeframe to deliver the action (see [Form 3.04](#) and [Form 3.05](#)).
 - State his or her reason(s) for proceeding with the action, referencing any [aggravating and/or mitigating factors](#) considered prior to the decision [CHTU 795 11B and 11C].
 - Present the Employee with the documentation of the action (see [Form 6.01](#)).
 - 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 [CHTU 795 4E (5)] 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 OPF (see [Section 8.0](#)) [CHTU 795 4E (1) and 4E (3)].

For state level reporting and potential license action considerations, if any [CHUH 1541, 3139, and 8141], see [Section 9.0](#).

[Classified Employee](#)

If initiated at the building or site level, the case must be transferred to the District level.

- **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 this type of action [CHUH 4139; MU 795 13.04B and 13.04C; OAPSE 102 15A]; and 2) Includes the Employee's response to the allegation(s) involved, 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 3.03](#) and [Form 3.05](#)). If a union representative is requested, no action should be taken until the representative is present; however, the availability of said representative should not unreasonably delay the meeting(s). The bargaining unit member and OAPSE 102 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].

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:
 - Meet with the Employee within a reasonable timeframe to deliver the action (see [Form 3.04](#) and [Form 3.05](#)).

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)].

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

- State his or her reason(s) for proceeding with the action, referencing any [aggravating and/or mitigating factors](#) considered prior to the decision [MU 795 13.04B and 13.04C; OAPSE 102 15A].
- Present the Employee with the documentation of the action (see [Form 6.01](#)).
- 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 OPF (see [Section 8.0](#)) [MU 795 11.0; OAPSE 102 5A (1) and 5A (2); OAPSE 617 5A (1)].

For state level reporting and potential license action considerations, if any [CHUH 4139 and 8141], see [Section 9.0](#).

Post-action considerations include the following:

[Professional Staff Member](#)

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.01 et seq.; CHUH 3139; CHTU 795 12A and Appendix] if the complaint falls within the definition of a Grievance. Appeal is not permitted.
- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration of action.** See [Section 8.0](#).

[Classified Employee](#)

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.01 et seq.; CHUH 4139; 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 complaint falls within the definition of a Grievance. Appeal is not permitted.

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

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

- 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) SUSPENSIONS

An Employee facing this action will receive the following:

Professional Staff Member

- The Due Process afforded by Board policy and/or the Agreement [CHUH 1541, 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 3.03](#), [Form 3.04](#), and [Form 3.05](#)). If a union representative is requested, no action should be taken until the representative is present; however, the availability of said 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].

Classified Employee

- The Due Process afforded by state statute, Board policy, and/or the Agreement [ORC §124.34 or §3319.081(C)]; CHUH 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 3.03](#), [Form 3.04](#), and [Form 3.05](#)). If a union representative is requested, no action should be taken until the representative is present; however, the availability of said representative should not unreasonably delay the meeting(s). The bargaining unit member and OAPSE 102 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].

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

- Disciplinary Suspension.** There is no provision for this action under state statute. Provisions under Board policy and/or the Agreement include the following:

Administrator

The employment contract of an Administrator may be suspended in accordance with law, for Good and Just Cause, including disclosing a question to a student on a state-mandated assessment [ORC §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].

Such a disciplinary action shall be: 1) Documented; and 2) Hand-delivered or served by certified mail. The executed action will be retained in the OPF (see [Section 8.0](#)).

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

Teacher

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

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 OPF (see [Section 8.0](#)) [CHTU 795 4E (1) and 4E (3)].

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

If a person who holds a license is arrested, summoned, or indicted for an alleged violation of an offense listed in ORC §3319.31(C), is a person whose duties are assigned by the Superintendent, the Superintendent shall suspend that person from all duties that require the care, custody or control of a child during the pendency of the criminal action against the person [ORC §3319.40(B); CHUH 1541, 3121, and 3138]. If the person who is arrested, summoned, or indicted for an alleged violation of an offense listed in ORC §3319.31(C) is a person whose duties are assigned by the Treasurer, the Treasurer shall suspend the person from all duties that require the care, custody, or control of a child [ORC §3319.40(B); CHUH 3138]. If the person who is arrested, summoned, or indicted for an alleged violation of an offense listed in ORC §3319.31(C) is the Superintendent or Treasurer, the Board shall suspend the Superintendent or Treasurer from all duties that require the care, custody, or control of a child [ORC §3319.16, §3319.313(C)(1) and §3319.40(B); CHUH 1240.01 and 1340].

Such a non-disciplinary action shall be: 1) Documented; and 2) Hand-delivered or served by certified mail. The executed action will be retained in the OPF, subject to the provisions of ORC §3319.314 (see [Section 8.0](#)).

When a person who holds a license is suspended in accordance with ORC §3319.40(B), the Superintendent, Treasurer, or Board shall report the action to the State Department promptly [ORC §3319.16, §3319.31, §3319.311, §3319.313 and §3319.40(C); CHUH 1240.01, 1340, 1541, 3139, 3140, and 8141]. For additional state level reporting and potential licensure action considerations, if any [CHUH 1541, 3139, 3140, and 8141], see [Section 9.0](#).

Classified Employee

If initiated at the building or site level, the case must be transferred to the District level. The Superintendent, Treasurer, or Board will complete an investigation of the incident(s) that: 1) Includes the Employee's response to the allegation(s) involved, if such a response is given; and 2) Both establishes and verifies grounds for discipline that warrant this type of action.

- **Disciplinary Suspension.** Provisions under state statute, Board policy, and/or the Agreement include the following:
 - **Civil service.** 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 the officer's or Employee's longevity reduced or eliminated,

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

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)].

The action of the Board to suspend or demote an Employee is done in compliance with all statutory and constitutionally mandated procedures, including the opportunity for a hearing, if required, prior to the action. 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 appointing authority shall serve the Employee with a copy of the order of reduction, fine, or Suspension 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 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 OPF (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].

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 OPF (see [Section 8.0](#)) [MU 795 11.0; OAPSE 102 5A (1) and 5A (2); OAPSE 617 5A (1)].

- **Administrative Suspension.** The Board may suspend a Classified Employee pending final action to terminate the Classified Employee's contract if, in its judgment, the character of the charges warrants such action.

If a person who holds a license is arrested, summoned, or indicted for an alleged violation of an offense listed in ORC §3319.31(C), is a person whose duties are assigned by the Superintendent, the Superintendent shall suspend that person from all duties that require the care, custody or control of a child during the pendency of the criminal action against the person [ORC §3319.40(B); CHUH 4138]. If a person who does not hold a license is arrested, summoned, or indicted for an alleged violation of an offense listed in ORC §3319.39(B)(1) is a person whose duties are assigned by the Superintendent, the Superintendent shall suspend that person from all duties that require the care, custody or control of a child during the pendency of the criminal action against the person [ORC §3319.40(B); CHUH 4121 and 4138]. If the person who is arrested, summoned, or indicted for an alleged violation of an offense listed in ORC §3319.39(B)(1) is a person whose duties are assigned by the Treasurer, the Treasurer shall suspend the person from all duties that require the care, custody, or control of a child [ORC §3314.101 and §3319.40(B); CHUH 1320, 4121, and 4138].

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

Such non-disciplinary action shall be: 1) Documented; and 2) Hand-delivered or served by certified mail [ORC §124.34(B) and §3319.081(C)]. The executed action will be retained in the OPF, subject to the provisions of ORC §3319.314 (see [Section 8.0](#)).

When a person who holds a license is suspended in accordance with ORC §3319.40(B), the Superintendent or Treasurer shall report the action to the State Department promptly [ORC §3319.31, §3319.311, §3319.313, and §3319.40(C); CHUH 4139, 4140, and 8141]. For additional state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

Post-action considerations include the following:

Professional Staff Member

- **Disciplinary Suspension.**
 - **Records management.** See [Section 8.0](#).
 - **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.01 et seq.; CHUH 3139 and 3140; CHTU 795 12A et seq. and Appendix] if the complaint falls within the definition of a Grievance. Appeal is not permitted.
 - **Withdrawal of action.** See [Section 8.0](#).
 - **Expiration of action.** See [Section 8.0](#).
- **Administrative Suspension.**
 - **Records management.** See [Section 8.0](#).
 - **Contest.** See [Termination](#).
 - **Withdrawal of action.** See [Section 8.0](#).
 - **Expiration of action.** See [Section 8.0](#).

Classified Employee

- **Disciplinary Suspension.** Provisions under state statute, Board policy, and/or the Agreement include the following:
 - **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)].
 - **Contest.** Grievance is permitted using the defined Grievance Procedure if the complaint falls within the definition of a Grievance.

Appeal is permitted using the procedure defined in state law [ORC §124.34(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 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

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

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 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.** 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 §4117.01 et seq.; CHUH 4139 and 4140; 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 complaint falls within the definition of a Grievance. 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)].

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].

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration of action.** See [Section 8.0](#).
- **Administrative Suspension.**
 - **Records management.** See [Section 8.0](#).
 - **Contest.** See [Termination](#).
 - **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

An Employee facing this action will receive the following:

Professional Staff Member

- The Due Process afforded by state statute, Board policy, and/or the Agreement [ORC §3319.16; CHUH 1541, 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 3.03](#), [Form 3.04](#), and [Form 3.05](#)). If a union representative is requested, no action should be taken until the representative is present; however, the availability of said 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].

Classified Employee

- The Due Process afforded by state statute, Board policy, and/or the Agreement [ORC §124.34 or §3319.081(C); CHUH 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 3.03](#), [Form 3.04](#), and [Form 3.05](#)). If a union representative is requested, no action should be taken until the representative is present; however, the availability of said representative should not unreasonably delay the meeting(s). The bargaining unit member and OAPSE 102 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].

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

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

Treasurer

Except for a Treasurer who is automatically disqualified from service pursuant to ORC §3313.22(B)

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

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

Administrator

The employment contract of an Administrator may be terminated in accordance with law, for Good and Just Cause, including disclosing a question to a student on a state-mandated assessment [ORC §3319.151(A); CHUH 1520 and 1541]. A majority vote of the Board is required, and 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].

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

For the ORC §3319.16 procedure, see [Resource 6.01](#). The executed action will be retained in the OPF (see [Section 8.0](#)).

Teacher

The contract of any Teacher employed by the school board of any city, exempted village, local, county, joint vocational school district may not be terminated except for Good and Just Cause [ORC §3319.16; CHUH 3124, 3124a AG, and 3140], including, but not limited to, disclosing a question to a student on a state-mandated assessment [ORC §3319.151(A); CHUH 3140; CHTU 795 11C and 11E]. A majority vote of the Board is required, and in all such cases, the Board shall abide by Due Process, statutory procedures, and the terms set forth in the applicable Agreement [CHUH 3140; CHTU 795 11E].

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].

For the ORC §3319.16 procedure, see [Resource 6.01](#). 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 OPF (see [Section 8.0](#)) [CHTU 795 4E (1) and 4E (3)].

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

When a person who holds a license is terminated in accordance with ORC §3319.40(B), the Superintendent, Treasurer, or Board shall report the action to the State Department promptly [ORC §3319.16, §3319.311, §3319.313, and §3319.40(C); CHUH 1240.01, 1340, 1541, 3139, 3140, and 8141]. For additional state level reporting and potential licensure action considerations, if any [CHUH 1541, 3139, 3140, and 8141], see [Section 9.0](#).

Classified Employee

If initiated at the building or site level, the case must be transferred to the District level. The Superintendent, Treasurer, or Board will complete an investigation of the incident(s) that: 1) Includes the Employee's response to the allegation(s) involved, if such a response is given; and 2) Both establishes and verifies grounds for discipline that warrant this type of action.

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

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

- **Civil service.** Outside of the Probationary Period, 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 statutory and constitutionally 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 of removal 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 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 OPF (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 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].

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 OPF (see [Section 8.0](#)) [MU 795 11.0; OAPSE 102 5A (1) and 5A (2); OAPSE 617 5A (1)].

NOTE: A Probationary Period applies [MU 795 13.01]. In the event of discharge during the Probationary Period, both the bargaining unit member and the union president shall receive a copy of the discharge notice [OAPSE 102 5F (1); OAPSE 617 5D (1)].

When a person who holds a license is terminated in accordance with ORC §3319.40(B), the Superintendent or Treasurer shall report the action to the State Department promptly [ORC §3319.31, §3319.311, §3319.313, and §3319.40(C); CHUH 4139, 4140, and 8141]. For additional state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

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

Post-action considerations include the following:

Professional Staff Member

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.01 et seq.; CHUH 3139 and 3140; CHTU 795 12A et seq. and Appendix] if the complaint falls within the definition of a Grievance. Appeal is permitted using the procedure defined in state statute (see [Resource 6.01](#)) [ORC §3319.16; CHTU 795 11E].

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

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

Classified Employee

- **Records management.** See [Section 8.0](#).
- **Contest.** Provisions under state statute, Board policy, and/or the Agreement include the following:
 - **Civil service.** Grievance is permitted using the defined Grievance Procedure if the complaint falls within the definition of a Grievance.

Appeal is permitted using the procedure defined in state statute [ORC §124.34(B)], for an Employee who is not in 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)]. An Employee duly removed for unsatisfactory service during the Probationary Period does not have the right to appeal the removal under ORC §124.34 [ORC §124.27(B)].

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 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)].

- **Non-civil service.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.01 et seq.; CHUH 4139 and 4140; 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 complaint falls within the definition of a Grievance.

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

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 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 [ORC §3319.011; CHUH 1260]; 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 [ORC §3319.011; CHUH 1260]; 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 the following:

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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 contract of employment with each assistant superintendent, Principal, assistant principal, and Other Administrator it employs or re-employs [ORC §3319.02(C); CHUH 1520; EAPSC 7.01.0, 7.01.1, and 7.01.2]. 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; EAPSC 7.01.1]. If the Superintendent so recommends, the term of the contract of a person who has been 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 and/or 3422].

NOTE: In general, renewal of contracts shall be governed by: 1) The procedures in ORC §3319.02; and 2) The Agreement [EAPSC 7.01.0 et seq.].

Additional provisions include 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); EAPSC 7.01.9].
- 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].

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7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D) *CONTRACT ISSUANCE (CONT'D)*

Teacher

The board of education of each city, exempted village, local, and joint vocational school district and the 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 and 3124a AG; 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 and 3124a AG; 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 and 3124a AG; 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 and 3124a AG; CHTU 795 7O]. 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 7O].

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, 3120.08, 3124, 4b AG, 3415 AG, 3419, 3420, 3422, 3430, 3432, 3440, and 3440a AG].

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].

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 assignment to be subject to Termination 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].

Classified Employee

- **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 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

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7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D) **CONTRACT ISSUANCE (CONT'D)**

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 [CHUH 4124]. No appointment or promotion is final until the appointee has satisfactorily served the Probationary Period [ORC §124.27(B)].

- **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]. If such employees are rehired, their subsequent contracts shall be for a period of two (2) years [ORC §3319.081(A); CHTU 795 7J] or three (3) years [CHTU 795 7J].

After the termination of the two (2) year contract 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)].

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].

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

DECISIONS NOT TO RE-EMPLOY

Professional Staff Member

As a general rule, decisions not to re-employ 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

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7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D) *DECISIONS NOT TO RE-EMPLOY (CONT'D)*

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].

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].

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)].

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 and/or 3143].

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 7.01](#). For the District's Evaluation Procedures, see CHUH 1530 and/or 3143.

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 (see CHUH 1520 and/or 3143 for deadline variant, if applicable) 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);

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7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D) *DECISIONS NOT TO RE-EMPLOY (CONT'D)*

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 and/or 3143], 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 (see CHUH 1520 and/or 3143 for deadline variant, if applicable) 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 (see CHUH 1520 and/or 3143 for deadline variant, if applicable) 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 and/or 3143].

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 or non-renewal [ORC §3319.02(D)(4); CHUH 1520 and/or 3143]. 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 and/or 3143; EAPSC Preamble].

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)].

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

NOTE: In general, non-renewal of contracts shall be governed by: 1) The procedures in ORC §3319.02; and 2) The Agreement [EAPSC 7.01.0].

[Teacher](#)

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

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7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D) *DECISIONS NOT TO RE-EMPLOY (CONT'D)*

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 7.02](#).

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 7.03](#).

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 7.04](#). For the District's Evaluation Procedures, see CHUH 3220 and CHTU 795 10A, 10B, and Addendum.

Not later than September 30, 2016, the Board shall adopt a standards-based school counselor evaluation 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 District's Evaluation Procedures, see CHUH 3223.

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.

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 [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 a CBA entered into on or after March 22, 2013 [ORC §3319.11(J)].

- **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)].

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7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D) DECISIONS NOT TO RE-EMPLOY (CONT'D)

- **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].

- **Workflow #1A-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 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)].

- **Workflow #1A-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

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7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D) *DECISIONS NOT TO RE-EMPLOY (CONT'D)*

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 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), or (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 failure of the Superintendent to make a recommendation to the Board under any of the conditions set forth in ORC §3319.11(B), (C), or (D), or the failure of the Board to give such Teacher a written notice

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pursuant to ORC §3319.11(B), (C), or (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)].

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

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 a CBA entered into on or after March 22, 2013 [ORC §3319.11(J)].

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 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 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)].

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

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].

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

[Classified Employee](#)

As a general rule, decisions not to re-employ should be performance-based, rather than conduct-based, in nature. It is the policy of the Board that classified employees who are not going to be rehired be given an opportunity to resign [CHUH 4140].

For the District's evaluation guidelines, see CHUH 4220 and 4220 AG and MU 795 13.02 or OAPSE 102 5B.

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7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D) DECISIONS NOT TO RE-EMPLOY (CONT'D)

- **Civil service.** Outside of the Probationary Period, 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); CHUH 4124].

The action of the Board to terminate an Employee is done in compliance with all statutory and constitutionally 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 of removal 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 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 OPF (see [Section 8.0](#)).

Appeal is permitted using the procedure defined in state statute [ORC §124.34(B)], for an Employee who is not in the Probationary Period, unless otherwise prohibited by an Agreement. An Employee duly removed for unsatisfactory service during the Probationary Period does not have the right to appeal the removal under ORC §124.34 [ORC §124.27(B)].

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 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)].

- **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

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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)].

Grievance is permitted using the defined Grievance Procedure [ORC §4117.01 et seq.; CHUH 4139 and 4140; MU 795 14.1A et seq. and Appendix; OAPSE 102 5F (1), 15A, 15D, 17A et seq. and Appendix] if the complaint 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)].

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)].

RESIGNATIONS

Professional Staff Member

Superintendent

There are no provisions under state statute or Board policy. The Superintendent may resign in accordance with law and any applicable terms of his/her employment contract.

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 in accordance with law and any applicable terms of his/her employment contract.

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 administrative guidelines may apply.

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]. Additional and/or modified terms under Board policy [CHUH 3140], related administrative guidelines [CHUH 3141 AG], and/or the Agreement may apply.

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7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D) *RESIGNATIONS (CONT'D)*

A resignation, once accepted by the Board, may not then be rescinded [CHUH 3140].

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 (see [Section 9.0](#)) [ORC §3319.15; [CHUH 3140 and 3141 AG].

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 teaching profession, 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 3139 and 3140]. For additional state level reporting and potential license action considerations, if any, see [Section 9.0](#).

Classified Employee

- **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].

Additional and/or modified terms under Board policy [CHUH 3140], related administrative guidelines, and/or the Agreement [CHTU 795 4F, 5J, and 9H] may apply.

A resignation, once accepted by the Board, may not then be rescinded [CHUH 4140].

- **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 termination with the Treasurer [ORC §3319.081(E); CHUH 4140], unless an earlier date is permitted by the Board [CHUH 4140]. Additional terms under Board policy [CHUH 4140 and 4420], related administrative guidelines [CHUH 4140 AG], and/or the Agreement may apply.

A resignation, once accepted by the Board, may not then be rescinded [CHUH 4140].

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 conduct unbecoming the teaching profession, 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](#).

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].

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7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D) *SALARY REDUCTIONS AND REDUCTIONS IN FORCE (CONT'D)*

Administrator

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

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 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].

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].

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7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D) *SALARY REDUCTIONS AND REDUCTIONS IN FORCE (CONT'D)*

Additional provisions include 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].

NOTE: For additional and/or replacement provisions, see CHTU 795 5A et seq.

Classified Employee

- **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].
- **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 and 4131 AG].

Additional provisions include 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 and 4131 AG].
- **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

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7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D) *SALARY REDUCTIONS AND REDUCTIONS IN FORCE (CONT'D)*

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 and 4131 AG]. 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 and 4131 AG].

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 and 4131 AG].

NOTE: For additional and/or replacement provisions, see MU 795 13.05 and 13.06 or OAPSE 102 12A et seq. or OAPSE 617 13A et seq. and 15 as applicable.

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8.0 PROCEDURES FOR RECORDS MANAGEMENT *BUILDING SUPERVISOR FILES (BSFs)*

The documentation involved with any Informal Action will be retained in an Unofficial Supervisor's File (or "BSF") in "active" status CHTU 795 4E (2); MU 795 11.0; OAPSE 102 5A (1); OAPSE 617 5A (1)]. The BSF will be considered to represent a subsidiary record of the Personnel File [CHUH 8320 and 8320 AG].

BSFs: 1) Shall be maintained in the Supervisor's office, separate from OPFs, and under his or her direct supervision; and 2) May be maintained for a reasonable timeframe. Such records may be kept in either: 1) A manual system; or 2) A PI System [ORC §1347.01(E) and (F); CHUH 8320.01 and 8320.01 AG].

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, 8310a AG, 8310b AG, 8310d AG, 8310e AG, 8315, 8315 AG, 8320, 8320 AG, 8320.01, and 8320.01 AG]. As such, expired and/or withdrawn actions, if permitted, will be retained in an Stale Materials File (or "SMF") maintained in the office of the Assistant Superintendent of HR and Operations in "inactive" status, and the SMF will be considered to represent a subsidiary record of the Personnel File [CHUH 8320 and 8320 AG].

NOTE: Negotiated provisions include the following:

REQUIRED OR PERMITTED MATERIALS				
CHTU 795	EAPSC	MU 795	OAPSE 102	OAPSE 617
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)].

GENERAL PROVISIONS

- **Access, inspection, and copying (Employee).** An Employee shall have access to any non-confidential material in his or her BSF upon request. If stipulated by Board policy or the Agreement: 1) Advance written notice is required prior to access or inspection; 2) Said review must occur during either regular working hours or the timeframe(s) permitted by the Agreement; and 3) The Employee may be accompanied by a union representative.

An Employee wishing to access, inspect, or copy any non-confidential material in his or her own BSF: 1) Shall review the record in the presence of the Supervisor 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.

- **Dispute management (Employee).** There are no provisions under state statute, Board policy, or the Agreement.
- **Access, inspection, and copying (external).** The public may access, inspect, and copy any non-confidential material in the BSF using the defined procedures [ORC §149.41, §149.43 and §1347.01 et seq.; CHUH 8310, 8310a AG, 8310b AG, 8310d AG, 8310e AG, 8320, and 8320 AG]. An access log will be maintained for the BSF [ORC §149.41 and §149.43].

ACTION-RELATED PROVISIONS

- **Expiration of action.** There are no provisions for the automatic expiration of an Informal Action under state statute, Board Policy, or the Agreement. Considerations include the following:

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) BUILDING SUPERVISOR FILES (BSFs) (CONT'D)

- 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 TIMEFRAME (CALENDAR MONTHS)					
UNION:	CHTU 795	EAPSC	MU 795	OAPSE 102	OAPSE 617
Acknowledged Oral Warning	36		36	36	36
Written Warning	36		36	36	36

- An expired action may not be used to justify progressive discipline on the same or substantially similar grounds in the future.

To process an expired action, the Supervisor:

- Must move all documentation associated with the action from the BSF to the SMF.
- **Withdrawal of action.** There are no provisions for the withdrawal of an Informal Action under state statute, Board Policy, or the Agreement. Considerations 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 TIMEFRAME (CALENDAR MONTHS)					
UNION:	CHTU 795	EAPSC	MU 795	OAPSE 102	OAPSE 617
Acknowledged Oral Warning	12		12	12	12
Written Warning	12		12	12	12

- 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 a withdrawn action, the Supervisor:

- Must attach the original withdrawal request to the original documentation of the action.

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) *BUILDING SUPERVISOR FILES (BSFs) (CONT'D)*

- Must move all documentation associated with the action from the BSF to the SMF.
- Must advise the Employee in writing within a reasonable timeframe: 1) That the withdrawal was completed; 2) That both the original withdrawal request and the original action were moved to the SMF; and 3) That the action may not be used to justify progressive discipline should the conduct involved re-occur.

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) *BUILDING SUPERVISOR FILES (BSFs) (CONT'D)*

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) OFFICIAL PERSONNEL FILES (OPFs)

The documentation involved with any Formal Action will be retained in an Official Personnel File (“OPF” or “Personnel File”) in “active” status [CHTU 795 4E (1); MU 795 11.0; OAPSE 102 5A (A); OAPSE 617 5A (1)]. 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: 1) A manual system; or 2) A PI System [ORC §1347.01(E) and (F); CHUH 8320, 8320 AG, 8320.01, and 8320.01 AG; CHTU 795 4E (1)].

OPFs shall be maintained in the central administration building, 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)]. Such 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 state law [CHUH 8310, 8310a AG, 8320, and 8320 AG].

Only that information which pertains to the professional role of the Employee and submitted by duly authorized school administrative personnel and the Board may be entered in the official record file [ORC §1347.05(H); CHUH 8320 and 8320 AG]. Information obtained from personnel records by Board members shall be used only: 1) For the purpose of aiding the members to fulfill their legal responsibilities in making decisions on such matters as appointments, assignments, promotions, demotions, remuneration, discipline, and dismissals; 2) To aid the development and implementation of personnel policies; or 3) For such other uses necessary to enable Board members 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 the reports of any investigation by the board of education, service center governing board, or non-public school chief administrator of an Employee regarding whether the Employee has committed an act or offense for which the school district or service center superintendent or board president or non-public school chief administrator or governing authority president or chairperson is required to make a 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].

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, 8310a AG, 8310b AG, 8310d AG, 8310e AG, 8315, 8315 AG, 8320, 8320 AG, 8320.01, and 8320.01 AG]. As such, expired and/or withdrawn actions, if permitted, will be retained in an Stale Materials File (or “SMF”) maintained in the office of the Assistant Superintendent of HR and Operations in “inactive” status, and the SMF will be considered to represent a subsidiary record of the Personnel File [CHUH 8320 and 8320 AG].

NOTE: Negotiated provisions include the following:

PROHIBITED MATERIALS				
CHTU 795	EAPSC	MU 795	OAPSE 102	OAPSE 617
No material of a derogatory nature		No material pertaining to a	No material pertaining to a	No material pertaining to a

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) OFFICIAL PERSONNEL FILES (OPFs) (CONT'D)

PROHIBITED MATERIALS				
CHTU 795	EAPSC	MU 795	OAPSE 102	OAPSE 617
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 the words "copy Board Personnel File", "c. Board Personnel File", or "cc. Personnel File") [CHTU 795 4E (3)].		bargaining unit member's services, 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].	bargaining unit member's services, 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)].	bargaining unit member's services, 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)].
ACKNOWLEDGEMENT OF PLACEMENT				
CHTU 795	EAPSC	MU 795	OAPSE 102	OAPSE 617
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)]. 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 electronic signature (i.e., email reply, read receipt, etc.) [CHTU 795 4E (4b)].		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 only that the monitor has read the material, not that he/she is in agreement with its content [MU 795 11.01].	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 (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)].	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)]. Signature indicates only that the employee has read the material, not that he/she is in agreement with its content [OAPSE 617 5A (2)].

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) OFFICIAL PERSONNEL FILES (OPFs) (CONT'D)

OPPORTUNITY FOR REBUTTAL				
CHTU 795	EAPSC	MU 795	OAPSE 102	OAPSE 617
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)].	

GENERAL PROVISIONS

- **Access, inspection, and 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 types of uses made of such PI, including the identities of any 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)]. 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].

An Employee wishing to access or inspect any non-confidential material in his or her own OPF: 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, 8320 AG, 8320.01, and 8320.01 AG].

If an individual who is 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 a copy of the (non-confidential) PI to the individual [ORC §1347.08(D)] with (or without) prior notice as defined by Board policy [CHUH 8320 and 8320 AG] 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 the service of copying, upon request, (non-confidential) PI that is maintained by the agency [ORC §1347.08(D)] unless otherwise restricted by the Agreement

NOTE: Negotiated provisions include the following:

EMPLOYEE ACCESS, INSPECTION, AND COPYING				
CHTU 795	EAPSC	MU 795	OAPSE 102	OAPSE 617
Upon request, and		Upon request, and	Upon request, and	Upon request, and

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) OFFICIAL PERSONNEL FILES (OPFs) (CONT'D)

between 8:15AM and 4:00 PM, a bargaining unit member shall be permitted immediately to examine his or her file and to copy any (non-confidential) material in it [CHTU 795 4E (6)].		between 8:15AM and 4:00 PM, a bargaining unit member shall be permitted immediately to examine his or her file and to copy any (non-confidential) material in it [MU 795 11.02].	between 8:15AM and 4:00 PM (or by appointment if the bargaining unit member's work hours conflict with these times), a 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)].	between 8:15AM and 4:00 PM, a bargaining unit member shall be permitted immediately to examine his or her 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)].
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- **Dispute management (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, 8320 AG, 8320.01, and 8320.01 AG].

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 [ORC §1347.09(A)(1)]; 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 and 8320.01 AG].

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 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 of the disputant, furnish notification that the information has been deleted, or furnish a

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) OFFICIAL PERSONNEL FILES (OPFs) (CONT'D)

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)].

- **Access, inspection, and copying (external).** The public may access, inspect, and copy to any non-confidential material in the OPF under state statute using the defined procedures [ORC §149.41, §149.43 and §1347.01 et seq.; CHUH 8310, 8310a AG, 8310b AG, 8310d AG, 8310e AG, 8320, and 8320 AG]. An access log will be maintained for the OPF [ORC §1347.05(G) and §1347.15(B)(4); CHUH 8320, 8320 AG, 8320.01, and 8320.01 AG].

ACTION-RELATED PROVISIONS

- **Expiration of action.** There are no provisions for the automatic expiration of a Formal Action under state statute, Board Policy, or the Agreement.
- **Withdrawal of action.** There are no provisions for the withdrawal of a Formal Action under state statute or Board Policy. Other considerations include the following:
 - 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 TIMEFRAME (CALENDAR MONTHS)					
UNION:	CHTU 795	EAPSC	MU 795	OAPSE 102	OAPSE 617
Official Reprimand	36		36	36	36
Suspension	36		36	36	36
Termination					

- 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 obliged 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 was submitted appropriately by the Employee.
 - The written withdrawal request must be retained by the Superintendent or his/her designee.

To process a withdrawn 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 OPF to the SMF.

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) OFFICIAL PERSONNEL FILES (OPFs) (CONT'D)

- Must advise the Employee in writing within a reasonable timeframe: 1) That the withdrawal was completed; 2) That both the original withdrawal request and the original action were moved to the SMF; and 3) That the action may not be used to justify progressive discipline should the conduct involved re-occur.

NOTE: Negotiated provisions include the following:

WITHDRAWAL STIPULATIONS				
CHTU 795	EAPSC	MU 795	OAPSE 102	OAPSE 617
<p>A bargaining unit 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 three (3) years have elapsed since the material was inserted and the issue has not occurred again, but this provision shall not apply to composite evaluations [CHTU 795 4E (7)].</p>		<p>Any bargaining unit member may request the removal of disciplinary personnel actions from his/ 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>Any bargaining unit member may request the removal of disciplinary personnel actions from his 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 shall be honored [OAPSE 102 5A (7)].</p>	<p>Any bargaining unit member may request the removal of disciplinary personnel actions from his 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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9.0 STATE LEVEL REPORTS, INVESTIGATIONS & LICENSE ACTIONS REPORTING

The Superintendent of each school district and each educational service center or the president of the district or service center board [if ORC §3319.313(C)(1) applies], and the chief administrator of each chartered non-public school or the president or chairperson of the governing authority of the non-public school [if ORC §3319.313(C)(2) applies], 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)]:

- 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 to be 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 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)].
- 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 a report is required under ORC §3319.313, the Superintendent, chief administrator, president, or chairperson shall submit to the State Superintendent the name and social security number of the Employee about whom the information is required and a factual statement regarding any of the conditions prescribed in ORC §3319.313(B)(1) to (4) that apply to the Employee [ORC §3319.313(D)].

NOTE: 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].

Additional guidelines include the following:

- **Presumption of innocence.** 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) to (4) does not create a presumption of the commission or lack of the commission by the Employee of an act 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].
- **Civil immunity.** 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)].

INVESTIGATIONS

In addition to those disciplinary actions and potential outside consequences described herein, a Professional Staff Member may also face action against his or her state-level credentials for a violation of the ECOC. For any of the following reasons, the State Board may: 1) Refuse to issue a license to an applicant; 2) Limit a license it issues to an applicant; 3) Suspend, revoke, or limit a license that has been

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9.0 STATE LEVEL REPORTS, INVESTIGATIONS & LICENSE ACTIONS (CONT'D) *INVESTIGATIONS (CONT'D)*

issued to any person; or 4) Revoke a license that has been issued to any person and has expired [ORC §3314.40 and §3319.31]:

- Engaging in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or person's position [OAC 3301-73-21];
- A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any offense listed in ORC §3319.31 [ORC §3319.31(C)];
- 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 section ORC §2935.36, or a similar diversion program under rules of a court, for any offense listed in ORC §3319.31; or
- Failure to comply with ORC §3314.40, §3319.313, §3326.24, §3328.19, or §5126.253.

Additional guidelines include the following:

- **Receipt of allegations; determination of jurisdiction.** When a Licensed Employee is reported to the State Department for an allegation of unprofessional conduct made by the District, the Board, the Superintendent, a District official, a Principal, a colleague, a parent or guardian, a prosecutor or a community member, the State Department will determine whether the State Board has jurisdiction to investigate the matter. If an investigation is warranted, it will be conducted in accordance with state statute [ORC §3319.311].
- **Retention of records; false or unsubstantiated allegations.** Case files involving allegations which are false or cannot be substantiated during the course of a thorough investigation will be sealed for two (2) years after the investigation is concluded [ORC §3319.311]. Should the State Department determine that the results of that investigation do not warrant initiating an action suspending, revoking, or otherwise limiting the Employee's license or permit, the report(s) of any investigation will be moved to a separate public file.

LICENSE ACTIONS

The State Board may impose an appropriate penalty within the presumptive range on a case-by-case basis unless it determines that a penalty outside the range of the disciplinary guidelines is more appropriate in a specific case based upon aggravating and mitigating factors as outlined in OAC 3301-73-21 (A) (B) and §3301-20-01 et seq. (E), or any other factors that the State Board, the District, or educational entity considers relevant. Conversely, the State Board, may determine not to impose a disciplinary action involving a Licensed Employee's license or application for a license based upon prior action by the District to appropriately address the violation of the LCPCOE at the District level.

NOTE: The presumptive ranges of disciplinary options used by the State Board in licensure actions (see [Resource 9.01](#)) are not applicable for any discipline imposed at the District level. Possible discipline at the District level must follow all local contractual provisions including, but not limited to, Due Process, progressive discipline, and Just Cause [CHTU 795 11C].

The range of disciplinary options used by the State Board includes the following: 1) Letter of Admonishment; 2) Consent Agreement; 3) Suspension of License; 4) Limitation of License; 5) Revocation of License; and 6) Denial of Application.

Additional guidelines include the following:

- **Due process in license action proceedings.** If the results of an investigation warrant initiating an action under ORC §3319.31, the Employee is entitled to all Due Process rights outlined in ORC §3319.01 et seq. and OAC 3301-1-01 et seq.

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10.0 PROCEDURES FOR ECOC REVIEW AND DISSEMINATION

The Superintendent or his/her designee will ensure that:

- Both the ECOC (see [Section 2.0](#)) and these guidelines are reviewed 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 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 ECOC REVIEW AND DISSEMINATION (CONT'D)

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GLOSSARY

Unless otherwise required by statute or policy, the following definitions apply herein:

TERM	DEFINITION
Administrator	This term means an assistant superintendent, Principal, or assistant principal [ORC §3319.02(A)(2)].
Agreement	<p>This term (or “Collective Bargaining Agreement”, or “CBA”, or “Master Agreement”, or “Negotiated Agreement”) means an agreement between a Public Employer and an Exclusive Representative entered into pursuant to ORC Chapter 4117 governing wages, hours, terms, and other conditions of employment covered by the Agreement [ORC §4117.10(A); CHUH 0100; 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.].</p> <p>NOTE: Where no Agreement exists, or where an Agreement makes no specification about a matter, public employers and public employees are subject to all applicable state or local laws or ordinances pertaining to the wages, hours, terms, and other conditions of employment for public employees [ORC §4117.10(A)]. Law pertaining to any of the subjects referenced in ORC §4117.10(A) prevail over conflicting provisions of agreements [ORC §4117.10(A)].</p> <p>The Ohio Supreme Court has consistently held that under ORC §4117.10(A), where a law conflicts with a wage, hour, or term and condition of employment provision found in an Agreement entered into pursuant to ORC Chapter 4117, the Agreement prevails over the conflicting provisions of the law [OAG 91-065]. The exclusivity provision of ORC §4117.10(A) enables the parties to a collective bargaining agreement to “come to the table, each with a number of rights and obligations established by state and local law, which rights and obligations are placed on the table and either bartered away or retained to the satisfaction of both parties, unless those rights and obligations have been expressly excepted from the bargaining process [OAG 91-065].</p>
Alcohol	This term means any fermented, distilled, or manufactured compound containing ethyl Alcohol. Examples include, but are not limited to, the following: 1) Fermented beverages (e.g., beer, malt liquor, wine) or their derivatives (e.g., “fortified” wine); 2) Distilled spirits (e.g., whiskey, scotch, vodka, or “fortified” wine); and 3) Over-the-Counter (OTC) products (e.g., cough syrup).
Alcohol Concentration	This term (or “Alcohol Content”) means the Alcohol in a volume of breath expressed in terms of grams of Alcohol per 210 liters of breath as indicated by an evidential breath test under 49 CFR Part 382 [49 CFR §382.107].
Acknowledged Oral Warning	<p>This term (or “Verbal Reprimand”) [CHTU 795 11C; MU 795 13.04C] means an Informal Action that involves a conference between a Supervisor and an Employee. The action is the least severe type of response to an ECOC violation, and is meant to ensure an Employee is aware that: 1) A deficiency has been noted; and 2) Self-remediation is expected.</p> <p>NOTE: There is no prescribed format for this action under state statute, Board policy, or the Agreement; however, the event must be documented.</p>
Arbitration	This term means the process by which a Grievance is resolved when lower level mechanisms were unsuccessful.
Arbitrator	This term means the entity which conducts Arbitration when necessary.
Assault Leave	<p>This term means paid leave for an Employee who is absent due to physical disability resulting from an assault while employed by a school board [ORC §3319.143].</p> <p>NOTE: Notwithstanding ORC §3319.141 (regarding Sick Leave), the board of education of a city, exempted village, local, or joint vocational school district may adopt a policy for such leave [ORC §3319.143]. A board of education electing to do so shall establish rules for the entitlement, crediting, and use of assault leave and file a copy of same with the State Board [ORC §3319.143].</p>

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Bargaining Collectively	<p>This term means to perform the mutual obligation of the Public Employer, by its representative(s), and the representatives of its employees, to negotiate in Good Faith at reasonable times and places with respect to wages, hours, terms, and other conditions of employment and the continuation, modification, or deletion of an existing provision of an Agreement, with the intention of reaching an Agreement or resolving questions arising thereunder [29 USC §158(d); ORC §4117.01(G), §4117.03(A)(4), and §4117.08].</p> <p>NOTE: The execution of a written contract incorporating the terms of agreement is required; however, the obligation to Bargain Collectively: 1) Does not mean either party is compelled to agree to a proposal; and 2) Does not require concession making [29 USC §158; ORC §4117.01(G)].</p>
Board	<p>This term (or “Board of Education”) means the Cleveland Heights-University Heights City School District Board of Education [CHUH 0100, 0111, 0121, and 0122].</p>
Cause	<p>This term (or “Just Cause”, or “Good and Just Cause”) means a reason under federal law, state statute, Board policy, or an Agreement for which the Board may take disciplinary action against an Employee.</p>
CDL Holder	<p>This term means, for the purposes of the ADIPs, an Employee whose position requires a Commercial Driver’s License [CHUH 4122.01, 4122.01 AG, 4162, 4162a AG, and 4162b AG].</p>
Certified Employee	<p>This term (or “Certificated Employee”) means an Employee who holds a position for which a state certificate in education is required [CHUH 0100].</p>
CHTU 795	<p>This term means the Cleveland Heights Teachers Union, recognized by the Board as the Exclusive Representative of a bargaining unit consisting of all: 1) Classroom teachers; 2) Guidance counselors; 3) School psychologists; 4) School social workers; 5) Certificated/licensed librarians; 6) Non-certificated/licensed librarians; 7) Non-certificated elementary media ancillaries; 8) Non-certificated alternative learning center ancillaries; 9) Media technicians; 10) Stage directors; 11) Language/speech pathologists; 12) School nurses; 13) Drug and alcohol counselors; 14) Program specialists; 15) Testing coordinators; 16) Home-school liaisons; 17) EMIS student data coordinators/systems analysts; 18) Career education coordinators; 19) Registrar/assessment coordinators; 20) Research assistant coordinators of IMHOTEP; 21) Guidance technicians; 22) Occupational therapists; 23) Instructional coaches; 24) 21st century-funded instructors; 25) Short-term, on-call substitute teachers (in matters of wages only); and 26) Long-term substitute teachers (as defined in CHTU 795 7H.2) [CHTU 795 1A].</p> <p>NOTE: Specific exclusions to the bargaining unit include individuals in positions referenced in the Agreement [CHTU 795 1A].</p>
Civil Service	<p>This term means all offices and positions of trust or employment in the service of the state and in the service of the counties, cities, city health districts, general health districts, and city school districts of the state [ORC §124.01(A)].</p>
Classified Employee	<p>This term (or “Non-Certificated Employee”, or “Non-Licensed Employee”, or “Non-Teaching Employee”) means an Employee who provides support to the District’s program and whose position does not require a professional license [CHUH 0100].</p>
Classified Service	<p>This term means the competitive classified civil service of the state, the several counties, cities, city health districts, general health districts, and city school districts of the state, and civil service townships [ORC §124.01(C)]. The</p>

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	Classified Service shall comprise all persons in the employ of those entities not specifically included in the Unclassified Service [ORC §124.11(B)].
Compulsory Leave	<p>This term means leave taken: 1) For jury duty [ORC §124.135]; or 2) For a mandatory court appearance (e.g., a subpoena).</p> <p>NOTE: No Employer shall discharge, threaten to discharge, or take any disciplinary action that could lead to the discharge of any permanent Employee who is summoned to serve as a juror pursuant to ORC Chapter 2313 if: 1) The Employee gives reasonable notice to the Employer of the summons prior to the commencement of the Employee's service as a juror; and 2) If the Employee is absent from employment because of the actual jury service [ORC §2313.19(A)]. No Employer shall require or request an Employee to use annual, vacation, or Sick Leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process, or for time spent actually serving on a jury [ORC §2313.19(B)].</p>
Computers	This term means Board-owned desktop computers, laptops, tablets, and other mobile computing devices.
Confidential Employee	This term means any Employee who works in the personnel offices of a Public Employer and deals with information to be used by the Public Employer when Bargaining Collectively; or any Employee who works in a close continuing relationship with public officers or representatives directly participating in collective bargaining on behalf of the Employer [ORC §4117.01(K)].
Confidential Personal Information	This term means personal information that is not a public record for the purposes of ORC §149.43 [ORC §1347.15(A)(1)].
Consent Agreement	<p>This term means a licensure action involving a formal settlement agreement between an educator and the State Board designed to address specific educator conduct and to establish an educator's efforts at rehabilitation.</p> <p>NOTE: Terms and conditions of these agreements vary depending on the conduct being addressed, but can include the suspension of an educator's license. This licensure action is a public record and remains a part of the educator's disciplinary file.</p>
Continuing Contract	<p>This term means: 1) A contract that remains in effect until a Teacher resigns, elects to retire, or is retired pursuant to former ORC §3307.37, or until it is terminated or suspended, granted only to a Teacher holding a professional, permanent, or life Teacher's certificate, a Teacher qualified under ORC §3319.08(D)(2), or a Teacher qualified under ORC §3319.08(D)(3) [ORC §3319.08(D); CHUH 3142; CHTU 795 4F]; or 2) The contract of a non-teaching Employee who is continued in employment after the termination of the two (2) year contract provided in ORC §3319.081(A) [ORC §3319.081(B)].</p> <p>NOTE: ORC §3319.08(D) applies only to continuing contracts entered into on or after October 16, 2009; nothing in ORC §3319.08(D) shall be construed to void or otherwise affect a Continuing Contract entered into prior to that date [ORC §3319.08(E)]. Notwithstanding any provision to the contrary in ORC Chapter 4117, the requirements of ORC §3319.08(D)(3) prevail over any conflicting provisions of an Agreement entered into on or after October 26, 2009 [ORC §3319.08(E)].</p>
Continuing Service Status	<p>This term means employment under a Continuing Contract for a Teacher [ORC §3319.09(C); CHUH 3142]. Teachers eligible for such status in any city, exempted village, local, or joint vocational school district or educational service center shall be: 1) Those qualified as described ORC §3319.08(D), who within the last five (5) years have taught for at least three (3) years in the District or center [ORC §3319.11(B); CHTU 795 4F]; and 2) Those who, having attained Continuing Contract Status elsewhere, have served two (2) years in the District or center [ORC §3319.11(B); CHUH 3142; CHTU 795 4F].</p> <p>NOTE: The Board, upon the recommendation of the Superintendent, may, at the time of</p>

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	employment or at any time within such two (2) year period, declare any of the latter teachers eligible [ORC §3319.11(B); CHUH 3142].
Controlled Substance	<p>This term means, for the purposes of the ADIPs: 1) Any Illegal Drug [CHUH 3122.01, 3122.01 AG, 4122.01, 4122.01 AG, 4162, and 4162a AG]; 2) Any drug that is being used illegally (e.g., with a prescription that was not legally obtained, in a manner outside of its intended purposes, or not in the prescribed quantity) [CHUH 3122.01, 3122.01 AG, 4122.01, 4122.01 AG, 4162, and 4162a AG]; 3) Any naturally occurring or manufactured compound on the United States Drug Enforcement Agency's (DEA) schedule of regulated substances with effects on mood, perception, or behavior, either without a legitimate prescription, or for which no prescription may be legally written; or 4) Substances defined in 49 CFR §40.85 [49 CFR §382.107] for which testing of CDL holders is conducted.</p> <p>Examples include, but are not limited to, the following: Opiates (e.g., heroin, morphine, or codeine) and opioids (e.g., oxycontin, oxcycodone, or hydro-codone); hallucinogens and psychedelics (e.g., Marijuana, LSD, and MDMA or "ecstasy"); depressants (e.g., barbiturates and benzodiazepines); stimulants (e.g., amphetamines, methamphetamines, cocaine, or its "crack" derivative); and anabolic steroids (e.g., dehydro-epiandrosterone or DHEA).</p> <p>NOTE: The term does not include any legally obtained prescription drug used for its intended purpose in its prescribed quantity, unless such use would impair the individual's ability to safely perform a Safety-Sensitive Function [CHUH 3122.01, 3122.01 AG, 4122.01, 4122.01 AG, 4162, and 4162a AG].</p>
Controlled Substance Abuse	This term means, for the purposes of the ADIPs: 1) Excessive use of Alcohol; or 2) Prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity [CHUH 3122.01, 3122.01 AG, 4122.01, 4122.01 AG, 4162, and 4162a AG].
Credentialed Evaluator	<p>This term means: 1) A person who holds an OTES evaluation credential established by the State Department [ORC §3319.111(D)]; or 2) A person who has completed OSCES evaluation training as required by the State Department [ORC §3319.113].</p> <p>For the OTES system, such persons include: 1) A person under contract with the Board pursuant to ORC §3319.01 or §3319.02 who holds a license designated for being a superintendent, assistant superintendent, or Principal issued under ORC §3319.22 [ORC §3319.111(D)(1)]; 2) A person under contract with the Board pursuant to ORC §3319.02 who holds a license designated for being a vocational director, administrative specialist, or supervisor in any educational area issued under ORC §3319.22 [ORC §3319.111(D)(2)]; 3) A person designated to conduct evaluations under an Agreement entered into by the Board and the representatives of teachers [ORC §3319.111(D)(3)]; or 4) A person employed by an entity contracted by the Board to conduct evaluations who holds a license designated for being a superintendent, assistant superintendent, Principal, vocational director, administrative specialist, or supervisor in any educational area issued under ORC § 3319.22 or is qualified to conduct evaluations [ORC §3319.111(D)(4)].</p>
CSC	This term means the Civil Service Commission serving a city school district [ORC §124.011].
Day	This term means one (1) calendar day [ORC §4117.01(Q)], unless otherwise indicated within an Agreement for a specific procedure.

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Denial of Application	This term means a licensure action denying an educator's licensure application. If an application is denied, the State Board may establish a minimum time period before an educator can apply for a license. The State Board may also order that an educator be permanently ineligible to apply for any license issued by the State Board. This licensure action is a public record and remains part of the educator's disciplinary file.
District	This term (or "CHUH") means the Cleveland Heights-University Heights City School District [CHUH 0100 and 0112].
Due Process	This term means the safeguards to which an Employee is entitled in order to protect his or her applicable rights [CHUH 0100].
EAP	This term means an Employee Assistance Program [CHUH 3170, 3170a AG, 3170b AG, 3170.01, 4710, 4170a AG, 4170b AG, and 4170.01; CHTU 795 8K and Appendix; MU 795 10.04; OAPSE 102 8I and Appendix; OAPSE 617 8J and Appendix].
EAPSC	<p>This term means the Educational Administrative and Professional Staff Council, recognized by the Board as the Exclusive Representative of a bargaining unit consisting of all: 1) Executive directors; 2) Directors; 3) Principals; 4) Assistant principals; and 5) Coordinators and supervisors (both certificated/licensed and classified [EAPSC Preamble].</p> <p>NOTE: Specific exclusions to the bargaining unit include individuals in positions referenced in the Agreement [EAPSC Preamble].</p>
Educational Support Staff Member	See "Classified Employee."
Employee Organization	This term means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning Grievances, labor disputes, wages, hours, terms, and other conditions of employment [29 USC §152(5); ORC §4117.01(D)].
Employee Rights	<p>This term means the rights of public employees to: 1) Form, join, assist, or participate in, or refrain from forming, joining, assisting, or participating in, except as otherwise provided in ORC Chapter 4117, any Employee Organization of their own choosing [29 USC §157; ORC §4117.03(A)(1)]; 2) Engage in other concerted activities for collective bargaining or other mutual aid and protection [29 USC §157; ORC §4117.03(A)(2)]; 3) Representation by an Employee Organization [ORC §4117.03(A)(3)]; 4) Bargain Collectively with their public employers to determine wages, hours, terms, and other conditions of employment, and the continuation, modification, or deletion of an existing provision of an Agreement, and enter into an Agreement [ORC §4117.03(A)(4)]; 5) Present grievances and have them adjusted, without the intervention of the Exclusive Representative, as long as the adjustment is not inconsistent with the terms of the Agreement then in effect, and as long as the Exclusive Representative has the opportunity to be present [ORC §4117.03(A)(5)]; and 6) Bargain Collectively for healthcare [ORC §4117.03(E)].</p> <p>NOTE: Nothing in ORC Chapter 4117 prohibits a Public Employer from electing to engage in collective bargaining, to meet and confer, to hold discussions, or to engage in any other form of collective negotiations with public employees not subject to ORC §4117.01(C) [ORC §4117.03(C)].</p>
ESI	This term means Electronically Stored Information [Federal Rules of Civil Procedure 34 and 37 (28 USC App); OH Rules of Civil Procedure 34 and 37; CHUH 8315 and 8315 AG].

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Evaluation Procedures	This term means: 1) The procedures required by the policy adopted by the Board pursuant to ORC §3319.111(A) [ORC §3319.02(D)(1)] for administrators or other administrators; 2) The procedures required by the policy adopted by the Board pursuant to ORC §3319.111(A) [ORC §3319.11(A)(1)] for teachers; or 3) The procedures required by the policy adopted by the Board pursuant to ORC §3319.113 for school counselors pursuant to ORC §3319.113(C)].
Exclusive Representative	This term means the Employee Organization certified or recognized by the SERB under ORC §4117.05 [ORC §4117.01(E); CHTU 795 1B; EAPSC Preamble; MU 795 1.0 and 3.0; OAPSE 102 1A; OAPSE 617 1A].
Extended Limited Contract	This term means a Limited Contract, as described in ORC §3319.08, that a board of education or governing board enters into with a Teacher who is eligible for Continuing Service Status [ORC §3319.11(A)(3)].
Fiduciary Role	This term means employment in a position with a duty of confidence or trust, especially with the management of public funds.
For Gain	This term means evidence of getting, or attempting to get, something wanted, valued, or beneficial.
Formal Action	This term means a disciplinary action for which documentation is typically retained in the Personnel File.
Good Faith	This term means having an honest intent to act without taking an unfair advantage or to fulfill a promise to act [The People's Law Dictionary, Publisher Fine Communications].
Grievance	<p>This term means: 1) A claim by an individual bargaining unit member in which the dispute, disagreement or difference concerns disciplinary action taken or interpretation or application of provision of the Agreement or of recognized work rules or practices [CHTU 795 12B; MU 795 14.1B]; 2) Any matter concerning the interpretation, application, alleged violation of the Agreement or discipline [OAPSE 102 17B]; or 3) An allegation by a bargaining unit member, or the bargaining unit, that there has been a breach, violation, misinterpretation, or improper application of an Agreement.</p> <p>NOTE: If the Agreement provides for a final and binding arbitration of grievances: 1) The Public Employer, the Employee Organization, and the Public Employee are subject solely to that Grievance Procedure [ORC §4117.10(A)]; and 2) The CSC and the SPBR have no jurisdiction to receive and determine any appeals relating to matters that were the subject of a final and binding Grievance Procedure [ORC §4117.10(A)].</p>
Grievance Procedure	<p>This term means the established workflow for the resolution of a Grievance as outlined within the Agreement [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].</p> <p>NOTE: The initial concern regarding a dispute, disagreement or difference shall be handled by direct contact between the bargaining unit member, either by him/herself or in the company of a union representative, and the employee's immediate Supervisor [CHTU 795 12C; MU 795 14.1C; OAPSE 102 17C; OAPSE 617 19A]. If not settled in this manner, and if the dispute, disagreement, or difference falls within the definition of a Grievance, a formal Grievance then may be initiated by the Employee using the designated procedure and form [CHTU 795 12D et seq. and Appendix; MU 795 14.1D et seq. and Appendix; OAPSE 102 17D et seq. and Appendix; OAPSE 617 19B et seq. and Appendix].</p>
Grievant	<p>This term means an individual or entity authorized to file a Grievance [CHTU 795 12B and 12M; MU 795 14.1B and 14.1L; OAPSE 102 17B].</p> <p>NOTE: Either a Public Employee or an Exclusive Representative may raise a legitimate complaint or</p>

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	file a Grievance based on the Agreement [ORC §4117.08(C)].
IEP	This term means an Individualized Education Plan.
Illegal Drug	This term means, for the purposes of the ADIPs, drugs and controlled substances, the possession or use of which is unlawful pursuant to federal, state, and local laws and regulations [CHUH 3122.01, 3122.01 AG, 4122.01, 4122.01 AG, 4162, and 4162a AG].
Immediate Family	This term (or "Relative") means: 1) An Employee's mother, father, spouse, brother, sister, child, grandparent, grandchild, spouse's parent, or dependent in the immediate household [CHUH 0100]; or 2) Other persons defined in the Agreement.
Informal Action	This term means a disciplinary action for which documentation is not typically retained in the Personnel File.
Intentionally	This term means evidence of a pre-existing plan, intent, design, or purpose.
Job Sharing	This term means a voluntary option available for teachers, subject to the prior approval of the Superintendent or his/her designee, to share a full-time position [CHUH 3120.10, 3120.10 AG, and 4120.10; [CHTU 795 4G; MU 795 4G]. NOTE: Each Teacher shall acquire one (1) year of Seniority for each year of job sharing worked [CHTU 795 4G (5)].
"Last Chance" Agreement	This term means an agreement signed by both an appointing authority and an officer or Employee of the appointing authority that describes the type of behavior or circumstances that, if it occurs, will automatically lead to removal without the right of appeal to the CSC or SPBR [ORC §124.34(E)].
LCPCOE	This term means the <i>Licensure Code of Professional Conduct for Ohio Educators</i> [HB 190, 127 th General Assembly].
Letter of Admonishment	This term means a licensure action that details an educator's misconduct and formally admonishing the educator that the behavior constitutes conduct unbecoming the teaching profession. This licensure action is a public record and remains a part of the educator's disciplinary record.
Licensed Employee	This term means a Certified Employee (under ORC §3319.22) or another person who is employed in a position for which a license is required in the state of Ohio, including a Treasurer or a business manager (under ORC §3301.074).
Limitation of License	This term means a licensure action whereby the State Board limits either: 1) The type of educational activities the licensee can perform; or 2) Where the licensee can perform them. This licensure action is a public record and remains a part of the educator's disciplinary file.
Limited Contract	This term means: 1) For a Superintendent, a contract for a term as authorized by ORC §3319.01 [ORC §3319.08(C)(1)]; 2) For an assistant Superintendent, Principal, assistant principal, or Other Administrator, a contract for a situational term authorized by ORC §3319.02 [ORC §3319.08(C)(2)]; or 3) For all other teachers who are not eligible for Continuing Service Status, a contract for a term not to exceed five (5) years [ORC §3319.08(C)(3) and §3319.11(A)(2)].
Maliciously	This term means evidence of having or showing a desire to: 1) Cause harm to another person; or 2) Damage his or her property.
Management Level Employee	This term means an individual who formulates policy on behalf of the Public Employer, who responsibly directs the implementation of policy, or who may reasonably be required on behalf of the Public Employer to: 1) Assist in the

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	<p>preparation for the conduct of collective negotiations; 2) Administer collectively negotiated agreements; or 3) Have a major role in personnel administration [ORC §4117.01(L)].</p> <p>NOTE: Assistant Superintendents, principals, and assistant principals whose employment is governed by ORC §3319.02 are management level employees [ORC §4117.01(L)].</p>
Management Rights	<p>This term (or “Right to Manage”) means an Employer is not required to bargain on subjects reserved to the management and the direction of the governmental unit, except as affect: 1) Wages, hours, terms, and conditions of employment; and 2) The continuation, modification, or deletion of an existing provision of an Agreement [ORC §4117.08(C), §4117.09 and §4117.10; CHUH 0118, 3139, and 4139].</p> <p>NOTE: Unless a Public Employer agrees otherwise in an Agreement, nothing in ORC §4117 impairs the right and responsibility of each Public Employer to: 1) Determine matters of inherent managerial policy including, but not limited to, areas of discretion or policy (e.g., the functions and programs of the Public Employer, standards of services, its overall budget, utilization of technology, and organizational structure); 2) Direct, supervise, evaluate, or hire employees; 3) Maintain and improve the efficiency and effectiveness of governmental operations; 4) Determine the overall methods, process, means, or personnel by which governmental operations are to be conducted; 5) Suspend, discipline, demote, or discharge for Just Cause, or lay off, transfer, assign, schedule, promote, or retain employees; 6) Determine the adequacy of the work force; 7) Determine its overall mission as a governmental unit; 8) Effectively manage the work force; or 9) Take actions to carry out its mission as a governmental unit [ORC §4117.08(C)].</p>
MRO	This term means a Medical Review Officer.
MU 795	This term means the Cleveland Heights Teachers Union Cleveland Heights Teachers Union, recognized by the Board as the Exclusive Representative of a bargaining unit consisting of all school monitors [MU 795 Preamble, 1.0 and 3.0].
Neglect of Duty	<p>This term means: 1) The failure to act with the prudence that a reasonable person would exercise under the same circumstances; or 2) The failure of an Employee to fulfill a work responsibility that is incumbent upon the Employee by virtue his or her office or position under federal law, state statute Board policy, job description, or Supervisor directive.</p> <p>NOTE: It is immaterial whether the neglect was done willfully, out of malice, out of ignorance, or due to an oversight when the result of the neglect was grave or its frequency was such as to endanger or threaten the welfare of staff, students, the staff member involved, or the legitimate interests of the District.</p>
Network	This term means Board-owned devices, Internet, email, electronic subscriptions, research or productivity resources, and internal electronic resources.
Network Users	This term means staff members who use or otherwise access the network via wireless or hardwired connection.
NLRB	This term means the National Labor Relations Board.
Non-Disciplinary Counseling	This term means any private conversation, non-disciplinary counseling, or similar measure that is: 1) Non-disciplinary in nature; and 2) Undocumented.
OAC	This term means Ohio Administrative Code.
OAPSE 102	This term means the Ohio Union of Public School Employees Local #102, an AFSCME/AFL-CIO affiliate, recognized by the Board as the Exclusive Representative of a bargaining unit consisting of all: 1) Cafeteria workers; 2) Cleaners; 3) Paraprofessionals; 4) Lunchroom non-professionals; 5) Secretaries; 6) All regular full-time and part-time Lead Instructors, and Associate

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	<p>Instructors; and 7) All regular full-time and part-time Food Service Employees in the entire Early Childhood Department, Before and After School, and Early Childhood Preschool [OAPSE 102 102 1A].</p> <p>NOTE: Specific exclusions to the bargaining unit include individuals in positions referenced in the Agreement [OAPSE 102 1B].</p>
OAPSE 617	<p>This term means the Ohio Union of Public School Employees Local #617, an AFSCME/AFL-CIO affiliate, recognized by the Board as the Exclusive Representative of a bargaining unit consisting of all classified employees, including full time and regular short hour employees, employed in the following classifications: 1) Custodial; 2) Transportation; 3) Maintenance; and 4) Technology [OAPSE 617 1A].</p> <p>NOTE: Specific exclusions to the bargaining unit include: 1) Individuals in positions referenced in the Agreement; and 2) Employees represented by OAPSE 102 [OAPSE 617 1A].</p>
Official Reprimand	<p>This term (or "Written Reprimand") {CHTU 795 11C; MU 795 13.04C} means a Formal Action that involves a statement of censure for misconduct of such concern that an official record of the incident(s) must be established. The action is used when the ECOC violation involved warrants a response more severe than a Written Warning, but less severe than a Suspension.</p> <p>NOTE: No formal disciplinary hearing is required; however: 1) Only the Superintendent or his/her designee may issue this action; and 2) The event must be documented.</p>
ORC	This term means Ohio Revised Code.
OSCES	This term means the Ohio School Counselor Evaluation System [ORC §3319.113].
OTES	This term means the Ohio Teacher Evaluation System [ORC §3319.111 and §3319.112].
Other Administrator	<p>This term means any of the following: 1) Except as provided in ORC §3319.02(A)(2), any Employee in a position for which the Board of Education requires a license designated by rule of the State Department for being an administrator issued under ORC §3319.22, including a professional pupil services Employee or administrative specialist or an equivalent of either one who is not employed as a school counselor and spends less than fifty percent (50%) of the time employed teaching or working with students [ORC §3319.02(A)(1)(a)]; 2) Any Non- Licensed Employee whose job duties enable such Employee to be considered as either a "Supervisor" or a "Management Level Employee," as defined in ORC §4117.01 [ORC §3319.02(A)(1)(b)]; or 3) A business manager appointed under ORC §3319.03 [ORC §3319.02(A)(1)(c)].</p>
Otherwise Qualified Treasurer	<p>This term means a person who does not possess a current valid Treasurer's license but demonstrates to the District board's satisfaction both that the person meets all qualifications for that license and that the person has applied to the State Board for issuance or renewal of the license but has not yet received the State Board 's decision regarding the issuance or renewal [ORC §3313.22(B)].</p>
PCD	This term (or "Personal Communication Device") means a WCD not owned by the Board [CHUH 0167.2, 7530.02, and 7542].
Personal Leave	<p>This term means paid leave that is intended to be used for personal reasons.</p> <p>NOTE: The Board shall adopt rules entitling regular non-teaching employees, during each school year, to a minimum of three (3) days of such leave at their regular compensation [ORC §3319.142]. The rules shall govern the use and administration of such leave, but they need not specify when</p>

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	such leave may be taken, and leave days shall not be charged against Sick Leave earned under ORC §3319.141 [ORC §3319.142]. If no such policy exists, non-teaching employees receive three (3) days of unrestricted personal leave during the school year [ORC §3319.142].
PI	This term means Personal Information (i.e., that which describes anything about a person, indicates actions done by or to a person, or indicates that a person possesses certain characteristics) that: 1) Contains a name, identifying number, symbol, or other assigned identifier; and 2) Can be retrieved from a PI System [ORC §1347.01(E); CHUH 8320.01 and 8320.01 AG].
PI System	<p>This term means any collection or group of related records kept in an organized manner and maintained by a state or local agency from which PI is retrieved by: 1) The name of the person; 2) Some identifying number; or 3) Some other identifier assigned to the person [ORC §1347.01(F); CHUH 8320.01 and 8320.01 AG].</p> <p>NOTE: A PI System may include both records that are manually stored and records that are stored using electronic data processing equipment [ORC §1347.01(F)].</p>
PII	This term means Personally Identifiable Information [CHUH 8330 and 8330 AG].
Principal	This term means the educational leader and head administrator of one (1) school or more in the District [CHUH 0100]. The term implies delegation of designated responsibilities to appropriate members of his or her staff [CHUH 0100].
Probationary Period	<p>This term means, where applicable: 1) The timeframe within an Agreement requiring that as a condition of employment, an Employee in a bargaining unit who is not a member of the Employee Organization pays a fair share fee to the Employee Organization, unless a qualifying exemption (e.g., religious objection) is declared [29 USC §169; ORC §4117.09(C); CHTU 795 3A et seq.; EAPSC 9.01.0; MU 795 4.01 et seq.; OAPSE 102 2B; OAPSE 617 2B]; 2) The period of time during which a new hire or re-hire into the bargaining unit is placed in day-to-day status before receiving regular contract status, during which the employee may be released with minimal Due Process-ninety (90) working days [CHTU 795 4A]; 3) The timeframe pursuant to ORC §124.27(B) during which a Classified Service appointee may be released with reduced Due Process-one hundred-thirty (130) days [ORC §124.27(B); CHUH 4124]; 4) The timeframe during which a Classified Employee not subject to ORC §124 may be released with reduced Due Process-ninety (90) working days [CHTU 795 7J; OAPSE 102 5F (1); OAPSE 617 5D (1)] or sixty (60) working days [MU 795 13.01]; 5) The timeframe before a Classified Employee's promotion is considered final; or 6) The timeframe during which a Classified Employee, when accepting a promotion or transfer to a new classification, may either elect to remain in the position, or return to his or her former position-twenty (20) working days, or be required to do so by the Board-forty-five (45) working days [OAPSE 102 5F (2); OAPSE 617 5D (2)].</p> <p>NOTE: All original and promotional appointments in the Classified Service, including appointments made pursuant to ORC §124.30 (regarding non-competitive appointments), but not intermittent appointments, shall be for a Probationary Period, not less than sixty (60) days nor more than one (1) year, to be fixed by the rules of the director for appointments in the civil service of the state, except as provided in ORC §124.231 (regarding legally blind or deaf persons) [ORC §124.27(B)]. Any Employee in the Classified Service of the state or any county, city, city health district, general health district, or city school district who is appointed to a position under ORC §124.30 (regarding non-competitive appointments), and either demonstrates merit and fitness for the position by successfully completing the Probationary Period for the position or remains in the position for a period of six (6) months of continuous service, whichever period is longer, shall become a permanent appointee in the Classified Service [ORC §124.271].</p>

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Professional Growth Leave	This term (or “Sabbatical Leave”) means a leave of absence with part pay, for one (1) or two (2) semesters: 1) With the Board and Superintendent permission; and 2) Subject to the restrictions in ORC §3319.131 [ORC §3319.131].
Professional Leave	This term means leave granted for professional purposes as outlined within the Agreement [CHTU 795 9F; EAPSC 1.09.0].
Professional Staff Member	This term means an Employee who implements or supervises one (1) aspect or more of the District's program and whose position requires a professional credential from the State Department's Division of Teacher Education and Licensing [CHUH 0100].
Public Employee	This term (or “Employee”) means any person holding a position by appointment or employment in the service of a Public Employer, including any person working pursuant to a contract between a Public Employer and a private Employer and over whom the NLRB has declined jurisdiction on the basis that the involved employees are employees of a Public Employer, except: 1) Confidential employees; 2) Management level employees; 3) Supervisors; and 4) All others defined in ORC §4117.01(C) [ORC §4117.01(C)].
Public Employer	This term (or “Employer”) means the state or any political subdivision of the state located entirely within the state, including, without limitation, any municipal corporation with a population of at least five thousand (5,000) according to the most recent federal decennial census; county; township with a population of at least five thousand (5,000) in the unincorporated area of the township according to the most recent federal decennial census; school district; governing authority of a community school established under ORC §3314; college preparatory boarding school established under ORC §3328 or its operator; state institution of higher learning; public or special district; state agency, authority, commission, or board; or other branch of public employment [ORC §4117.01(B)].
Reasonable Person Standard	This term means: 1) For policy violations, what would be done, or not done, by most people within the District and/or the community in a similar situation; or 2) For civil violations or criminal violations, what would be done, or not done, by a hypothetical person in society who exercises average care, skill, and judgment in conduct and who serves as a comparative standard for determining liability [West's Encyclopedia of American Law, 2 nd Edition. The Gale Group, Inc.].
Revocation of License	This term means a licensure action that revokes an educator's license. If revoked, the State Board: 1) May establish a minimum period of time before an educator can apply for a new license; or 2) May order an educator to be permanently ineligible to apply for any license it issues. This licensure action is a public record and remains part of the educator's disciplinary file.
Safety-Sensitive Employee	This term means, for the purposes of the ADIPs: 1) Any regular or substitute bus driver; 2) Any Employee who is required to be a CDL Holder as a condition of employment; 3) Any Employee who inspects, repairs, and/or maintains Board-owned vehicles; or 4) Any other Employee who may drive students in a Board-owned vehicle [CHUH 3122.01, 3122.01 AG, 4122.01, and 4122.01 AG].
Safety-Sensitive Function	This term means, for the purposes of the ADIPs any task associated with the operation and/or maintenance of a Board-owned vehicle or equipment or as defined by the District (e.g., driving a Board-owned vehicle) [CHUH 3122.01, 3122.01 AG, 4122.01, 4122.01 AG, 4162, and 4162a AG].
Seniority	This term means the system used to rank an Employee in comparison to other employees based on: 1) The amount of time that an Employee has worked

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	<p>within the school system ("System Seniority"); or 2) The amount of time that an Employee has worked within a job classification ("Classification Seniority").</p> <p>NOTE: For calculation considerations, see CHTU 795 5C and 5J or MU 795 13.03 or OAPSE 102 12B as applicable.</p>
SERB	This term means the State Employment Relations Board.
Sick Leave	This term means paid leave taken for personal illness, pregnancy, injury, exposure to contagious or communicable disease, and for absence due to illness, injury, or death in the Employee's Immediate Family [ORC §3319.141].
Social Media	<p>This term means, for the purposes of CHUH 7540 and related Board policies, a category of online media and/or Internet-based applications that: 1) Facilitate communication (e.g., interactive or two-way conversation or dialogue) and Networking between individuals or groups; or 2) Encourage discussion, feedback, voting, comments, and sharing of information from all interested parties [CHUH 7540].</p> <p>Examples include, but are not limited to, Facebook®, Twitter®, Instagram®, webmail, text messaging, chat, blogs, and instant messaging (IM) [CHUH 7540].</p>
SPBR	This term means the State Personnel Board of Review [ORC §124.03].
State Board	This term (or "OSBE" or "SBE") means the Ohio State Board of Education.
State Department	This term (or "ODE") means the Ohio Department of Education.
State Superintendent	This term means the Ohio Superintendent of Public Instruction.
Superintendent	This term means the person possessed of the qualifications provided in ORC §3319.01 and appointed by the Board to act as the chief executive officer of the District [CHUH 0100, 1100, 1210, and 1230].
Supervisor	<p>This term means: 1) Any individual who has authority, in the interest of the Public Employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees; to responsibly direct them; to adjust their grievances, or to effectively recommend such action, if the exercise of that authority is not of a merely routine or clerical nature, but requires independent judgment [29 USC §152(11); ORC §4117.01(F)]; or 2) The non-bargaining unit Employee to whom a bargaining unit member reports.</p> <p>NOTE: Employees of school districts who are department chairpersons or consulting teachers shall not be deemed supervisors [ORC §4117.01(F)(1)]. Additionally, no Teacher as defined in ORC §3319.09 shall be designated as a Supervisor or a Management Level Employee, unless the Teacher: 1) Is employed under a contract governed by ORC §3319.01, §3319.011 or §3319.02; and 2) Is assigned to a position for which a license deemed to be for administrators under State Board rules is required pursuant to ORC §3319.22 [ORC §4117.01(F)(4)].</p>
Supervisory Role	This term means employment in a position as a Supervisor.
Suspension	This term means a Formal Action that involves an Employee being involuntarily separated from service on a temporary basis: 1) Without pay (a "Disciplinary Suspension") when the action(s) or behavior(s) involved warrant an action that is more severe than an Official Reprimand, but less severe than a Termination; or 2) With pay (an "Administrative Suspension") for <u>non-disciplinary</u> purposes when the Employee may create a hazard situation during a pending investigation or is otherwise subject to a pending Termination. A Suspension for disciplinary purposes is the most severe type of disciplinary action that is still compatible with continued employment, and is meant to serve as a significant consequence for either a serious lapse of judgment, or for misconduct of such

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	<p>concern, that the District must ensure the Employee understands that a repeat incident is likely to result in Termination.</p> <p>NOTE: When used for disciplinary purposes, this action requires the Due Process outlined in state statute, Board policy, and/or the Agreement by Employee classification. The District-approved procedure must be followed, and only the Superintendent or his/her designee, the Treasurer, or the Board may take this type of action.</p>
Suspension of License	<p>This term means a licensure action that suspends an educator's license for a specified time period, not to exceed five (5) years. During the suspension period, an educator is prohibited from performing any educational activities or duties that require licensure through the State Department. After the suspension period, the license is reactivated if the educator can demonstrate compliance with any educational requirements and other conditions contained in the State Board's order, and the license's original expiration date did not occur during the suspension period. This licensure action is a public record and remains a part of the educator's disciplinary file</p>
Teacher	<p>This term means a person licensed to teach who is employed in a public school of this state as an instructor, Principal, Supervisor, school superintendent, or any other educational position for which the State Board requires licensure under ORC §3319.22 to §3319.31, including a person having a license issued pursuant to ORC §3319.22 to §3319.31 and employed in an educational position, as determined by the State Board, under a program provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirement can be made under the provisions of such federal acts or regulations [ORC §3319.09(A) and §4117.09(D)].</p>
Termination	<p>This term means a Formal Action that involves an Employee being involuntarily separated from service on a permanent basis when: 1) The issue of Employee remediation is either no longer valid or is otherwise irrelevant; or 2) The misconduct involved is incompatible with initial or continued employment by the District. This action may be sub-characterized as: 1) For Cause; or 2) For performance-related issues.</p> <p>NOTE: This action requires the Due Process outlined in state statute, Board policy, and/or the Agreement by Employee classification. The District-approved procedure must be followed, and only the Board may take this type of action.</p>
Treasurer	<p>This term means the chief fiscal officer of the District appointed by the Board pursuant to ORC §3313.22 [CHUH 0100 and 1310].</p>
Unauthorized Strike	<p>This term means, but is not limited to, concerted action during the term or extended term of an Agreement or during the pendency of the settlement procedures set forth in ORC §4117.14, failing to report to duty, willful absence from one's position, stoppage of work, slowdown, or abstinence in whole or in part from the full, faithful, and proper performance of employment duties for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment [ORC §4117.01(I) and §4117.23].</p> <p>NOTE: An Unauthorized Strike includes any such action, absence, stoppage, slowdown, or abstinence when done partially or intermittently, whether during or after the expiration of the term or extended term of an Agreement or during or after the pendency of the settlement procedures set forth in ORC §4117.14 [ORC §4117.01(I)].</p>
Unclassified Service	<p>This term means the service in a position listed in ORC §124.11(A), which shall not be included in the Classified Service, and which shall be exempt from all examinations required by ORC §124.01 et seq. [ORC §124.11(A)].</p>

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Union Leave	This term means any leave or release time granted or negotiated for the purpose of conducting union business. Such leave may be paid, unpaid, or reimbursed based on the terms of the applicable Agreement.
Unpaid Leave	This term means: 1) An unpaid leave of absence that may be granted by the Board upon the written request of a Teacher or a Classified Employee for a period of not more than two (2) years consecutively for educational, professional, or other purposes; or 2) An unpaid leave of absence that shall be granted by the Board upon the written request of a Teacher or a Classified Employee for a period of not more than two (2) years consecutively where illness or other disability is the reason for the request [ORC §3319.13].
Non-Disciplinary Counseling	This term means any private conversation, non-disciplinary counseling, or similar measure that is: 1) Non-disciplinary in nature; and 2) Undocumented.
Weapon	This term means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons, including, but not limited to: 1) Firearms; 2) Guns of any type (including air and gas-powered guns, loaded or unloaded); 3) Knives; 4) Razors; 5) Clubs; 6) Electric weapons; 7) Metallic knuckles; 8) Martial arts weapons; 9) Ammunition; and 10) Explosives [CHUH 3217 and 4217].
While on Duty	This term means, for the purposes of the ADIPs (and elsewhere in the ECOC, unless otherwise specified in Board policy), all time from the time the Employee begins to work (or is required to be ready for such) until the time he or she is relieved from work and all responsibility for performing work [49 CFR §382.107; CHUH 3122.01, 3122.01 AG, 4122.01, 4122.01 AG, 4162, and 4162a AG].
WCD	This term (or "Wireless Communication Device") means a computer, tablet (e.g., iPad® or similar device), electronic reader (e.g., "e-reader", Kindle®, or similar device), cell phone (e.g., mobile/cellular phone), "smartphone" (e.g., BlackBerry®, iPhone®, Android device, or MS Windows® mobile device), or other web-enabled device of any type [CHUH 7530.01, 7530.02, 7530.03, and 7542].
Workplace	This term means, for the purposes of the ADIPs (and elsewhere in the ECOC, unless otherwise specified in Board policy): 1) While in Board buildings; 2) While on Board grounds; 3) While at Board-sponsored or school-sponsored events; 4) While transporting students to or from school or school-sponsored events; or 5) While in any other situation where an Employee is subject to District authority.
Written Warning	<p>This term means an Informal Action that involves a conference between a Supervisor and an Employee that is meant to put the Employee on notice that the action(s) or behavior(s) involved, if left unremediated, may result in Formal Action in the future. The action is used when the ECOC violation involved warrants a response more severe than an Acknowledged Oral Warning, but a less severe than an Official Reprimand.</p> <p>NOTE: There is no prescribed format for this action under state statute, Board policy, or the Agreement; however, the event must be documented.</p>
Year	This term means, as applied to term of service, actual service of not less than one hundred-twenty (120) days within a school year; provided that any board of education may grant a leave of absence for professional advancement with full credit for service [ORC §3319.09(B)].



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