

**ADMINISTRATIVE GUIDELINES:**

**EMPLOYEE CODE OF CONDUCT**



#### **VERSION CONTROL**

<b>CURRENT VERSION</b>	2016.01.15
<b>LAST USC AND CFR REVIEW</b>	2015.04.01
<b>LAST ORC AND OAC REVIEW</b>	2015.04.01
<b>LAST BOARD OF EDUCATION POLICY REVIEW</b>	2015.10.02
<b>LAST AGREEMENT REVIEW</b>	2015.10.02
<b>LAST DISTRICT REVIEW</b>	2016.01.15

Administrative Guidelines: Employee Code of Conduct (OH) - NEOLA Version  
©2007-2016 UpSlope Solutions LLC. All rights reserved.  
Licensed to Washington Local Schools

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



## TABLE OF CONTENTS

### ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)

TABLE OF CONTENTS .....	1
DISCLAIMERS .....	3
INTRODUCTION .....	5
1.0 STATEMENTS OF PURPOSE AND INTENT .....	7
PURPOSE OF THE EMPLOYEE CODE OF CONDUCT .....	7
INTENT OF THE EMPLOYEE CODE OF CONDUCT .....	9
2.0 EXPECTED BEHAVIORS FOR EMPLOYEES .....	11
3.0 CONDUCT MANAGEMENT OVERVIEW .....	13
RATIONALE FOR DISCIPLINARY ACTIONS .....	13
DELEGATION OF AUTHORITY .....	16
ROLES & RESPONSIBILITIES .....	16
4.0 ECOC VIOLATIONS .....	19
POTENTIAL VIOLATIONS OF POLICY ALONE .....	19
ATTENDANCE, PUNCTUALITY, OR CONTRACT DAY POLICY VIOLATION .....	19
BREACH OF CHAIN OF COMMAND PROTOCOL .....	21
DISHONESTY (NON-CRIMINAL) .....	23
DRESS CODE VIOLATION .....	25
FALSIFICATION OF OR FAILURE TO ACCURATELY PROVIDE INFORMATION (NON-CRIMINAL) .....	27
INADEQUATE PREPARATION FOR EMPLOYEE JOB RESPONSIBILITIES .....	29
INADEQUATE SUPERVISION OF STAFF .....	31
INADEQUATE SUPERVISION OF STUDENTS .....	33
INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (NON-CRIMINAL) .....	35
INAPPROPRIATE USE OF TECHNOLOGY RESOURCES .....	39
INSUBORDINATION .....	41
LACK OF TEAMWORK .....	43
OFF-DUTY MISCONDUCT .....	45
TOBACCO POLICY VIOLATION .....	49
OTHER POLICY VIOLATION .....	51
POTENTIAL VIOLATIONS OF CIVIL STATUTE .....	53
BREACH OF CONFIDENTIALITY .....	53
DISCRIMINATION .....	57
SEXUAL HARASSMENT .....	61
OTHER CIVIL VIOLATION .....	65
POTENTIAL VIOLATIONS OF CRIMINAL LAW .....	69
ALCOHOL OR DRUG POLICY VIOLATION .....	69
COMMISSION OF A SEX OFFENSE .....	73
DISHONESTY (CRIMINAL) .....	75
FALSIFICATION OF OR FAILURE TO ACCURATELY PROVIDE INFORMATION (CRIMINAL) .....	77
INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (CRIMINAL) .....	79
THEFT, ABUSE, OR UNAUTHORIZED USE OF PROPERTY .....	81
WEAPONS POLICY VIOLATION .....	83
OTHER CRIMINAL VIOLATION (NON-DISQUALIFYING) .....	85
OTHER CRIMINAL VIOLATION (DISQUALIFYING) .....	87
5.0 PROCEDURES FOR INFORMAL ACTIONS .....	91
ACKNOWLEDGED ORAL WARNINGS .....	91
WRITTEN WARNINGS .....	95
6.0 PROCEDURES FOR FORMAL ACTIONS .....	99
OFFICIAL REPRIMANDS .....	99
SUSPENSIONS .....	103
TERMINATIONS .....	107
7.0 PROCEDURES FOR OTHER ACTIONS .....	111
CONTRACT ISSUANCE .....	111
DECISIONS NOT TO RE-EMPLOY .....	114
RESIGNATIONS .....	121

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



SALARY REDUCTIONS AND REDUCTIONS IN FORCE.....	122
8.0 PROCEDURES FOR RECORDS MANAGEMENT .....	125
UNOFFICIAL SUPERVISOR FILES (USFs) .....	125
EMPLOYMENT RECORD FILES (ERFs).....	127
9.0 STATE REPORTING, INVESTIGATIONS & LICENSE ACTIONS.....	131
REPORTING.....	131
INVESTIGATIONS .....	131
LICENSE ACTIONS.....	132
10.0 PROCEDURES FOR ECOC REVIEW & DISSEMINATION.....	133
GLOSSARY .....	135

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## DISCLAIMERS

### COMPANY

IN THE OPINION OF THE AUTHORS, THE CONTENTS OF THIS MANUAL REPRESENT A SYNTHESIS OF RESEARCH-SUPPORTED BEST PRACTICES DERIVED FROM MULTIPLE DOMAINS AND ARE PROVIDED TO THE END USER ON AN "AS-IS" BASIS. THE VIEWS EXPRESSED HEREIN NEITHER CONSTITUTE, NOR SHOULD THEY BE CONSIDERED AS SUBSTITUTES FOR, COMPETENT LEGAL ADVICE. THE LICENSEE IS URGED TO CONSULT WITH COUNSEL IN THE MANNER DICTATED BY LOCAL CUSTOM OR POLICY REGARDING SPECIFIC QUESTIONS PERTAINING TO THE SUBJECT MATTER INVOLVED. COMPANY HEREBY DISCLAIMS ALL WARRANTIES WITH REGARD TO PRODUCT, WHETHER EXPRESSED, IMPLIED, OR STATUTORY, INCLUDING, BUT NOT LIMITED TO, CLAIMS OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, ACCURACY, COMPLETENESS, RELIABILITY, OR RESULTS. IN NO EVENT SHALL COMPANY BE LIABLE FOR CLAIMS, DAMAGES, OR OTHER FORMS OF LIABILITY, WHETHER BY ACTION OF CONTRACT, TORT OR OTHERWISE, ARISING FROM, OUT OF, OR IN CONNECTION WITH, THE USE OR ADAPTATION OF THE PRODUCT BY THE LICENSEE.

### THIRD-PARTY POLICY SOURCE

THIS PRODUCT VERSION CONTAINS CITATIONS OF A THIRD-PARTY POLICY SOURCE ("NEOLA, INCORPORATED"), AND WAS DEVELOPED FOR THOSE SCHOOL DISTRICTS THAT HAVE LICENSED POLICY SERVICES FROM THE THIRD-PARTY POLICY SOURCE IN THE SUBJECT STATE. THE COMPANY IS NOT AFFILIATED WITH THE THIRD-PARTY POLICY SOURCE, AND THE THIRD-PARTY POLICY SOURCE HAS NOT ENDORSED THESE MATERIALS FOR USE BY THE LICENSEE FOR ANY PURPOSE.

### THIRD PARTY-SCHOOL ADMINISTRATOR ASSOCIATION

THE BUCKEYE ASSOCIATION OF SCHOOL ADMINISTRATORS ("BASA") HAS ENTERED INTO AN AGREEMENT WITH UPSLOPE SOLUTIONS LLC FOR THE PROMOTION OF THIS PRODUCT IN THE BELIEF THAT IT OFFERS POTENTIAL BENEFITS TO ITS MEMBERS. THE CONTENTS OF THIS MANUAL AND ITS RELATED DOCUMENTS ARE NOT, HOWEVER THE WORK PRODUCT OF BASA OR ITS LEGAL COUNSEL, AND BASA MAKES NO REPRESENTATION AS TO THE ACCURACY OF ANY INFORMATION CONTAINED HEREIN OR THE APPROPRIATENESS OF THE APPLICATION OF THE INFORMATION OR PRINCIPLES SET FORTH IN THIS MANUAL IN ANY PARTICULAR FACTUAL SITUATION. THESE MATERIALS SHOULD NOT BE CONSTRUED AS LEGAL ADVICE, AND BASA ASSUMES NO LIABILITY FOR ANY CONSEQUENCES WHICH MAY ARISE FROM THE USE OF THESE MATERIALS, IN WHOLE OR IN PART, BY ANY PERSON. COMPETENT LEGAL COUNSEL SHOULD BE SOUGHT PRIOR TO THE ACTUAL UTILIZATION OF THESE MATERIALS IN ANY LEGALLY BINDING DOCUMENT.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

**DISCLAIMERS—CONT'D.**

THIS PAGE INTENTIONALLY LEFT BLANK.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## INTRODUCTION



WASHINGTON LOCAL SCHOOLS

January 15, 2016

Dear Washington Local Schools employee:

Throughout its history, our district has maintained and enforced high standards for ethical conduct and professional competency. The *Washington Local Schools 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, goals, the four non-negotiables, and core values 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 Policy 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 Washington Local Board of Education policy;
- In a reasonable, fair, and consistent manner; 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, or district policy in accordance with ORC §4112.01 et seq. and WLS 1422.02, 3122, 3122.02, 3362, 4122, and 4122.02.

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,

Cherie Mourlam, Superintendent  
Washington Local Schools

**individual attention. infinite opportunities.**

3505 W. Lincolnshire Blvd. Toledo, OH 43606-1299 • [www.wls4kids.org](http://www.wls4kids.org)

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## INTRODUCTION—CONT'D.

THIS PAGE INTENTIONALLY LEFT BLANK.



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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 staff member is aware of his or her responsibility for supporting the mission, core values, philosophy, and goals of the District as follows [OAC 3301-35-02, 3301-35-03, and 3301-35-04]:

- **Mission.** The District exists to provide excellent education and individual attention, as we unconditionally love all kids and families, fuel passion, define purpose, and lead all to infinite opportunities [WLS 2105].
- **Core values.** The character of the District demands that we utilize and adhere to the following core values [WLS 2106]:
  - **Courage:** The state or quality of mind or spirit that enables one to face danger with self-possession, confidence, and resolution; bravery; valor.
  - **Dedication:** To commit oneself to a particular course of thought or action.
  - **Dignity:** The presence of poise and self-respect in one's deportment to a degree that inspires respect; inherent nobility and worth.
  - **Excellence:** The state, quality, or condition of excelling; superiority; pre-eminence. Something in which a person or thing excels; a surpassing feature or virtue.
  - **Gratitude:** An appreciative awareness and thankfulness, as for kindness shown or something received.
  - **Honesty:** Not lying, cheating, stealing, or taking unfair advantage; honorable; truthful; trustworthy. Not characterized by deception or fraud; genuine.
  - **Loyalty:** Feelings of allegiance, the act of binding yourself (intellectually or emotionally) to a course of action, long commitment to public service.
  - **Respect:** To show regard or consideration for, to respect someone's rights.
  - **Responsibility:** A form of trustworthiness; the trait of being answerable to someone for something or being responsible for one's conduct; "he holds a position of great responsibility."
  - **Service:** An act of helpful activity; help; aid; to do someone a service.
  - **Teamwork:** Cooperative or coordinated effort on the part of a group of persons acting together as a team or in the interests of common cause.
  - **Trust:** Reliance on the integrity, strength, ability, surety, of a person; confidence. Confident expectation of something; hope, the obligation or responsibility imposed on a person in whom confidence or authority is placed; a position of trust.
- **Philosophy.** The Board had directed the Superintendent, working cooperatively with administration, staff, and members of the community, to develop and implement an educational program that will be meaningful in meeting the needs of the individual student; to help each student grow intellectually, physically, emotionally, and socially, to the highest level s/he is capable of attaining; to develop a fine balance between cooperative endeavor and individual enterprise [WLS 2110]. In striving to achieve our goal, we shall endeavor to [WLS 2110]:
  - Personalize instruction allowing each student to develop at a pace and level commensurate with his or her unique aptitudes;
  - Create and maintain in the student an intellectual curiosity and a desire and enthusiasm for learning;
  - Recognize the worth of the individual student and provide all students with equal educational opportunities regardless of race, color, national origin, creed, gender, pregnancy, or marital status;
  - Instill within the student confidence in personal abilities and promote a wholesome self-image and a respect for physical and mental health;

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 1.0 STATEMENTS OF PURPOSE AND INTENT–CONT'D.

### PURPOSE OF THE EMPLOYEE CODE OF CONDUCT–CONT'D.

- Provide opportunities for development of creative abilities and experiences in the arts;
- Assist in choosing courses and experiences designed to position the student to successfully achieve career goals; and
- Guide the student toward assuming a role as a responsible member of our democratic society and help each student to develop a respect for our cultural heritage and for a high moral and ethical code.
- **Goals; educational outcome.** The Board believes that the mission of the District is best accomplished when there is valid evidence that educational programs are making it possible for students to achieve one or more of the following educational goals, commensurate with their ability and potential [WLS 2131]:
  - Job skills for the Workplace and the attitudes to obtain further education.
  - An understanding of others, including but not limited to those with different social and cultural characteristics and those with mental or physical abilities as well as the ability to engage in responsible personal or support relationships with those who are from different social or ethnic groups.
  - 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.
  - Use of the knowledge, habits, and attitudes that assure good personal and public health, physical and mental.
  - An understanding of his/her own worth, abilities, potentialities, and limitations.
  - Enjoyment of the learning process and commitment to continuous learning throughout one's lifetime.
  - An understanding of and the ability to cope with change.
  - The educational goals specified in IEPs.
- **Goals; educational process.** In order to achieve the educational goals for students, the Board has established policies which authorize and encourage [WLS 2132]:
  - Instruction which bears a meaningful relationship to the present and future needs and/or interests of students;
  - Specialized and individualized educational experiences to meet the different needs of students;
  - 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;
  - Efficient and effective use of educational resources;
  - Continued professional growth of staff members; and
  - Cooperation with parents and community groups.

Employees fulfill this responsibility when their actions and behaviors – both professionally and personally – reflect the following general standards for ethical conduct:

- **Legal expectations for ethics and conduct.** All employees are expected to comply with applicable federal law, ORC, and local ordinances.
- **Professional expectations for ethics and conduct.** Each Licensed Employee is expected to comply with the state LCPCOE (see [Resource 1.01](#)).
- **District expectations for ethics and conduct.** All employees are expected to comply with the applicable District *Staff Ethics Policies* (SEPs) [WLS 3210 and 4210], all other policies, and all regulations, procedures, rules, and routines established by the Board, the Superintendent or his/her designee(s).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## **1.0 STATEMENTS OF PURPOSE AND INTENT—CONT'D.** ***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 CBA [ORC §4117.08(C); TAWLS Article 1 Section 2; OAPSE 279 Article 1 Section C]. Therefore, in accordance with its purpose, the intent of this ECOC is:

- To alert employees to the types of actions and behaviors that most commonly represent violations of the general standards for ethical conduct, and as such, grounds for employee discipline;
- To define a rational course of action for addressing potentially unethical employee conduct 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) TAWLS; and 2) OAPSE 279.

This ECOC is not intended to address every possible type of employee misconduct. School 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.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## **1.0 STATEMENTS OF PURPOSE AND INTENT—CONT'D.** ***INTENT OF THE EMPLOYEE CODE OF CONDUCT—CONT'D.***

THIS PAGE INTENTIONALLY LEFT BLANK.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 2.0 EXPECTED BEHAVIORS FOR EMPLOYEES

### WASHINGTON LOCAL BOARD OF EDUCATION EXPECTED BEHAVIORS FOR EMPLOYEES

#### Board-Approved Expected Behaviors for Employees

Each Washington Local Schools employee shall:

1. Report to work acceptable for duty, and remain fit for duty whenever on duty.
2. Prepare for and perform all assigned duties required by one's job description(s).
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 in order 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, state statutes, Board policies, and District administrative procedures that prohibit coercive, harassing, threatening, retaliating, or discriminating conduct.
7. Communicate in a truthful and timely manner about any matter in matters applicable to the District.
8. Acquire, use, maintain, and dispose of District assets in an ethical and responsible manner in accordance with state statutes, Board policies, and District administrative procedures.
9. Maintain confidentiality of information as required under federal laws, state statutes, Board policies, and District administrative procedures.
10. Report actions that may represent violations of federal laws, state statutes, Board policies, and District administrative procedures.
11. Refrain from any unethical activity that may reasonably interfere with either one's ability to effectively perform one's duties as assigned, or the legitimate operational interests of the District.
12. Comply with all other federal laws, state statutes, Board policies, and District administrative procedures.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2016.

Signed: \_\_\_\_\_  
President, Washington Local Board of Education

Signed: \_\_\_\_\_  
Vice-President, Washington Local Board of Education

Signed: \_\_\_\_\_  
Member, Washington Local Board of Education

Signed: \_\_\_\_\_  
Member, Washington Local Board of Education

Signed: \_\_\_\_\_  
Member, Washington Local Board of Education

Signed: \_\_\_\_\_  
Superintendent, Washington Local Schools

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 2.0 EXPECTED BEHAVIORS FOR EMPLOYEES–CONT'D.

THIS PAGE INTENTIONALLY LEFT BLANK.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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	<b>REASONABLENESS:</b> 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	<b>FAIRNESS:</b> 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	<b>CONSISTENCY:</b> 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 [TAWLS Article 7 Section 18; OAPSE 279 Article 12 Section F(3)]. 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.; WLS 1422.02, 3122, 3122.02, 3362, 4122, and 4122.02; TAWLS Article 14 Section 1; SAAWLS Handbook Article 1 Section 1; NBCE Handbook Section 1].

An overview of the employee discipline process is as follows (see [Resource 3.01](#)):

- **Step #1: Establish the ECOC violation.** The grounds for employee discipline must be determined. Where required, Just Cause must be established [ORC §3319.08, §3319.081 and §3319.16; WLS 3140; TAWLS Article 1 Section 2 and Article 7 Section 18; OAPSE 279 Article 1 Section C and Article 12 Section F].
- **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](#), [Form 3.02](#), [Form 3.03](#), and [Form 3.04](#)). 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.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 3.0 CONDUCT MANAGEMENT OVERVIEW–CONT'D. RATIONALE FOR DISCIPLINARY ACTIONS–CONT'D.

### Complaint procedures

Any complaint, written or oral, from any parent, student, or other person, regarding a Teacher shall be brought to the written attention of the Teacher involved within five (5) working days of its receipt [TAWLS Article, 4 Section 4], unless such notification is otherwise prohibited by law. Notification of a complaint and preliminary inquiry does not constitute Teacher discipline; however, if a complaint may lead to discipline, email notification is not permitted [TAWLS Article, 4 Section 4]. The Teacher will be given an opportunity to respond to and/or resolve any complaint [TAWLS Article, 4 Section 4]. After the opportunity has been afforded to respond to and/or resolve the complaint, the disposition of the complaint will be determined by the Administrator [TAWLS Article, 4 Section 4]. If the disposition is that the complaint is valid, a meeting will be held with the Teacher, his or her representative, and the Administrator [TAWLS Article, 4 Section 4].

A Teacher may request the presence of the building representative or union officer at a conference/meeting, except for: 1) An evaluation conference (where only the evaluator and the Teacher are present) [NLRB v. *Weingarten, Inc.*, 420 U.S. 251 (1975); TAWLS Article 6 Section 10(A)]; and 2) A meeting in which a child, parent/guardian, Administrator, and the Teacher are present [TAWLS Article 6 Section 10(B)]. When such a request is made, the conference/meeting will not be held until the Union President or his/her designee is in attendance [TAWLS Article 6 Section 10]; however, the availability of the representative may not unreasonably delay the conference/meeting.

Conferences and meetings excepted under TAWLS Article 6 Section 10(A) and Article 6 Section 10(B) are not intended to be disciplinary in nature [TAWLS Article 6 Section 10]. If disciplinary action is proposed as a result of matters discussed therein, the Teacher may request and receive union representation at a subsequent conference preceding the imposition of discipline and, if requested by the Teacher not later than one (1) day following the initial conference, that conference shall be held not later than three (3) days following the initial conference [TAWLS Article 6 Section 10].

In all cases, recordings of conversations, conferences, and meetings are subject to the applicable consent and record retention provisions within the Agreement [TAWLS Article 4 Section 5].

- **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) **Verbal Redirection**; 2) **Informal Action** [TAWLS Article 7 Section 18]; or 3) **Formal Action** [TAWLS Article 4 Section 4 and Article 7 Section 18]. For the purposes of the ECOC, a “reasonable” course of action means one that “fits” both the specific offense and the disciplinary record of the employee involved 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
Alert	This term means a very low level ECOC violation managed on first offense with Verbal Redirection only.
Minor-1	This term means a low level ECOC violation managed on first offense with mostly Informal Action (Verbal Redirection in less serious cases only).
Minor-2	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.
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.



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 3.0 CONDUCT MANAGEMENT OVERVIEW–CONT'D. RATIONALE FOR DISCIPLINARY ACTIONS–CONT'D.

**NOTE:** A connection should be made for the employee between the charge(s) and the District's mission, core values, philosophy, and goals [OAPSE 279 Work Rules).

- **Step #4: Consider the case facts.** Unless otherwise irrelevant based on state law, all relevant aggravating and mitigating factors in the case must be considered by the Supervisor or investigator before a specific action is selected or recommended. This process should be accomplished by the completion of a case evaluation using the following set of “Douglas Factors” (see [Resource 3.02](#)):

### 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 (or was 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 employee's employment record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
- 5 The effects 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 ability to perform assigned duties.
- 6 The consistency of the penalty with those imposed upon and on other employees for the same or similar offenses.
- 7 The consistency of the penalty with any applicable District table of penalties.
- 8 The notoriety of the offense or its impact upon the reputation of the District.
- 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, if applicable.
- 10 The employee's potential for rehabilitation, if applicable.
- 11 Any special circumstances surrounding the offense such as unusual job tension, 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; TAWLS 7.18]. 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.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 3.0 CONDUCT MANAGEMENT OVERVIEW–CONT'D. RATIONALE FOR DISCIPLINARY ACTIONS–CONT'D.

### **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 [TAWLS Article 7 Section 18; OAPSE 279 Article 12 Section F(3)]. In cases of chronic employee misconduct, progressively more serious action should be taken or recommended when it is evident that either: 1) Verbal Redirection (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 a chronic ECOC violation.

- **Step #5: Document 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.

### **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 specific type of disciplinary action [WLS 0100 and 1100]:

- 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.
- Authority to issue an [Official Reprimand](#) is delegated by the Superintendent to his or 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 employee discipline 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; WLS 0100 et seq., 1100 et seq., 2105 et seq., 3111 et seq., 4111 et seq., 5111 et seq., 6105 et seq., 7100 et seq., 8210 et seq., and 9120 et seq.; TAWLS Article 1 Section 1 et seq.; OAPSE 279 Article 1 Section A et seq.; SAAWLS Handbook Article 1 Section 1 et seq.; NBCE Handbook Section 1 et seq.]:

**Board.** The Board is responsible for:

- Formulating written policy for the administration of schools, to be reviewed regularly and revised as necessary [WLS 0123, 0131, 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 [WLS 0122].
- Making such rules and regulations as are necessary for its government and the government 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 [WLS 0131].
- Selecting and appointing a Superintendent [ORC §3319.01; WLS 0132 and 1220].
- Delegating authority for the administration of the schools to the Superintendent and staff [WLS 0123].
- Retaining oversight of operational procedures [WLS 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 [WLS 0123, 0132, 1210, 1230, and 1230.01].

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 3.0 CONDUCT MANAGEMENT OVERVIEW–CONT'D. *DELEGATION OF AUTHORITY–CONT'D.*

- 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 [WLS 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 [WLS 0123, 1210, 1240, and 2605].
- 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 [WLS 0118 and 0133].
- Establishing fair and equitable terms and conditions of employment and evaluation of all staff [WLS 0123].
- Referring public complaints to the Superintendent for appropriate investigation and action.
- Acting in matters of employment or dismissal of personnel after receiving the recommendations of the Superintendent.
- Selecting and appointing a Treasurer [ORC §3313.22(A); WLS 1310].
- Determining the Treasurer's success in meeting the goals established by the Board, and annually evaluating his or her performance [WLS].
- Giving the Treasurer full authority for properly discharging his or her professional duties, and holding him/her responsible for acceptable results.
- Referring all complaints of the Treasurer's staff to the Treasurer for appropriate investigation and action.
- Deciding whether to appoint a professional negotiator or to appoint representatives from within the District to serve on a negotiating team.
- Participating in Grievance [TAWLS Article 3; OAPSE 279 Article 5] or appeal proceedings if required.

**NOTE:** As individuals, members of the Board do not separately possess the powers that reside in the Board, except when and as expressly authorized by law or by the Board; however, no member of the Board shall be denied facts or materials required for the proper performance of his or her duties to which he or she is legally entitled [WLS 0122.1, 0123, and 0149].

**Superintendent.** The Superintendent is responsible for:

- Enforcing the statutes of Ohio, the rules of OBSE, and the policies of the Board [WLS 0132, 1210, and 1230].
- Serving as the primary professional advisor to the Board [WLS 1210 and 1230].
- Calling to the attention of the Board all policies that need revision [WLS 0171 et seq. and 1210].
- Developing, supervising, and operating the school program and facilities [WLS 1210].
- Preparing regulations for the administration of the District which are not inconsistent with statutes or regulations of OSBE 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 [WLS 0132, 1210, and 1230.01].
- Keeping the Board informed of any regulations in a timely manner [WLS 0132].
- Making his or her methods known to the staff through the administrative guidelines of the District [WLS 1210].
- Selecting and recommending other District personnel [WLS 1100, 1230, 1520, 3120, and 4120].
- Evaluating the progress of the professional and non-teaching staff towards the attainment of educational goals [WLS 1530, 2605, and 3220].
- Making regulations and other conditions of employment known to all employees [WLS 1210].
- Planning, preparing and, participating in the bargaining process to the extent: 1) Determined by the Board; and 2) Permissible by law [WLS 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.
- Conducting technical reviews of all proposals for Suspension or Termination.
- Making recommendations to the Board in cases involving Suspension or Termination.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 3.0 CONDUCT MANAGEMENT OVERVIEW–CONT'D. *DELEGATION OF AUTHORITY–CONT'D.*

- Assuring that all decisions are reviewed and decided objectively.
- Participating in Grievance [TAWLS Article 3; OAPSE 279 Article 5] or appeal proceedings if required.

**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 [WLS1320].

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

- Communicating all regulations and other conditions of employment to subordinates.
- Maintaining equity in the application of disciplinary policies and procedures.
- Ensuring that grounds for disciplinary action are established prior to initiating investigations or inquiries.
- Ensuring that investigations or inquiries have sufficiently verified the grounds for disciplinary action.
- Ensuring that disciplinary actions are taken in accordance with applicable federal law, state statute, Board policy, and Agreement provisions.
- Guiding building or site level administrators and supervisors in the completion and interpretation of disciplinary rubrics to determine appropriate disciplinary actions.
- Holding building or site level administrators and supervisors accountable for following progressive discipline guidelines when applicable.
- Making final decisions in cases involving informal discipline for direct subordinates.
- Making final decisions in cases involving Official Reprimand referred up the chain of command.
- Referring recommendations for Suspension or Termination up the chain of command.
- Participating in Grievance [TAWLS Article 3; OAPSE 279 Article 5] or appeal proceedings if required.
- Maintaining and evaluating District-level disciplinary data.

**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.
- Engaging employees in non-disciplinary discussions 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 discipline for direct subordinates.
- Delivering informal employee discipline constructively, individually and in private.
- Referring recommendations for formal discipline up the chain of command.
- Participating in Grievance [TAWLS Article 3; OAPSE 279 Article 5] or appeal proceedings if required.
- Maintaining and evaluating building or site-level disciplinary data.

**All employees.** All employees of the District are responsible for:

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

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS

### POTENTIAL VIOLATIONS OF POLICY ALONE

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

#### ATTENDANCE, PUNCTUALITY, OR CONTRACT DAY POLICY VIOLATION

**Definition:** This ECOC violation means any lack of compliance with an established policy, approved schedule, routine, procedures or provisions relating to an employee's time on duty.

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

- Abusing sick or other leave as outlined in the Agreement.
- Arriving late or leaving an assigned duty station early without prior authorization.
- Being absent without approved leave.
- Failing to follow proper absence notification procedures.
- Leaving campus during the contract day without advising one's immediate Supervisor.

Related alignments include, but may not be limited to, the following:

**Federal:** *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:** 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:** WLS 0123; 1461; 1520; 3161; 3210; 3430.01; 3430.02; 4124; 4161; 4210; 4430.01; 5420; 5420.01; 6530; 8210; 8220; 8442

**Agreement(s):** TAWLS Article 1 Section 2; Article 3; Article 6 Section 4; Article 6 Section 11; Article 6 Section 15; Article 7 Section 3; Article 7 Section 13; Article 7 Section 14; Article 7 Section 18; Article 8 Section 3; Article 8 Section 5; Article 8 Section 7; Article 9 Section 1; Article 9 Section 2; Article 9 Section 4; Article 9 Section 8; Article 10 Section 1; Article 10 Section 2; Article 10 Section 3; Article 10 Section 4; Article 10 Section 5; Article 11 Section 1; Article 11 Section 2; Article 11 Section 3; Article 11 Section 4; Article 11 Section 5; Article 11 Section 6; Article 11 Section 7; Article 11 Section 8; Article 11 Section 9; Article 11 Section 10; Article 11 Section 11; Article 13 Section 3; Article 13 Section 5; Article 15 Section 9; Article 16 Section 8; Article 16 Section 9; Article 16 Section 10; Article 18; Article 19

OAPSE 279 Article 1 Section C; Article 5; Article 7 Section E; Article 8 Section M; Article 8 Section N; Article 8 Section R; Article 8 Section U;

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.

#### ATTENDANCE, PUNCTUALITY, OR CONTRACT POLICY VIOLATION–CONT'D.

Article 8 Section Z; Article 9 Section A; Article 9 Section B; Article 9 Section C; Article 9 Section D; Article 9 Section E; Article 9 Section F; Article 9 Section G; Article 9 Section H; Article 10 Section C; Article 11 Section A; Article 11 Section B; Article 11 Section C; Article 11 Section D; Article 11 Section E; Article 11 Section G; Article 11 Section I; Article 11 Section J; Article 11 Section K; Article 11 Section M; Article 11 Section N; Article 11 Section E; Article 12 Section F; Article 12 Section J(8); Article 12 Section J(9); Article 13 Section A; Article 13 Section B; Article 13 Section C; Article 13 Section D; Article 13 Section F; Article 13 Section G; Article 13 Section H; Article 13 Section I; Article 13 Section J; Article 14 Section A; Article 14 Section B; Article 14 Section D; Article 14 Section E; Article 14 Section G; Work Rules

#### Handbook(s):

SAAWLS Handbook Article 2 Section 1; Article 2 Section 3; Article 3 Section 3; Article 3 Section 5; Article 3 Section 8; Article 3 Section 11; Article 6 Section 1; Article 6 Section 2; Article 6 Section 3; Article 6 Section 4; Article 6 Section 5; Article 6 Section 6; Article 6 Section 7; Article 6 Section 8; Article 6 Section 9

NBCE Handbook Section 2; Section 4

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

**Initial responsibility:** BUILDING OR SITE LEVEL

**Mandatory reporting:** NO

**Initial classification:** [MINOR-1](#)

Case Management Options: Attendance, Punctuality or Contract Policy Violation				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Verbal Redirection</a>	<a href="#">Acknowledged Oral Warning</a>	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>
Relatively Equal	<a href="#">Acknowledged Oral Warning</a>	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>
Mostly Aggravating	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>



USE DECISION SUPPORT RUBRIC

#### Commentary:

- Important ECOC-related leave stipulations apply for District personnel (see [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 licensure action considerations, if any, see [Section 9.0](#).



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.

#### BREACH OF CHAIN OF COMMAND PROTOCOL

**Definition:** This ECOC violation means bypassing established lines of authority without authorization under Board policy.

**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.
- Requesting that a higher level Supervisor overrule an operational decision by a lower level Supervisor that was within his or her scope of authority to make.

Related alignments include, but may not be limited to, the following:

**Federal:** NONE

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

**Licensure code:** LCPCOE §3b

**Board:** WLS 0123;1100; 1230.01; 3210; 4210; 9130

**Agreement(s):** TAWLS Article 1 Section 2; Article 3; Article 4 Section 1; Article 4 Section 2; Article 7 Section 18

OAPSE 279 Article 1 Section C; Article 2 Section A; Article 5; Article 6 Section A; Article 6 Section B; Article 8 Section O; Article 12 Section F; Article 13 Section A; Work Rules

**Handbook(s):** NONE

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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 may not be limited to, the following:

**Initial responsibility:** BUILDING OR SITE LEVEL

**Mandatory reporting:** NO

**Initial classification:** [MINOR-1](#)

Case Management Options: Breach of Chain of Command Protocol				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Verbal Redirection</a>	<a href="#">Acknowledged Oral Warning</a>	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>
Relatively Equal	<a href="#">Acknowledged Oral Warning</a>	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>
Mostly Aggravating	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>



USE DECISION SUPPORT RUBRIC

#### Commentary:

- In accordance with ORC §4113.52: 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; and 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 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 licensure action considerations, if any, see [Section 9.0](#).



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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., the misrepresentation of facts, such as the reporting of an uncompleted task as completed).
- Engaging in an act of omission (e.g., the failure to relate all pertinent details to a Supervisor, such as giving an incomplete account of an event or incident).

Related alignments include, but may not be limited to, the following:

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

**State:** 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:** WLS 0123; 0141.2; 0175.1; 1130; 1220; 1520; 2623; 3120; 3122; 3140; 3210; 3213; 3214; 3217; 3231; 4113; 4120; 4122; 4210; 4213; 4214; 4217; 5516; 6210; 6423; 6440; 6460; 6610; 6625; 6660; 6670; 7240; 7450; 7455; 7530.01; 8900

**Agreement(s):** TAWLS Article 1 Section 2; Article 7 Section 1; Article 7 Section 18; Article 16 Section 6

OAPSE 279 Article 1 Section C; Article 12 Section F; Article 14 Section C; Work Rules

**Handbook(s):** SAAWLS Handbook Article 3 Section 6

NBCE Handbook Section 2

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.

### DISHONESTY (NON-CRIMINAL)–CONT'D.

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

**Initial responsibility:** BUILDING OR SITE LEVEL

**Mandatory reporting:** NO

**Initial classification:** [MINOR-2](#)

Case Management Options: Dishonesty (Non-Criminal)				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Acknowledged Oral Warning</a>	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>
Relatively Equal	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>
Mostly Aggravating	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>



USE DECISION SUPPORT RUBRIC

### Commentary:

- No person shall reveal to any student any specific question that the person knows is part of an assessment to be administered under ORC §3301.0711 or in any other way assist a pupil to cheat on such an assessment [ORC §3319.151(A)]. Violation of ORC §3319.151(A) is grounds for: 1) Termination of a Teacher contract under ORC §3311.82 or §3319.16 [ORC §3319.151(C)(2); WLS 3140]; and 2) Termination of employment of a non-teaching employee under ORC §3319.081(C) [ORC §3319.151(C)(1)].
- In accordance with ORC §4113.52: 1) In the case of reporting suspected fraud or fraudulent activity, an employee may file a report using the Auditor of State's system for reporting of fraud 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 the employee is aware of a violation of federal, state, or local law that the Board has the authority to correct and the employee does not make a report confirmed in writing to his or her immediate Supervisor.
- In accordance with the Board *Student Supervision Policies* (SSPs) [WLS 3213 and 4213] and/or related administrative guidelines: 1) 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 2) Each employee shall report immediately to the Superintendent or his/her designee any knowledge of threats or violence by students.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the ECOC.
- On a finding by OSBE, 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 licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.

#### DRESS CODE VIOLATION

- Definition:** This ECOC violation means any unauthorized deviation from the expectations for employee attire, appearance, or hygiene outlined in the Board *Staff Dress and Grooming Policy* (SDGP) and/or an applicable Agreement While on Duty.
- Examples:** Include, but are not limited to, the following:
- Failing to be physically clean, neat, and well-groomed.
  - Dressing in a manner inconsistent with one's professional responsibilities.
  - Dressing in a manner that does not communicate pride in personal appearance to students.
  - Dressing in a manner that causes damage to District property (wearing, or neglecting to wear, clothing that causes an unsafe working environment).
  - Being groomed in such a way that hair style or dress disrupts the educational process (e.g., wearing items that display abusive, vulgar or offensive language; wearing items that contain offensive symbols; wearing items that advertise alcohol or tobacco products; or wearing or items that promote drug use or other illegal activity) or causes a health or safety hazard.
  - Failing to wear a uniform when required.

Related alignments include, but may not be limited to, the following:

- Federal:** *Occupational Safety & Health Act of 1970* [OSHA; 29 USC §651 et seq.; Public Law 91-596; 29 CFR §1910.1 et seq.]
- State:** ORC §3319.081; §3319.16
- Licensure code:** LCPCOE §8b
- Board:** WLS 0123; 3210; 4210; 4216
- Agreement(s):** TAWLS Article 1 Section 2; Article 7 Section 18  
OAPSE 279 Article 1 Section C; Article 12 Section F; Work Rules
- Handbook(s):** NONE

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D. *POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.*

### DRESS CODE VIOLATION–CONT'D.

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

**Initial responsibility:** BUILDING OR SITE LEVEL

**Mandatory reporting:** NO

**Initial classification:** [ALERT](#)

Case Management Options: Dress Code Violation				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Verbal Redirection</a>	Not Applicable*	Not Applicable*	Not Applicable*
Relatively Equal	<a href="#">Verbal Redirection</a>	Not Applicable*	Not Applicable*	Not Applicable*
Mostly Aggravating	<a href="#">Acknowledged Oral Warning</a>	Not Applicable*	Not Applicable*	Not Applicable*



USE DECISION SUPPORT RUBRIC

### Commentary:

- The Board believes that classified staff members, like professional staff members, set an example in dress and grooming for students to follow [WLS 4216]. Staff members who understand this precept and adhere to it enlarge the importance of his/her task and present an image of dignity and professionalism [WLS 4216].
- A “Reasonable Person Standard” should be used to establish this ECOC violation.
- For management guidelines beyond a first occurrence, see [Insubordination](#).
- For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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 and/or legally binding document.
- Failing to account for the receipt, deposit, or disbursement of funds in a manner required by policy and/or procedure.

Related alignments include, but may not be limited to, the following:

<b>Federal:</b>	<i>Education Department General Administrative Regulations</i> [EDGAR; 34 CFR §74-86 and 97-99]
<b>State:</b>	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.
<b>Licensure code:</b>	LCPCOE §3b-c; §7g
<b>Board:</b>	WLS 0123; 1220; 1520; 2623; 3120; 3140; 3210; 3220; 4120; 4210; 6105; 6210; 6423; 6440; 6610; 6625; 6660; 6670; 7450; 7455; 8442; 8900
<b>Agreement(s):</b>	TAWLS Article 1 Section 2; Article 7 Section 8; Article 7 Section 18; Article 8 Section 4; Article 11 Section 9; Article 16 Section 6  OAPSE 279 Article 1 Section C; Article 9 Section F; Article 12 Section F; Article 14 Section C; Work Rules
<b>Handbook(s):</b>	SAAWLS Handbook Article 3 Section 6; Article 6 Section 2  NBCE Handbook Section 2; Section 4

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.

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

Case management considerations include, but may not be 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 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>
Relatively Equal	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>
Mostly Aggravating	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	<a href="#">Termination</a>



USE DECISION SUPPORT RUBRIC

#### Commentary:

- No person shall reveal to any student any specific question that the person knows is part of an assessment to be administered under ORC §3301.0711 or in any other way assist a pupil to cheat on such an assessment [ORC §3319.151(A)]. Violation of ORC §3319.151(A) is grounds for: 1) Termination of a Teacher contract under ORC §3311.82 or §3319.16 [ORC §3319.151(C)(2); WLS 3140]; and 2) Termination of employment of a non-teaching employee under ORC §3319.081(C) [ORC §3319.151(C)(1)].
- In accordance with ORC §4113.52, an employee is subject to disciplinary action, up to and including Termination, for purposely, knowingly, or recklessly making a false whistleblower report.
- A Teacher will not be required to change student grades, and no student grades will be changed by a principal without consulting with the Teacher [TAWLS Article 7 Section 8].
- With regard to Assault Leave, falsification of either the written, signed statement of the events or circumstances surrounding the assault, or the physician's statement, shall be grounds for suspension or termination of employment TAWLS Article 11 Section 9; OAPSE 279 Article 9 Section F; SAAWLS Handbook Article 6 Section 2; NBCE Handbook Section 4].
- 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 OSBE, 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 licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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 execution of job responsibilities as assigned.
- 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 or resources appropriately for assigned duties.

Related alignments include, but may not be limited to, the following:

**Federal:** NONE

**State:** 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; §3319.114; §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:** WLS 0123; 1100; 1220; 1230; 1240; 1320; 1330; 1340.01; 1400; 1520; 1530; 2110; 2120; 2210; 2411; 2460; 2464; 2605; 2623.02; 3120; 3210; 3220; 3242; 3243; 4120; 4124; 4210; 5630.01; 7430

**Agreement(s):** TAWLS Article 1 Section 2; Article 5 Section 4; Article 5 Section 5; Article 5 Section 11(A) et seq.; Article 7 Section 9; Article 7 Section 10; Article 7 Section 16; Article 7 Section 18; Article 9 Section 1; Article 9 Section 2; Article 9 Section 4; Article 9 Section 5; Article 9 Section 6; Article 9 Section 7; Article 14 Section 1

OAPSE 279 Article 1 Section C; Article 8 Section E; Article 8 Section F; Article 8 Section L; Article 8 Section O; Article 8 Section W; Article 11 Section F; Article 11 Section H; Article 12 Section F; Article 12 Section G; Article 13 Section A; Article 13 Section B; Article 13 Section D; Article 13 Section E; Work Rules

**Handbook(s):** SAAWLS Handbook Article 3 Section 11; Article 5 Section 1

NBCE Handbook Section 2

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.

#### INADEQUATE PREPARATION FOR EMPLOYEE JOB RESPONSIBILITIES–CONT'D.

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

**Initial responsibility:** BUILDING OR SITE LEVEL

**Mandatory reporting:** NO

**Initial classification:** [MINOR-2](#)

Case Management Options: Inadequate Preparation for Employee Job Responsibilities				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Acknowledged Oral Warning</a>	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>
Relatively Equal	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>
Mostly Aggravating	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>



USE DECISION SUPPORT RUBRIC

#### Commentary:

- In accordance with the Board *Student Supervision Policies* (SSPs) [WLS 3213 and 4213] and/or related administrative guidelines, a Professional Staff Member should not volunteer to assume responsibility for duties he or she cannot reasonably perform, since such assumption carries the same responsibilities as assigned duties.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A “Reasonable Person Standard” should be used to establish this 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 licensure action considerations, if any, see [Section 9.0](#).



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.

#### INADEQUATE SUPERVISION OF STAFF

**Definition:** This ECOC violation means either: 1) Any neglect of assigned supervision responsibilities on the part of the Supervisor; or 2) Any failure to provide proper monitoring, guidance, oversight, or direction to subordinates, substitutes, student teachers, or volunteers during the school or work day, an assigned duty, or a District-sponsored event or activity.

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

- 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.
- Failing to provide directives to subordinates that are clear and concise.

Related alignments include, but may not be limited to, the following:

<b>Federal:</b>	NONE
<b>State:</b>	ORC §3319.01 et seq.
<b>Licensure code:</b>	LCPCOE §8b
<b>Board:</b>	WLS 0123; 1230; 3120.07; 3210; 3220; 4210
<b>Agreement(s):</b>	TAWLS Article 1 Section 2; Article 7 Section 10; Article 7 Section 18 OAPSE 279 Article 1 Section C; Article 8 Section I; Article 12 Section F
<b>Handbook(s):</b>	NONE

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D. *POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.*

### INAPPROPRIATE SUPERVISION OF STAFF–CONT'D.

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

**Initial responsibility:** BUILDING OR SITE LEVEL

**Mandatory reporting:** NO

**Initial classification:** [MINOR-2](#)

Case Management Options: Inadequate Supervision of Staff				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Acknowledged Oral Warning</a>	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>
Relatively Equal	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>
Mostly Aggravating	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>



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 licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.

#### INADEQUATE SUPERVISION OF STUDENTS

**Definition:** This ECOC violation means either: 1) Any neglect of assigned student Supervisory responsibilities; or 2) Any failure to provide proper monitoring, oversight, direction, and/or guidance to students before, during or after the school or work day (if assigned), a duty assignment, or a District-sponsored event/activity.

**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 may not be limited to, the following:

**Federal:** NONE

**State:** 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:** WLS 0123; 2271; 2340; 2430; 2430.02; 2431; 3210; 3213; 3900; 4210; 4213; 5200; 5205; 5330; 5500; 5501; 5511; 5513; 5514; 5516; 5517; 5517.01; 5520; 5530; 5600; 5601; 5630.01; 5722; 5820; 5830; 5840; 5855; 7540.02; 7540.03; 7540.04; 8420; 8600; 8640; 9150

**Agreement(s):** TAWLS Article 1 Section 2; Article 7 Section 15; Article 7 Section 18; Article 8 Section 2; Article 13 Section 4

OAPSE 279 Article 1 Section C; Article 12 Section F; Article 13 Section C; Article 13 Section H

**Handbook(s):** NONE

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.

### INAPPROPRIATE SUPERVISION OF STUDENTS–CONT'D.

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

**Initial responsibility:** BUILDING OR SITE LEVEL

**Mandatory reporting:** NO

**Initial classification:** [MINOR-2](#)

Case Management Options: Inadequate Supervision of Students				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Acknowledged Oral Warning</a>	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>
Relatively Equal	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>
Mostly Aggravating	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>



USE DECISION SUPPORT RUBRIC

#### Commentary:

- In accordance with the Board *Student Supervision Policies* (SSPs) [WLS 3213 and 4213] and/or related administrative guidelines: 1) Each Professional Staff Member shall maintain a standard of care for supervision, control, and protection of students commensurate with assigned duties and responsibilities; and 2) Employee shall not send students on any personal errands.
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Student Acceptable Use and Safety Policy* (SAUSP) [WLS 7540.03], related administrative guidelines, and/or [Resource 4.02](#).
- Conferences required by an Administrator which remove a Teacher from his or her duties involving sole supervision of students shall not occur unless arrangements are made by the Administrator to supervise the students involved [TAWLS Article 5 Section 10].
- 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 licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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 act: 1) That interferes with the personal rights of employees, students or the legitimate interests of the District; 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 or students that is improper for the circumstances in which it occurs.
- Engaging in discourteous, derisive or disruptive action(s) or behavior(s).
- Engaging in conduct that runs counter to a “reasonable person standard.”
- Engaging in an act of retaliation not prohibited by law.
- Failing to follow an established operational procedure.

Related alignments include, but may not be limited to, the following:

**Federal:** *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:** 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); §3313.64; §3313.672; §3313.7110; §3314.01 et seq.; §3315.01 et seq.; §3316.031; §3318.01 et seq.; §3319.02; §3319.08; §3319.081; §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:** WLS 0123; 0141.2; 0148; 0164; 0165.1; 0169.2; 1130; 1461; 2110; 2210; 2220; 2240; 2260; 2261; 2261.01; 2271; 2330; 2340; 2370; 2411; 2412; 2413; 2416; 2430; 2430.02; 2431; 2440; 2451; 2460; 2464; 2510; 2520; 2623; 2623.01; 2623.02; 3111; 3120; 3120.04; 3122; 3160; 3161; 3210; 3213; 3214; 3217; 3231; 3244; 3362; 4111; 4120; 4122; 4160; 4161; 4162; 4210; 4213; 4214; 4217; 4362; 4362.01; 5111; 5112; 5113; 5113.01; 5114; 5120; 5130; 5200; 5205; 5215; 5230; 5320; 5330; 5336; 5341; 5410; 5420; 5420.01; 5421; 5430; 5430.01; 5460; 5463; 5464; 5500; 5501; 5511; 5513; 5514; 5515; 5516; 5517; 5517.01; 5520; 5530; 5540; 5600; 5601; 5610;

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.

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

5610.01; 5610.02; 5610.03; 5610.04; 5610.05; 5611; 5630; 5630.01; 5722; 5724; 5751; 5771; 5780; 5820; 5830; 5840; 5855; 6110; 6140; 6144; 6150; 6152; 6152.01; 6210; 6320; 6423; 6440; 6460; 6510; 6530; 6610; 6625; 6660; 6670; 6680; 7100; 7300; 7310; 7410; 7420; 7430; 7440; 7450; 7455; 7460; 7510; 7530; 7530.01; 7540; 8310; 8320; 8330; 8410; 8420; 8431; 8442; 8450; 8453; 8453.01; 8500; 8510; 8531; 8540; 8550; 8600; 8640; 8651; 8660; 8710; 8800; 8900; 9130; 9150; 9160; 9210; 9270; 9500; 9700

#### Agreement(s):

TAWLS Article 1 Section 2; Article 1 Section 5; Article 3; Article 4 Section 1; Article 4 Section 2; Article 4 Section 3; Article 5 Section 1; Article 5 Section 3; Article 5 Section 7(A) et seq.; Article 5 Section 11(A) et seq.; Article 6 Section 1; Article 6 Section 3; Article 6 Section 4; Article 6 Section 5; Article 6 Section 6; Article 6 Section 7; Article 7 Section 1; Article 7 Section 2; Article 7 Section 5; Article 7 Section 8; Article 7 Section 10; Article 7 Section 11; Article 7 Section 15; Article 7 Section 16; Article 7 Section 18; Article 8 Section 2; Article 8 Section 4; Article 13 Section 1 et seq.; Article 16 Section 6

OAPSE 279 Article 1 Section C; Article 5; Article 6 Section A; Article 6 Section B; Article 6 Section D; Article 7 Section A; Article 7 Section C; Article 7 Section D; Article 7 Section E; Article 7 Section F; Article 8 Section A; Article 8 Section D; Article 8 Section E; Article 8 Section F; Article 8 Section P; Article 8 Section V; Article 8 Section Y; Article 11 Section H; Article 12 Section F; Article 14 Section C; Work Rules

#### Handbook(s):

SAAWLS Handbook Article 1 Section 2; Article 3 Section 6; Article 7 Section 1; Article 7 Section 2

NBCE Handbook Section 1; Section 2

Case management considerations include, but may not be 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 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>
Relatively Equal	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>
Mostly Aggravating	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	<a href="#">Termination</a>

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.

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



USE DECISION SUPPORT RUBRIC

#### Commentary:

- In accordance with the Board *Student Supervision Policies* (SSPs) [WLS 3213 and 4213] and/or related administrative guidelines: 1) If a student approaches an employee to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc., the employee may attempt to assist the student by facilitating contact with certified or licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem; however, under no circumstances should 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 or safety.
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Staff Use of Board-Owned Cellular Telephones Policy* (SUBOCTP) [WLS 7530.01], *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [WLS 7540.01], *District Webpage Policy* (DWP) [WLS 7540.02], *Staff Acceptable Use and Safety Policy* (SAUSP) [WLS 7540.04], related administrative guidelines, 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 licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## **4.0 ECOC VIOLATIONS—CONT'D.**

### ***POTENTIAL VIOLATIONS OF POLICY ALONE—CONT'D.***

#### **INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (NON-CRIMINAL)—CONT'D.**

THIS PAGE INTENTIONALLY LEFT BLANK.



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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 Use and Safety Policies* (AUSPs) or their 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 the work day (e.g., using Social Media for personal reasons while in duty status).
- Accessing or displaying materials, content, or information deemed unacceptable by the District using the District 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 any *Bring Your Own Device* (BYOD) provision of related 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 may not be limited to, the following:

**Federal:** *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 21<sup>st</sup> Century Act of 2008* [CIPA; 47 USC §254; Public Law 106-554; FCC Order 03-188]

**State:** 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:** WLS 0123; 0167.1; 2370; 2531; 3210; 3900; 4210; 5722; 7530; 7530.01; 7540; 7540.01; 7540.02; 7540.03; 7540.04; 7540.05;

**Agreement(s):** TAWLS Article 1 Section 2; Article 6 Section 1; Article 6 Section 2; Article 6 Section 3; Article 6 Section 12; Article 7 Section 2; Article 7

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.

#### INAPPROPRIATE USE OF TECHNOLOGY RESOURCES–CONT'D.

Section 18

OAPSE 279 Article 1 Section C; Article 7 Section A; Article 7 Section B;  
Article 7 Section C; Article 12 Section F; Work Rules

**Handbook(s):** NONE

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

**Initial responsibility:** BUILDING OR SITE LEVEL

**Mandatory reporting:** NO

**Initial classification:** [MINOR-2](#)

Case Management Options: Inappropriate Use of Technology Resources				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Acknowledged Oral Warning</a>	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>
Relatively Equal	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>
Mostly Aggravating	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>



USE DECISION SUPPORT RUBRIC

#### Commentary:

- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Staff Use of Board-Owned Cellular Telephones Policy* (SUBOCTP) [WLS 7530.01], *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [WLS 7540.01], *District Webpage Policy* (DWP) [WLS 7540.02], *Staff Acceptable Use and Safety Policy* (SAUSP) [WLS 7540.04], related administrative guidelines, and/or [Resource 4.02](#).
- For additional information and examples, consult: 1) The AUAs; 2) Your Supervisor; or 3) 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 licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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 recognized 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 or refusing to recognize or submit to an established authority to which the employee is subordinate.
- Disobeying an established authority.
- Defying an established authority.
- Being involved in an illegal revolt against established authority.

Related alignments include, but may not be limited to, the following:

**Federal:** NONE

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

**Licensure code:** LCPCOE §8b

**Board:** WLS 0123; 3210; 4210

**Agreement(s):** TAWLS Article 1 Section 2; Article 7 Section 18

OAPSE 279 Article 1 Section C; Article 12 Section F; Work Rules

**Handbook(s):** NONE

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D. *POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.*

### INSUBORDINATION–CONT'D.

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

**Initial responsibility:** BUILDING OR SITE LEVEL

**Mandatory reporting:** NO

**Initial classification:** [MINOR-2](#)

Case Management Options: Insubordination				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Acknowledged Oral Warning</a>	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>
Relatively Equal	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>
Mostly Aggravating	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>



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 3.04](#)).
- For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.

#### LACK OF TEAMWORK

**Definition:** This ECOC violation means any refusal to implement agreed-upon strategies with a designated or assigned team(s).

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

- Refusing to share District resources as appropriate with team members.
- Failing to engage in planning activities with other team members for the purpose of reaching consensus.
- Failing to carry out guidelines or plans that the employee had both the knowledge of, and the capacity to, carry out.

Related alignments include, but may not be limited to, the following:

**Federal:** NONE

**State:** ORC §3319.02; §3319.08; §3319.081; §3319.16

OAC 3301-35-02 to 06

**Licensure code:** LCPCOE §8b

**Board:** WLS 0123; 0169.1; 1230; 2111; 2261.01; 3210; 4210; 5420; 5420.01; 5780; 9120; 9141; 9142; 9210; 9211; 9500; 9555

**Agreement(s):** TAWLS Article 1 Section 2; Article 1 Section 5; Article 4 Section 1; Article 4 Section 2; Article 5 Section 4; Article 7 Section 3; Article 7 Section 10; Article 7 Section 18; Article 8 Section 3; Article 9 Section 1; Article 10 Section 2; Article 10 Section 3; Article 12 Section 1

OAPSE 279 Article 1 Section C; Article 6 Section A; Article 6 Section B; Article 6 Section F; Article 8 Section Q; Article 12 Section F; Article 13 Section F; Work Rules

**Handbook(s):** NONE

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

**Initial responsibility:** BUILDING OR SITE LEVEL

**Mandatory reporting:** NO

**Initial classification:** [MINOR-1](#)

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.

#### LACK OF TEAMWORK–CONT'D.

Case Management Options: Lack of Teamwork				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Verbal Redirection</a>	<a href="#">Acknowledged Oral Warning</a>	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>
Relatively Equal	<a href="#">Acknowledged Oral Warning</a>	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>
Mostly Aggravating	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>



USE DECISION SUPPORT RUBRIC

#### Commentary:

- In all cases, a “reasonable person” standard must be used to establish this ECOC violation.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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 either an actual or a potential conflict of interest or a disruption for the employee.
- 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 may not be limited to, the following:

**Federal:** NONE

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

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

**Board:** WLS 0123; 0141.2; 0148; 1130; 3210; 3231; 4210; 4213; 7530.01; 7540.02

**Agreement(s):** TAWLS Article 1 Section 2; Article 6 Section 1; Article 6 Section 3; Article 6 Section 4; Article 6 Section 5; Article 7 Section 11; Article 7 Section 13; Article 7 Section 14; Article 7 Section 18

OAPSE 279 Article 1 Section C; Article 7 Section A; Article 7 Section C; Article 7 Section D; Article 7 Section E; Article 12 Section E; Article 12 Section F; Work Rules

**Handbook(s):** SAAWLS Handbook Article 3 Section 1

NBCE Handbook Section 2

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.

### OFF-DUTY MISCONDUCT–CONT'D.

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

**Initial responsibility:** DISTRICT LEVEL

**Mandatory reporting:** NO

**Initial classification:** [MODERATE](#)

Case Management Options: Off-Duty Misconduct				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>
Relatively Equal	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>
Mostly Aggravating	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	<a href="#">Termination</a>



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:
  - In accordance with the Board *Outside Activities of Staff Policy* (OASP) [WLS 3231] and/or related administrative guidelines:
    - Employees shall not give work time to an outside interest, activity, or association without valid reason to be excused from assigned duties.
    - Employees shall not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.
    - Employees shall 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.
    - Employees shall not campaign on school property during duty hours on behalf of any political candidate or political issue for local, state, or national elections.
    - Employees shall not accept fees for tutoring when such tutoring is conducted during the normal work day.
  - In accordance with the Board *Research and Publishing Policy* (RPPs) [WLS 3231] and/or related administrative guidelines, employees are encouraged to contribute articles to professional publications and to engage in approved professional research; however, publications and productions shall be subject to the applicable copyright provision therein.
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Staff Use of Board-Owned Cellular Telephones Policy* (SUBOCTP) [WLS 7530.01],



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.

#### OFF-DUTY MISCONDUCT–CONT'D.

- *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [WLS 7540.01], *District Webpage Policy* (DWP) [WLS 7540.02], *Staff Acceptable Use and Safety Policy* (SAUSP) [WLS 7540.04], related administrative guidelines, 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. Disciplinary action against employees for protected concerted activities is not advised; however, communications may lose NLRA protection if Social Media posts are significantly disparaging of (i.e., maliciously false or knowingly made with disregard for the truth) or disloyal (i.e., unconnected from any ongoing labor dispute), to the District.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the ECOC.
- For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## **4.0 ECOC VIOLATIONS–CONT'D.**

### ***POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.***

#### **OFF-DUTY MISCONDUCT–CONT'D.**

THIS PAGE INTENTIONALLY LEFT BLANK.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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 [WLS 3215, 4215, and 7434]:
- Using smokeless tobacco, tobacco substitutes, cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, electronic cigarettes (“e-cigarettes”), vapor cigarettes or other lighted smoking devices on school property.
  - Using any of these products within any enclosed facility owned 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 may not be limited to, the following:

- Federal:** *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:** 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:** WLS 0123; 3210; 3213; 3215; 4210; 4213; 4215; 5601; 7434; 9160
- Agreement(s):** TAWLS Article 1 Section 2; Article 7 Section 18
- OAPSE 279 Article 1 Section C; Article 12 Section F
- Handbook(s):** NONE

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D. POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.

### TOBACCO POLICY VIOLATION–CONT'D.

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

**Initial responsibility:** BUILDING OR SITE LEVEL

**Mandatory reporting:** NO

**Initial classification:** [MINOR-2](#)

Case Management Options: Tobacco Policy Violation				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Acknowledged Oral Warning</a>	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>
Relatively Equal	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>
Mostly Aggravating	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>



USE DECISION SUPPORT RUBRIC

### Commentary:

- In accordance with the Board *Student Supervision and Welfare Policies* (SSWPs) [WLS 3213 and 4213] and/or related administrative guidelines, an employee shall not associate or fraternize with students in a manner that may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity that could involve harmful substances such as tobacco.
- For guidance on avoiding this ECOC violation, consult the Board *Use of Tobacco by Staff Policies* (UTSP) [WLS 3215 and 4215], *Use of Tobacco on School Premises Policy* (UTSPP) [WLS 7434], *Public Attendance at School Events Policy* (PASEP) [WLS 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 licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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 may not be limited to, the following:

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

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

**Licensure code:** VARIABLE

**Board:** Includes WLS 0123, 3210, 4210, and any Board level policies (non-criminal/non-civil) not otherwise specified

Includes any District level administrative guidelines (non-criminal/non-civil) not otherwise specified

**Agreement(s):** Includes TAWLS Article 1 Section 2 and Article 7 Section 18, OAPSE 279 Article 1 Section C, Article 12 Section F and Work Rules, and any Agreement level provisions (non-criminal/non-civil) not otherwise specified

**Handbook(s):** Includes any handbook stipulations (non-criminal/non-civil) not otherwise specified

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D. *POTENTIAL VIOLATIONS OF POLICY ALONE–CONT'D.*

### OTHER POLICY VIOLATION–CONT'D.

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

**Initial responsibility:** BUILDING OR SITE LEVEL

**Mandatory reporting:** NO

**Initial classification:** [MINOR-2](#)

Case Management Options: Other Policy Violation				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Acknowledged Oral Warning</a>	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>
Relatively Equal	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>
Mostly Aggravating	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>



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 licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D. POTENTIAL VIOLATIONS OF CIVIL STATUTE

The following actions and/or behaviors represent grounds for employee discipline 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 may not be limited to, the following:

**Federal:** 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:** 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; §3319.16; §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

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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:**

WLS 0123; 0148; 0149; 0166; 0167.1; 0169.2; 1130; 1422.02; 1461; 2260; 2411; 2413; 2416; 2460; 2464; 2623; 2623.01; 3120; 3120.09; 3122; 3122.01; 3122.02; 3160; 3161; 3170; 3210; 3213; 3231; 3362; 3430.01; 3900; 4120; 4122; 4122.01; 4122.02; 4160; 4161; 4162; 4170; 4213; 4362; 4430.01; 5320; 5330; 5336; 5420; 5420.01; 5500; 5501; 5516; 5517; 5517.01; 5540; 5600; 5610; 5610.01; 5610.02; 5610.03; 5610.04; 5610.05; 5630.01; 5722; 5780; 6520; 7530.01; 7540; 7540.01; 7540.02; 7540.03; 7540.04; 8310; 8320; 8330; 8350; 8462; 8500; 8510; 8531; 9160; 9700

**Agreement(s):**

TAWLS Article 1 Section 2; Article 1 Section 4; Article 2 Section 2; Article 3; Article 4 Section 1; Article 4 Section 2; Article 4 Section 6; Article 5 Section 3; Article 6 Section 1; Article 6 Section 3; Article 6 Section 8; Article 6 Section 9; Article 6 Section 10; Article 7 Section 10; Article 7 Section 15; Article 7 Section 18; Article 13 Section 6; Article 13 Section 8; Article 17 Section 1

OAPSE 279 Article 1 Section B; Article 1 Section C; Article 2 Section C; Article 5; Article 6 Section A; Article 6 Section E; Article 7 Section A; Article 7 Section C; Article Section

J; Article 8 Section P; Article 8 Section Y; Article 10 Section D; Article 10 Section E; Article 10 Section G; Article 12 Section F; Article 13 Section B; Work Rules

**Handbook(s):**

SAAWLS Handbook Article 2 Section 7

NBCE Handbook Section 1

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

**Initial responsibility:**

DISTRICT LEVEL

**Mandatory reporting:**

YES

**Initial classification:**

[MODERATE](#)

Case Management Options: Breach of Confidentiality				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>
Relatively Equal	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>
Mostly Aggravating	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	<a href="#">Termination</a>



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF CIVIL STATUTE–CONT'D.

#### BREACH OF CONFIDENTIALITY–CONT'D.



#### USE DECISION SUPPORT RUBRIC

##### Commentary:

- In accordance 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 [WLS 0149].
- In accordance with the Board *Student Supervision and Welfare Policies* (SSWPs) [WLS 3213 and 4213] and/or related administrative guidelines: 1) If a student approaches an employee to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc., the employee may attempt to assist the student by facilitating contact with certified or licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem; however, under no circumstances should such employee inappropriately disclose PII concerning the student to third parties not specifically authorized by law; and 2) Since most information concerning a child in school (other than directory information described in WLS 8330) is confidential under federal and state law, any employee who shares confidential information with another person not authorized to receive the information (including, but not limited to, information concerning assessments, grades, behavior, family background, or alleged child abuse) may be subject to discipline and/or civil liability.
- 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).
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Staff Use of Board-Owned Cellular Telephones Policy* (SUBOCTP) [WLS 7530.01], *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [WLS 7540.01], *District Webpage Policy* (DWP) [WLS 7540.02], *Staff Acceptable Use and Safety Policy* (SAUSP) [WLS 7540.04], 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) 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.
- In accordance with ORC §1347.05(D), the Board shall discipline any employee who engages in the unauthorized use or release of the PI contained in the PI System.
- For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## **4.0 ECOC VIOLATIONS–CONT'D.** ***POTENTIAL VIOLATIONS OF CIVIL STATUTE–CONT'D.***

### **BREACH OF CONFIDENTIALITY–CONT'D.**

THIS PAGE INTENTIONALLY LEFT BLANK.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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 comments referencing race or national origin.
- 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 association.
- Disparaging a student or staff member based on his or her real or perceived sexual orientation or gender identity.

Related alignments include, but may not be limited to, the following:

**Federal:**

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.; *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 ADAAA; 42 USC §12101 et seq.; 42 USC §12631; 7 CFR §15b.1 et

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF CIVIL STATUTE–CONT'D.

#### DISCRIMINATION–CONT'D.

	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.
<b>State:</b>	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.
<b>Licensure code:</b>	LCPCOE §1c; §1f-g; §2d-e; §5b
<b>Board:</b>	WLS 0100; 0123; 1400; 1422.02; 1461; 2110; 2240; 2260; 2261; 2261.01; 2412; 2413; 2460; 2464; 2510; 2520; 2623; 3111; 3120; 3122; 3122.01; 3122.02; 3160; 3161; 3170; 3210; 3362; 3430.01; 3900; 4111; 4120; 4122; 4122.01; 4122.02; 4160; 4161; 4162; 4170; 4210; 4362; 4362.01; 5111; 5113.01; 5120; 5336; 5516; 5500; 5501; 5517; 5517.01; 5722; 5600; 5610; 5610.01; 5610.02; 5610.03; 5610.04; 5610.05; 5751; 5840; 6110; 6152.01; 7510; 7530.01; 7540; 7540.02; 7540.03; 7540.04; 8600; 8800; 9160; 9210; 9270; 9500; 9700
<b>Agreement(s):</b>	TAWLS Article 1 Section 2; Article 5 Section 3; Article 6 Section 1; Article 6 Section 3; Article 7 Section 15; Article 7 Section 18; Article 14 Section 1; Article 14 Section 2; Article 14 Section 3  OAPSE 279 Article 1 Section C; Article 7 Section A; Article 7 Section C; Article 8 Section P; Article 8 Section Y; Article 12 Section F; Article 13 Section B; Work Rules
<b>Handbook(s):</b>	SAAWLS Handbook Article 1 Section 1; Article 1 Section 2  NBCE Handbook 1

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

<b>Initial responsibility:</b>	DISTRICT LEVEL
<b>Mandatory reporting:</b>	YES
<b>Initial classification:</b>	<a href="#">MODERATE</a>

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D. POTENTIAL VIOLATIONS OF CIVIL STATUTE–CONT'D.

### DISCRIMINATION–CONT'D.

Case Management Options: Discrimination				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>
Relatively Equal	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>
Mostly Aggravating	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	<a href="#">Termination</a>



USE DECISION SUPPORT RUBRIC

### Commentary:

- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Staff Use of Board-Owned Cellular Telephones Policy* (SUBOCTP) [WLS 7530.01], *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [WLS 7540.01], *District Webpage Policy* (DWP) [WLS 7540.02], *Staff Acceptable Use and Safety Policy* (SAUSP) [WLS 7540.04], related administrative guidelines, 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 a student, employee, or the interests of the District.
- Acts that may represent violations of [criminal law](#) are addressed elsewhere in the ECOC.
- For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## **4.0 ECOC VIOLATIONS–CONT'D.** ***POTENTIAL VIOLATIONS OF CIVIL STATUTE–CONT'D.***

### **DISCRIMINATION–CONT'D.**

THIS PAGE INTENTIONALLY LEFT BLANK.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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 may not be limited to, the following:

**Federal:**

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:**

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.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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:**

WLS 0123; 3210; 3362; 3900; 4210; 4362; 4362.01; 5517; 5517.01; 5722; 7530.01; 7540; 7540.03; 7540.04

**Agreement(s):**

TAWLS Article 1 Section 2; Article 6 Section 1; Article 6 Section 3; Article 7 Section 18

OAPSE 279 Article 1 Section C; Article 7 Section A; Article 7 Section C; Article 12 Section F; Work Rules

**Handbook(s):**

NONE

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

**Initial responsibility:**

DISTRICT LEVEL

**Mandatory reporting:**

YES

**Initial classification:**

[MODERATE](#)

Case Management Options: Sexual Harassment				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>
Relatively Equal	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>
Mostly Aggravating	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	<a href="#">Termination</a>



USE DECISION SUPPORT RUBRIC

#### Commentary:

- In accordance with the Board *Student Supervision and Welfare Policies* (SSWPs) WLS 3213 and 4213] and/or related administrative guidelines, an employee shall not associate or fraternize with students in a manner that may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity that could be considered sexually suggestive.
  - For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Staff Use of Board-Owned Cellular Telephones Policy* (SUBOCTP) [WLS 7530.01], *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [WLS 7540.01], *District Webpage Policy* (DWP) [WLS 7540.02], *Staff Acceptable Use and Safety Policy* (SAUSP) [WLS 7540.04], related administrative guidelines, 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



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## **4.0 ECOC VIOLATIONS–CONT'D.**

### ***POTENTIAL VIOLATIONS OF CIVIL STATUTE–CONT'D.***

#### **SEXUAL HARASSMENT–CONT'D.**

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 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.

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

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

**4.0 ECOC VIOLATIONS—CONT'D.**  
***POTENTIAL VIOLATIONS OF CIVIL STATUTE—CONT'D.***

**SEXUAL HARASSMENT—CONT'D.**

THIS PAGE INTENTIONALLY LEFT BLANK.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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.

Related alignments include, but may not be limited to, the following:

**Federal:** Includes U.S. Constitution Amendments I, IV, V, VI and XIV, 5 USC §552b, 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

**State:** 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,

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF CIVIL STATUTE–CONT'D.

#### OTHER CIVIL VIOLATION–CONT'D.

§1347.01 et seq., §2152.18, §2305.23, §2305.235, §2307.44, §2744.01 et seq., §2901.30, §2921.45, §3311.80, §3311.81, §3311.82, §3311.84, §3313.64, §3313.7110, §3315.08, §3317.01 et seq., §3319.02, §3319.08, §3319.081, §3319.16, §3319.17; §3319.171, §3319.172, §3319.311, §3319.33, §3319.35, §3313.20(A), §3313.20(B), §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 or implementing regulations (civil) not otherwise specified

Includes OAC 3301-32-09, 3301-35-04 and 3301-35-06, 3301-37-10, 3301-83-12, and all related implementing regulations not otherwise specified

**Licensure code:** VARIABLE

**Board:** Includes WLS 0123, 0166, 0167.1, 0169.2, 1220, 1231, 1310, 1461, 1520, 1540, 2240, 2260, 2261, 2261.01, 2271, 2340, 2370, 2411, 2412, 2413, 2416, 2430, 2430.02, 2431, 2460, 2464, 2510, 2520, 2531, 2623, 2623.01, 2623.02, 3120, 3122, 3160, 3161, 3210, 3213, 3231, 3362, 3531, 3900, 4120, 4122, 4124, 4160, 4161, 4210, 4213, 4362, 4362.01, 4531, 5111, 5112, 5113.01, 5114, 5120, 5130, 5200, 5205, 5215, 5230, 5320, 5330, 5336, 5341, 5410, 5421, 5460, 5500, 5501, 5511, 5513, 5514, 5515, 5516, 5517, 5517.01, 5520, 5530, 5540, 5600, 5601, 5610, 5610.01, 5610.02, 5610.03, 5610.04, 5610.05, 5611, 5630.01, 5722, 5724, 5751, 5771, 5780, 5820, 5830, 5840, 5855, 6110, 6144, 6150, 6151, 6152, 6152.01, 6460, 6510, 6520, 6530, 7100, 7240, 7410, 7420, 7430, 7440, 7510, 7530.01, 7540, 7540.01, 7540.02, 7540.03, 7540.04, 8410, 8420, 8431, 8442, 8450, 8453, 8453.01, 8600, 8640, 8651, 8660, 8710, 8740, 8800, 9130, 9150, 9160, 9210, 9270, 9500, 9700, and any Board level policies (civil) not otherwise specified

Includes and any District level administrative guidelines (civil) not otherwise specified

**Agreement(s):** Includes TAWLS Article 1 Section 1 et seq., OAPSE 279 Article 1 Section A et seq. and Work Rules, and any Agreement level stipulations (civil) not otherwise specified

**Handbook(s):** Includes any handbook stipulations (civil) not otherwise specified

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

**Initial responsibility:** DISTRICT LEVEL

**Mandatory reporting:** YES

**Initial classification:** [MODERATE](#)

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF CIVIL STATUTE–CONT'D.

#### OTHER CIVIL VIOLATION–CONT'D.

Case Management Options: Other Civil Violation				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Written Warning</a>	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>
Relatively Equal	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>
Mostly Aggravating	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	<a href="#">Termination</a>



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; TAWLS 15.10; OAPSE 279 12.H].
- In accordance with ORC §4113.52, 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.
- In accordance with the Board *Student Supervision and Welfare Policies* (SSWPs) [WLS 3213 and 4213] and/or related administrative guidelines, an employee shall not associate or fraternize with students in a manner that may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity that could be considered abusive.
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Staff Use of Board-Owned Cellular Telephones Policy* (SUBOCTP) [WLS 7530.01], *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [WLS 7540.01], *District Webpage Policy* (DWP) [WLS 7540.02], *Staff Acceptable Use and Safety Policy* (SAUSP) [WLS 7540.04], related administrative guidelines, and/or [Resource 4.02](#).
- 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: 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 a student, employee, or the interests of the District, or the interests of the District is not a required factor for verifying this ECOC violation.
- 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.
- In accordance with ORC §1347.05(D), the Board shall discipline any employee who initiates, or otherwise contributes to, any disciplinary or other punitive action against any individual who brings

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## **4.0 ECOC VIOLATIONS–CONT'D.**

### ***POTENTIAL VIOLATIONS OF CIVIL STATUTE–CONT'D.***

#### **OTHER CIVIL VIOLATION–CONT'D.**

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

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS—CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW

The following actions and/or behaviors represent grounds for employee discipline 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 [WLS 3122.01, 3170, 4122.01, 4162, and 4170].
  - Being at work: 1) While under the influence of: 1) Alcohol; 2) An Illegal Drug; or 3) A legal drug, if illegally acquired and/or used [WLS 3170 and 4170].
  - Possessing or consuming alcohol in an unauthorized manner: 1) While conducting Board business; 2) While on Board-owned or Board-controlled property; or 3) While in a Board-owned, Board-controlled, or rented vehicle [WLS 3170 and 4170].
  - Performing a Safety-Sensitive Function or operating a Board-owned or Board-operated vehicle: 1) After using alcohol; or 2) After illegally using drugs [WLS 3122.01 and 4122.01].
  - Reporting for duty, or remaining on duty, when using a Controlled Substance, except when the use is prescribed by a 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 [WLS 3122.01 and 4122.01].
  - Failing 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 [WLS 3122.01 and 4122.01].
  - Being indicted or convicted under any criminal drug statute for a violation occurring: 1) In the Workplace [WLS 3122.01 and 4122.01]; or 2) Outside of the Workplace.
  - Failing to notify the Board within five (5) days of a conviction under any criminal drug statute for an event occurring in the Workplace (a condition of employment) [34 CFR §84.205(2); WLS 3122.01 and 4122.01].
  - Reporting for duty, or performing work: 1) While being under the influence of a prohibited drug; or 2) While having an Alcohol Concentration of  $\geq 0.02$  (or a blood or urine test corresponding to such); or 3) While testing positive for using a prohibited drug [WLS 3170, 4170, and 4162].

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF CRIMINAL LAW–CONT'D.

#### ALCOHOL OR DRUG POLICY VIOLATION–CONT'D.

- Refusing to sign an applicable release form [WLS 3170 and 4170].
- Failing to complete an alcohol/drug test [WLS 3170 and 4170].
- Refusing to submit to alcohol and/or drug testing [WLS 4162].
- Altering, attempting to alter, or unduly influencing alcohol and/or drug testing results [WLS 3170, 4710, and 4162].
- Failing to remain readily available for post-accident testing (e.g., leaving the scene of an accident prior to the submission of a post-accident test, unless emergency care is needed, or failing to notify one's Supervisor of his or her location) [WLS 4162].
- Failing to enroll, when requested by the Board, in alcohol or other drug treatment or counseling program and/or failing to adhere to the requirements of the program [WLS 3170, 4710, and 4162].
- Failing to comply with any other regulation promulgated under any testing program [WLS 4162].
- Possessing, using, selling, distributing, or dispensing any drug paraphernalia (e.g., accessories, chemical precursors, or equipment) as defined by federal and/or state law [WLS 3122.01 and 4122.01].
- Possessing, using, selling, or involvement with an Illegal Drug or alcohol off the job in a manner that, as determined solely by the Board: 1) Leads to, or has the potential to lead to, adverse publicity; 2) Impacts, or has the potential to impact, the Board's credibility with any outside concern [WLS 3170 and 4170].
- Using a prescription or Over-the Counter (OTC) drug: 1) Outside of the limits of a valid prescription and/or manufacturer's guidelines; or 2) In a manner that adversely impairs the individual's ability to function safely and effectively or adversely affects judgment or perception [WLS 3170 and 4170].

Related alignments include, but may not be limited to, the following:

<b>Federal:</b>	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.; <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>Drug Free Workplace Act of 1988</i> [41 USC §8101 et seq.; 34 CFR §84.100 et seq.; Public Law 100-690]; 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.
<b>State:</b>	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
<b>Licensure code:</b>	LCPCOE §1b; §1d; §1f; §4a; §6a-e



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF CRIMINAL LAW–CONT'D.

#### ALCOHOL OR DRUG POLICY VIOLATION–CONT'D.

**Board:** WLS 0123; 1220; 1240.01; 1310; 1400; 1520; 3120; 3120.04; 3120.07; 3121; 3122; 3122.01; 3160; 3161; 3170; 3210; 3213; 4120; 4120.04; 4121; 4122; 4122.01; 4160; 4161; 4162; 4170; 4210; 4213; 5530; 5601; 5722; 6460; 6680; 8320; 8410; 8442; 8600.04; 9130; 9160

**Agreement(s):** TAWLS Article 1 Section 2; Article 5 Section 13; Article 7 Section 18  
OAPSE 279 Article 1 Section C; Article 8 Section P; Article 12 Section F; Article 13 Section B; Article 14 Section G; Work Rules

**Handbook(s):** NONE

Case management considerations include, but may not be 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 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	Not Applicable
Relatively Equal	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	Not Applicable
Mostly Aggravating	<a href="#">Termination</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	Not Applicable



USE DECISION SUPPORT RUBRIC

#### Commentary:

- In accordance with the Board *Student Supervision and Welfare Policies* (SSWPs) [WLS 3213 and 4213] and/or related administrative guidelines: 1) An employee shall not associate with or fraternize with students in a manner that may give the appearance of impropriety (including, but not limited to, the creation of, or participation in, any situation or activity that could involve harmful substances such as illegal drugs or alcohol; and 2) Any inappropriate conduct with a student by any employee will subject the offender to potential criminal prosecution and disciplinary action by the Board, up to and including Termination.
- For guidance on avoiding this ECOC violation, consult the Board *Drug-Free Workplace Policies* (DFWPs) [WLS 3122.01 and 4122.01], *Substance Abuse Policies* (SAPs) [WLS 3170 and 4170], *CDL Holder Testing Policy* (CHTP) [WLS 4162], related administrative guidelines, and/or [Resource 4.03](#).
- 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 ODE/SBE) by the Superintendent or his/her designee where mandated.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## **4.0 ECOC VIOLATIONS–CONT'D.**

### ***POTENTIAL VIOLATIONS OF CRIMINAL LAW–CONT'D.***

#### **ALCOHOL OR DRUG POLICY VIOLATION–CONT'D.**

- 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 licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW–CONT'D.

### COMMISSION OF A SEX OFFENSE

<b>Definition:</b>	This ECOC violation means any conduct that violates one or more of the Board <i>Sexual Misconduct Policies</i> (SIPs); and 2) That may be a matter of interest to a law enforcement agency.
<b>Examples:</b>	<p>Include, but are not limited to, the following:</p> <ul style="list-style-type: none"><li>• Engaging in an inappropriate relationship with a student or other minor.</li><li>• Touching a staff member, student or other person in a sexually inappropriate manner.</li><li>• Engaging in sexual conduct with a minor student or other minor regardless of location or consent.</li><li>• Accessing, possessing or distributing child pornography.</li><li>• Committing any other act of sexual misconduct prohibited under federal, state, or local criminal law.</li></ul>
Related alignments include, but may not be limited to, the following:	
<b>Federal:</b>	18 USC §2241; 18 USC §2242; 18 USC §2243 to §2248; 18 USC §2250 et seq.; 18 USC §2421; 42 USC §12645g; <i>Adam Walsh Child Protection and Safety Act of 2006</i> [AWA; 42 USC §16902; Public Law 109-248]; <i>Sex Offender Registration and Notification Act</i> [SORNA; 42 USC §16911 et seq.]; <i>Children's Internet Protection Act of 2000</i> [CIPA; 47 USC §254; FCC Order 03-188]; 47 CFR §54.520
<b>State:</b>	<p>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.</p> <p>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</p>
<b>Licensure code:</b>	LCPCOE §1b; §1d; §1f-g; §2i; §4a
<b>Board:</b>	WLS 0123; 1220; 1240.01; 1310; 1520; 3120; 3120.04; 3120.07; 3121; 3210; 3213; 3362; 4120; 4120.04; 4121; 4210; 4213; 4362; 4362.01; 6460; 7540.04; 8320; 8600.04; 9130
<b>Agreement(s):</b>	<p>TAWLS Article 1 Section 2; Article 5 Section 13; Article 7 Section 18</p> <p>OAPSE 279 Article 1 Section C; Article 12 Section F; Work Rules</p>
<b>Handbook(s):</b>	NONE

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW–CONT'D.

### COMMISSION OF A SEX OFFENSE–CONT'D.

Case management considerations include, but may not be 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 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Termination</a>	Not Applicable	Not Applicable	Not Applicable
Relatively Equal	<a href="#">Termination</a>	Not Applicable	Not Applicable	Not Applicable
Mostly Aggravating	<a href="#">Termination</a>	Not Applicable	Not Applicable	Not Applicable



USE DECISION SUPPORT RUBRIC

### Commentary:

- In accordance with the Board *Student Supervision and Welfare Policies* (SSWPs) [WLS 3213 and 4213] and/or related administrative guidelines: 1) An employee shall not associate or fraternize with students in a manner that may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity that could be considered sexually suggestive; and 2) Any sexual conduct with a student by any employee will subject the offender to potential criminal prosecution and disciplinary action by the Board, up to and including Termination.
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Staff Use of Board-Owned Cellular Telephones Policy* (SUBOCTP) [WLS 7530.01], *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [WLS 7540.01], *District Webpage Policy* (DWP) [WLS 7540.02], *Staff Acceptable Use and Safety Policy* (SAUSP) [WLS 7540.04], 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 ODE/SBE) 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 licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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 may not be limited to, the following:

**Federal:** 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:** 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:** WLS 0123; 0141.2; 0175.1; 1130; 1220; 1240.01; 1310; 1520; 3120; 3120.04; 3120.07; 3121; 3122; 3210; 3213; 3214; 3217; 3231; 3362; 4120; 4120.04; 4121; 4122; 4210; 4213; 4214; 4217; 4362; 5516; 5540; 6210; 6423; 6440; 6460; 6610; 6625; 6660; 6670; 7230; 7240; 7450; 7455; 8320; 8462; 8600.04; 8900; 9130

**Agreement(s):** TAWLS Article 1 Section 2; Article 5 Section 13; Article 7 Section 1; Article 7 Section 18; Article 16 Section 6

OAPSE 279 Article 1 Section C; Article 12 Section F; Article 14 Section C; Work Rules

**Handbook(s):** SAAWLS Handbook Article 3 Section 6

NBCE Handbook Section 2

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW–CONT'D.

### DISHONESTY (CRIMINAL)–CONT'D.

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

**Initial responsibility:** DISTRICT LEVEL

**Mandatory reporting:** YES

**Initial classification:** [MAJOR](#)

Case Management Options: Dishonesty (Criminal)				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	Not Applicable
Relatively Equal	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	Not Applicable
Mostly Aggravating	<a href="#">Termination</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	Not Applicable



USE DECISION SUPPORT RUBRIC

### Commentary:

- In accordance with ORC §4113.52: 1) In the case of reporting suspected fraud or fraudulent activity, an employee may file a report using the Auditor of State's system for reporting of fraud 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 the employee is aware of a violation of federal, state, or local law that the Board has the authority to correct and the employee does not make a report confirmed in writing to his or her immediate Supervisor.
- In accordance with the Board *Student Supervision and Welfare Policies* (SSWPs) [WLS 3213 and 4213] and/or related administrative guidelines, each employee shall report immediately to the Superintendent or his/her designee any knowledge of threats or violence by students.
- In accordance with the Board *Student Abuse and Neglect Policy* (SANP) [WLS 8462] and/or related administrative guidelines: 1) Reporting of suspected child abuse is required in every case that reasonably indicates that a child under the age of eighteen (18) or a physically or mentally disabled child under the age of twenty-one (21) has been abused (physically or mentally), neglected, or faces the threat of being abused or neglected and 2) Each employee shall make such report to the proper legal authorities immediately pursuant with the laws of the state and the policy.
- 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 ODE/SBE) by the Superintendent or his/her designee where mandated
- For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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 may not be limited to, the following:

**Federal:** 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:** 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; §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:** WLS 0123; 1220; 1240.01; 1310; 1520; 3120; 3120.04; 3120.07; 3121; 3210; 4120; 4120.04; 4121; 4210; 6105; 6210; 6423; 6440; 6460; 6610; 6625; 6660; 6670; 7455; 8320; 8600.04; 8900; 9130

**Agreement(s):** TAWLS Article 1 Section 2; Article 5 Section 13; Article 7 Section 18; Article 16 Section 6

OAPSE 279 Article 1 Section C; Article 12 Section F; Article 14 Section C; Work Rules

**Handbook(s):** SAAWLS Handbook Article 3 Section 6

NBCE Handbook Section 2

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF CRIMINAL LAW–CONT'D.

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

Case management considerations include, but may not be 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 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	Not Applicable
Relatively Equal	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	Not Applicable
Mostly Aggravating	<a href="#">Termination</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	Not Applicable



USE DECISION SUPPORT RUBRIC

#### Commentary:

- In accordance with ORC §4113.52, 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 ODE/SBE) by the Superintendent or his/her designee where mandated.
- For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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 Workplace violence.
- Causing injury 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 may not be limited to, the following:

**Federal:** 18 USC §111 et seq.; 18 USC §241 et seq.; 18 USC §1513; 18 USC §2231 et seq.; 18 USC §2261; 42 USC §12645g

**State:** ORC §109.572; §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:** WLS 0123; 1220; 1240.01; 1310; 1520; 2260; 3120; 3120.04; 3120.07; 3121; 3122; 3210; 3362; 4120; 4120.04; 4121; 4122; 4210; 4362; 4362.01; 5516; 5517; 5517.01; 5610; 5630; 6460; 7530.01; 8320; 8600.04; 9130

**Agreement(s):** TAWLS Article 1 Section 2; Article 5 Section 13; Article 7 Section 18

OAPSE 279 Article 1 Section C; Article 12 Section F; Work Rules

**Handbook(s):** NONE

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF CRIMINAL LAW–CONT'D.

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

Case management considerations include, but may not be 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 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	Not Applicable
Relatively Equal	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	Not Applicable
Mostly Aggravating	<a href="#">Termination</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	Not Applicable



USE DECISION SUPPORT RUBRIC

#### Commentary:

- In accordance with the Board *Student Abuse and Neglect Policy* (SANP) [WLS 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 ODE/SBE) 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 licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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 may not be limited to, the following:

**Federal:** 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:** 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:** WLS 0123; 1130; 1220; 1240.01; 1310; 1520; 3120; 3120.04; 3120.07; 3121; 3210; 3900; 4120; 4120.04; 4121; 4210; 5513; 5514; 6423; 6460; 6610; 6625; 6660; 6670; 7230; 7300; 7310; 7440; 7450; 7455; 7510; 7530; 7530.01; 7540; 7540.01; 7540.03; 7540.04; 8320; 8600.04; 8710; 8740; 8900; 9130

**Agreement(s):** TAWLS Article 1 Section 2; Article 5 Section 13; Article 7 Section 18; Article 16 Section 6

OAPSE 279 Article 1 Section C; Article 7 Section C; Article 12 Section F; Article 14 Section C; Work Rules

**Handbook(s):** SAAWLS Handbook Article 3 Section 6

NBCE Handbook Section 2

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF CRIMINAL LAW–CONT'D.

#### THEFT, ABUSE OR UNAUTHORIZED USE OF PROPERTY–CONT'D.

Case management considerations include, but may not be 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 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	Not Applicable
Relatively Equal	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	Not Applicable
Mostly Aggravating	<a href="#">Termination</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	Not Applicable



USE DECISION SUPPORT RUBRIC

#### Commentary:

- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Staff Use of Board-Owned Cellular Telephones Policy* (SUBOCTP) [WLS 7530.01], *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [WLS 7540.01], *District Webpage Policy* (DWP) [WLS 7540.02], *Staff Acceptable Use and Safety Policy* (SAUSP) [WLS 7540.04], related administrative guidelines, and/or [Resource 4.02](#).
- The Board will not be responsible for the loss, damage, or misuse of the personal property of staff members brought to school either for reasons association with their work responsibilities or for use during off-duty time.
- 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 ODE/SBE) by the Superintendent or his/her designee where mandated.
- For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF CRIMINAL LAW–CONT'D.

#### WEAPONS POLICY VIOLATION

<b>Definition:</b>	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.
<b>Examples:</b>	<p>Include, but are not limited to, the following:</p> <ul style="list-style-type: none"><li>• Possessing, storing, making, or using a Weapon, including a concealed Weapon, in a school safety zone [WLS 3217 and 4217].</li><li>• 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 [WLS 3217 and 4217].</li></ul>
	Related alignments include, but may not be limited to, the following:
<b>Federal:</b>	<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; 42 USC §12645g; 27 CFR §447.1 et seq.
<b>State:</b>	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
<b>Licensure code:</b>	LCPCOE §1b; §1d-f; §4b; §4d
<b>Board:</b>	WLS 0123; 1220; 1240.01; 1310; 1520; 3120; 3120.04; 3120.07; 3121; 3210; 3217; 4120; 4120.04; 4121; 4210; 4217; 5601; 5610; 5772; 6460; 7217; 8320; 8600.04; 9130
<b>Agreement(s):</b>	TAWLS Article 1 Section 2; Article 5 Section 13; Article 7 Section 1; Article 7 Section 18  OAPSE 279 Article 1 Section C; Article 12 Section F; Work Rules
<b>Handbook(s):</b>	NONE

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D. POTENTIAL VIOLATIONS OF CRIMINAL LAW–CONT'D.

### WEAPONS POLICY VIOLATION–CONT'D.

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

**Initial responsibility:** DISTRICT LEVEL

**Mandatory reporting:** YES

**Initial classification:** [MAJOR](#)

Case Management Options: Weapons Policy Violation				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	Not Applicable
Relatively Equal	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	Not Applicable
Mostly Aggravating	<a href="#">Termination</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	Not Applicable



USE DECISION SUPPORT RUBRIC

### Commentary:

- In accordance with the Board *Weapons Policies* (WPs) [WLS 3217, 4217, and 7217] and/or related administrative guidelines:
  - The Superintendent shall conspicuously post the required notices at each entrance of a school and in areas inside the building where visitors report. Notices shall also be posted: 1) At each entrance leading into 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.
  - Exceptions include: 1) Weapons under the control of law enforcement personnel; 2) Items approved by a Principal as part of classes or presentations under adult supervision, if used for the purpose of and in the manner approved (working firearms and ammunition are always excluded); 3) Theatrical props where appropriate; and 4) Starter pistols for 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. He or she 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 ODE/SBE) 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 licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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 may not be limited to, the following:

**Federal:** 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:** 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:** Includes WLS 0123, 1220, 1240.01, 1310, 1520, 3120, 3120.04, 3120.07, 3121, 3210, 4120, 4120.04, 4121, 4210, 4362.01, 5610, 6460, 8320, 8420, 8600.04, 9130, and any Board level policies



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF CRIMINAL LAW–CONT'D.

#### OTHER CRIMINAL VIOLATION (NON-DISQUALIFYING)–CONT'D.

(criminal, but non-disqualifying) not otherwise specified

Includes any District level administrative guidelines (criminal and disqualifying) not otherwise specified

**Agreement(s):**

Includes TAWLS Article 1 Section 2, Article 5 Section 13 and Article 7 Section 18, OAPSE 279 Article 1 Section C, Article 12 Section F and Work Rules, and any Agreement level stipulations (criminal, but non-disqualifying) not otherwise specified

**Handbook(s):**

Includes any handbook stipulations (criminal, but non-disqualifying) not otherwise specified

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

**Initial responsibility:** DISTRICT LEVEL

**Mandatory reporting:** YES

**Initial classification:** [MAJOR](#)

Case Management Options: Other Criminal Violation (Non-Disqualifying)				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Official Reprimand</a>	<a href="#">Suspension</a>	<a href="#">Termination</a>	Not Applicable
Relatively Equal	<a href="#">Suspension</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	Not Applicable
Mostly Aggravating	<a href="#">Termination</a>	<a href="#">Termination</a>	<a href="#">Termination</a>	Not Applicable



USE DECISION SUPPORT RUBRIC

#### Commentary:

- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Staff Use of Board-Owned Cellular Telephones Policy* (SUBOCTP) [WLS 7530.01], *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [WLS 7540.01], *District Webpage Policy* (DWP) [WLS 7540.02], *Staff Acceptable Use and Safety Policy* (SAUSP) [WLS 7540.04], 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 ODE/SBE) by the Superintendent or his/her designee where mandated.
- For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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 ODE/OSBE for major licensure action.

Related alignments include, but may not be limited to, the following:

**Federal:** 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, 42 USC §12645g, and any federal level statutes or implementing regulations (criminal and disqualifying) not otherwise specified

**State:** 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 and 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:** Includes WLS 0123, 1220, 1240.01, 1310, 1520, 3120, 3120.04, 3120.07, 3121, 3210, 3213, 3362, 3900, 4120, 4120.04, 4121, 4162, 4210, 4213, 4362, 6460, 7540.04, 8320, 8600.04, 9130, and any Board level policies (criminal and disqualifying) not otherwise specified

Includes any District level administrative guidelines (criminal and disqualifying) not otherwise specified

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 4.0 ECOC VIOLATIONS–CONT'D.

### POTENTIAL VIOLATIONS OF CRIMINAL LAW–CONT'D.

#### OTHER CRIMINAL VIOLATION (DISQUALIFYING)–CONT'D.

- Agreement(s):** Includes TAWLS Article 1 Section 2, Article 5 Section 13 and Article 7 Section 18, OAPSE 279 Article 1 Section C, Article 12 Section F and Work Rules, and any Agreement level stipulations (criminal and disqualifying) not otherwise specified
- Handbook(s):** Includes any handbook stipulations (criminal and disqualifying) not otherwise specified

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

**Initial responsibility:** DISTRICT LEVEL

**Mandatory reporting:** YES

**Initial classification:** [DISQUALIFYING](#)

Case Management Options: Other Criminal Violation (Disqualifying)				
Case Facts	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	4 <sup>th</sup> Occurrence
Mostly Mitigating	<a href="#">Termination</a>	Not Applicable	Not Applicable	Not Applicable
Relatively Equal	<a href="#">Termination</a>	Not Applicable	Not Applicable	Not Applicable
Mostly Aggravating	<a href="#">Termination</a>	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 OSBE, shall promptly notify OSBE and, if known, any school or district employing the license holder of the license holder's name, address, and the fact that the license holder pleaded guilty to , was convicted of, has been found eligible for intervention in lieu of conviction for, or has agreed to a diversion program [ORC §3319.31(C ) and §3319.52(B)].
- Whenever an employee (other than an employee who is a license holder to whom ORC §3319.52 applies), is convicted of, or pleads guilty to an offense listed in ORC §3319.20, or if the employee has been found to be eligible for intervention in lieu of conviction, or has agreed to participate in a pre-trial diversion program for such an offense, the prosecutor in the case, on forms prescribed and furnished by OSBE, 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.
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## **4.0 ECOC VIOLATIONS–CONT'D.**

### **POTENTIAL VIOLATIONS OF CRIMINAL LAW–CONT'D.**

#### **OTHER CRIMINAL VIOLATION (DISQUALIFYING)–CONT'D.**

*Staff Use of Board-Owned Cellular Telephones Policy (SUBOCTP) [WLS 7530.01], Computer Technology and Networks Policy (CTNP) [WLS 7540], Technology Privacy Policy (TPP) [WLS 7540.01], District Webpage Policy (DWP) [WLS 7540.02], Staff Acceptable Use and Safety Policy (SAUSP) [WLS 7540.04], 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 ODE/SBE) by the Superintendent or his/her designee where mandated.
- For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## **4.0 ECOC VIOLATIONS–CONT'D.** ***POTENTIAL VIOLATIONS OF CRIMINAL LAW–CONT'D.***

### **OTHER CRIMINAL VIOLATION (DISQUALIFYING)–CONT'D.**

THIS PAGE INTENTIONALLY LEFT BLANK.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 5.0 PROCEDURES FOR INFORMAL ACTIONS ACKNOWLEDGED ORAL WARNINGS

An employee facing [Acknowledged Oral Warning](#) will receive the following:

### [Professional Staff Member](#)

- An informal meeting with his or her Supervisor in a private location.
- The option of being accompanied by a union representative, if applicable [ORC §4117.03(A)(3); TAWLS Article 4 Section 4 and Article 7 Section 18].

**NOTE:** An employee has the right to union representation throughout the disciplinary process [TAWLS Article 6 Section 10 and Article 7 Section 18]. When such a request is made, the conference or meeting will not be held until the union president or his/her designee is in attendance [TAWLS Article 6 Section 10]; however, the availability of the representative may not unreasonably delay the meeting(s).

- An explanation of the allegation(s) involved.
- An opportunity to respond to the allegation(s).
- Consideration of the response and all pertinent [aggravating and/or mitigating factors](#) in the case prior to any decision to take action.
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action that specifies: 1) The incident(s) upon which the action was based; 2) The statute and/or policy that was violated; 3) The specific 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 option of being accompanied by a union representative, if applicable [ORC §4117.03(A)(3); OAPSE 279 Article 12 Section F(1b) and Article 12 Section F(6)].

**NOTE:** An employee has the right to representation by the union president or his/her designee [OAPSE 279 Article 12 Section F(1b) and Article 12 Section F(6)] if requested; however, the availability of the representative may not unreasonably delay the meeting(s).

- An explanation of the allegation(s) involved.
- An opportunity to respond to the allegation(s).
- Consideration of the response and all pertinent [aggravating and/or mitigating factors](#) in the case prior to any decision to take action.
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action that specifies: 1) The incident(s) upon which the action was based; 2) The statute and/or policy that was violated; 3) The specific 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 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; and 2) Includes the employee's response to the allegation(s) involved, if such a response is given.

**NOTE:** If the Supervisor determines there may be Cause for disciplinary action, the employee shall be informed of the following in writing: 1) A pending meeting; 2) The specific reason(s) for the meeting; 3) The date and time of the meeting; and 4) The option of being accompanied by a union representative (see [Form 3.01](#) and [Form 3.02](#)). If requested by the Teacher

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 5.0 PROCEDURES FOR INFORMAL ACTIONS–CONT'D. ACKNOWLEDGED ORAL WARNINGS–CONT'D.

not later than one (1) day following a conference or meeting that was not intended to be disciplinary in nature, the subsequent conference preceding the imposition of discipline shall be held not later than three (3) days following the initial conference or meeting [TAWLS Article 6 Section 10; see [Section 3.0](#)]. During the fact-finding meeting, the employee will have the opportunity: 1) To respond; 2) To rebut; 3) To offer mitigation; and/or: 4) To accept the allegation(s) and intended action.

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

- Meet with the employee within a reasonable timeframe.
- State his or her reason(s) for proceeding with the action.
- Reference any [aggravating and/or mitigating factors](#) considered prior to the decision [TAWLS Article 7 Section 18].
- Present the employee with the documentation of the action (see [Form 5.01](#)).
- Review the documentation with the employee.
- Request signed and dated acknowledgement of receipt from the employee.

**NOTE:** Signature does not imply agreement with the contents of the documentation. Refusal to sign and date the documentation shall be noted on the documentation.

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

- Provide a copy of the executed action to: 1) The employee; and 2) The Union President if the employee is a bargaining unit member.
- Offer the employee an opportunity to respond to the action in writing within a reasonable timeframe, and inform the employee of his or her right to include any comments he or she deems appropriate.

**NOTE:** Any written response must be: 1) Signed; 2) Dated; 3) Attached; and 4) Copied to the Union President if the employee is a bargaining unit member.

- Inform the employee of his or her contest rights, if applicable [TAWLS Article 7 Section 18].
- Retain the executed action in the USF (see [Section 8.0](#)).

### [Classified Employee](#)

- **Before action.** The Supervisor will complete an informal inquiry 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.

**NOTE:** If the Supervisor determines there may be Cause for disciplinary action, the employee shall be informed of the following: 1) A pending Disciplinary Interview [OAPSE 279 Article 12 Section F(6)]; 2) The specific reason(s) for the Disciplinary Interview [OAPSE 279 Article 12 Section F(1a)]; 3) The date and time of the Disciplinary Interview; and 4) The option of being accompanied by a union representative [OAPSE 279 Article 12 Section F(1b) and Article 12 Section F(6)] (see [Form 3.01](#) and [Form 3.02](#)). The employee shall normally receive at least three (3) work days prior written notice of the conference [OAPSE 279 Article 12 Section F(1a)]. During the Disciplinary Interview, the employee will have the opportunity: 1) To respond; 2) To rebut; 3) To offer mitigation; and/or: 4) To accept the allegation(s) and intended action.

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

- Meet with the employee within a reasonable timeframe.
- State his or her reason(s) for proceeding with the action.
- Reference any [aggravating and/or mitigating factors](#) considered prior to the decision.
- Present the employee with the documentation of the action (see [Form 5.01](#)).
- Review the documentation with the employee.
- Request signed and dated acknowledgement of receipt from the employee.

**NOTE:** Signature does not imply agreement with the contents of the documentation. Refusal to sign and date the documentation shall be noted on the documentation.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 5.0 PROCEDURES FOR INFORMAL ACTIONS–CONT'D. ACKNOWLEDGED ORAL WARNINGS–CONT'D.

- **After action.** The Supervisor will:
  - Provide a copy of the executed action to: 1) The employee; and 2) The Union President if the employee is a bargaining unit member [OAPSE 279 MOU].
  - Offer the employee an opportunity to respond to the action in writing within a reasonable timeframe, and inform the employee of his or her right to include any comments he or she deems appropriate.

**NOTE:** Any written response must be: 1) Signed; 2) Dated; 3) Attached; and 4) Copied to the Union President if the employee is a bargaining unit member [OAPSE 279 MOU].

- Inform the employee of his or her contest rights, if applicable.
- Retain the executed action in the USF (see [Section 8.0](#)).

**Post-action considerations include the following:**

### Professional Staff Member

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the Grievance Procedure [ORC §4117.01 et seq.; TAWLS Article 3 and Article 7 Section 18], 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 Grievance Procedure [ORC §4117.01 et seq.; OAPSE 279 Article 5 and Article 12 Section F(2)], 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 GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 5.0 PROCEDURES FOR INFORMAL ACTIONS—CONT'D. *ACKNOWLEDGED ORAL WARNINGS—CONT'D.*

THIS PAGE INTENTIONALLY LEFT BLANK.



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 5.0 PROCEDURES FOR INFORMAL ACTIONS–CONT'D. WRITTEN WARNINGS

An employee facing [Written Warning](#) will receive the following:

### [Professional Staff Member](#)

- An informal meeting with his or her Supervisor in a private location.
- The option of being accompanied by a union representative, if applicable [ORC §4117.03(A)(3); TAWLS Article 4 Section 4 and Article 7 Section 18].

**NOTE:** An employee has the right to union representation throughout the disciplinary process [TAWLS Article 6 Section 10 and Article 7 Section 18]. When such a request is made, the conference or meeting will not be held until the union president or his/her designee is in attendance [TAWLS Article 6 Section 10]; however, the availability of the representative may not unreasonably delay the meeting(s).

- An explanation of the allegation(s) involved.
- An opportunity to respond to the allegation(s).
- Consideration of the response and all pertinent [aggravating and/or mitigating factors](#) in the case prior to any decision to take action.
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action that specifies: 1) The incident(s) upon which the action was based; 2) The statute and/or policy that was violated; 3) The specific 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 option of being accompanied by a union representative, if applicable [ORC §4117.03(A)(3); OAPSE 279 Article 12 Section F(1b) and Article 12 Section F(6)].

**NOTE:** An employee has the right to representation by the union president or his/her designee [OAPSE 279 Article 12 Section F(1b) and Article 12 Section F(6)] if requested; however, the availability of the representative may not unreasonably delay the meeting(s).

- An explanation of the allegation(s) involved.
- An opportunity to respond to the allegation(s).
- Consideration of the response and all pertinent [aggravating and/or mitigating factors](#) in the case prior to any decision to take action.
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action that specifies: 1) The incident(s) upon which the action was based; 2) The statute and/or policy that was violated; 3) The specific 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 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; and 2) Includes the employee's response to the allegation(s) involved, if such a response is given.

**NOTE:** If the Supervisor determines there may be Cause for disciplinary action, the employee shall be informed of the following in writing: 1) A pending meeting; 2) The specific reason(s) for the meeting; 3) The date and time of the meeting; and 4) The option of being accompanied by a union representative (see [Form 3.01](#) and [Form 3.02](#)). If requested by the Teacher

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 5.0 PROCEDURES FOR INFORMAL ACTIONS–CONT'D. WRITTEN WARNINGS–CONT'D.

not later than one (1) day following a conference or meeting that was not intended to be disciplinary in nature, the subsequent conference preceding the imposition of discipline shall be held not later than three (3) days following the initial conference or meeting [TAWLS Article 6 Section 10; see [Section 3.0](#)]. During the fact-finding meeting, the employee will have the opportunity: 1) To respond; 2) To rebut; 3) To offer mitigation; and/or: 4) To accept the allegation(s) and intended action.

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

- Meet with the employee within a reasonable timeframe.
- State his or her reason(s) for proceeding with the action.
- Reference any [aggravating and/or mitigating factors](#) considered prior to the decision [TAWLS Article 7 Section 18].
- Present the employee with the documentation of the action (see [Form 5.02](#)).
- Review the documentation with the employee.
- Request signed and dated acknowledgement of receipt from the employee.

**NOTE:** Signature does not imply agreement with the contents of the documentation. Refusal to sign and date the documentation shall be noted on the documentation.

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

- Provide a copy of the executed action to: 1) The employee; and 2) The Union President if the employee is a bargaining unit member.
- Offer the employee an opportunity to respond to the action in writing within a reasonable timeframe, and inform the employee of his or her right to include any comments he or she deems appropriate.

**NOTE:** Any written response must be: 1) Signed; 2) Dated; 3) Attached; and 4) Copied to the Union President if the employee is a bargaining unit member.

- Inform the employee of his or her contest rights, if applicable [TAWLS Article 7 Section 18].
- Retain the executed action in the USF (see [Section 8.0](#)).

### [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; and 2) Includes the employee's response to the allegation(s) involved, if such a response is given.

**NOTE:** If the Supervisor determines there may be Cause for disciplinary action, the employee shall be informed of the following: 1) A pending Disciplinary Interview [OAPSE 279 Article 12 Section F(6)]; 2) The specific reason(s) for the Disciplinary Interview [OAPSE 279 Article 12 Section F(1a)]; 3) The date and time of the Disciplinary Interview; and 4) The option of being accompanied by a union representative [OAPSE 279 Article 12 Section F(1b) and Article 12 Section F(6)] (see [Form 3.01](#) and [Form 3.02](#)). The employee shall normally receive at least three (3) work days prior written notice of the conference [OAPSE 279 Article 12 Section F(1a)]. During the Disciplinary Interview, the employee will have the opportunity: 1) To respond; 2) To rebut; 3) To offer mitigation; and/or: 4) To accept the allegation(s) and intended action.

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

- Meet with the employee within a reasonable timeframe.
- State his or her reason(s) for proceeding with the action.
- Reference any [aggravating and/or mitigating factors](#) considered prior to the decision.
- Present the employee with the documentation of the action (see [Form 5.02](#)).
- Review the documentation with the employee.
- Request signed and dated acknowledgement of receipt from the employee.

**NOTE:** Signature does not imply agreement with the contents of the documentation. Refusal to sign and date the documentation shall be noted on the documentation.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 5.0 PROCEDURES FOR INFORMAL ACTIONS–CONT'D. WRITTEN WARNINGS–CONT'D.

- **After action.** The Supervisor will:
  - Provide a copy of the executed action to: 1) The employee; and 2) The Union President if the employee is a bargaining unit member [OAPSE 279 MOU].
  - Offer the employee an opportunity to respond to the action in writing within a reasonable timeframe, and inform the employee of his or her right to include any comments he or she deems appropriate.

**NOTE:** Any written response must be: 1) Signed; 2) Dated; 3) Attached; and 4) Copied to the Union President if the employee is a bargaining unit member [OAPSE 279 MOU].

  - Inform the employee of his or her contest rights, if applicable.
  - Retain the executed action in the USF (see [Section 8.0](#)).

**Post-action considerations include the following:**

### Professional Staff Member

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the Grievance Procedure [ORC §4117.01 et seq.; TAWLS Article 3 and Article 7 Section 18], 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 Grievance Procedure [ORC §4117.01 et seq.; OAPSE 279 Article 5 and Article 12 Section F(2)], 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 GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 5.0 PROCEDURES FOR INFORMAL ACTIONS–CONT'D. *WRITTEN WARNINGS–CONT'D.*

THIS PAGE INTENTIONALLY LEFT BLANK.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 6.0 PROCEDURES FOR FORMAL ACTIONS OFFICIAL REPRIMANDS

An employee facing [Official Reprimand](#) will receive the following:

### [Professional Staff Member](#)

- A formal meeting with the Superintendent or his/her designee in a private location.
- The option of being accompanied by a union representative, if applicable [ORC §4117.03(A)(3); TAWLS Article 6 Section 10 and Article 7 Section 18].

**NOTE:** An employee has the right to union representation throughout the disciplinary process [TAWLS Article 6 Section 10 and Article 7 Section 18]. When such a request is made, the conference or meeting will not be held until the union president or his/her designee is in attendance [TAWLS Article 6 Section 10]; however, the availability of the representative may not unreasonably delay the meeting(s).

- An explanation of the allegation(s) involved.
- An opportunity to respond to the allegation(s).
- Consideration of the response and all pertinent [aggravating and/or mitigating factors](#) in the case prior to any decision to take action [TAWLS Article 7 Section 18].
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action [TAWLS Article 5 Section 2] that specifies: 1) The incident(s) upon which the action was based; 2) The statute and/or policy that was violated; 3) The specific 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 option of being accompanied by a union representative, if applicable [ORC §4117.03(A)(3); OAPSE 279 Article 12 Section F(1b) and Article 12 Section F(6)].

**NOTE:** An employee has the right to representation by the union president or his/her designee [OAPSE 279 Article 12 Section F(1b) and Article 12 Section F(6)] if requested; however, the availability of the representative may not unreasonably delay the meeting(s).

- An explanation of the allegation(s) involved [OAPSE 279 Article 12 Section F(1a) and Article 12 Section F(6)].
- An opportunity to respond to the allegation(s) [OAPSE 279 Article 12 Section F(1d)].
- Consideration of the response and all pertinent [aggravating and/or mitigating factors](#) in the case prior to any decision to take action [OAPSE 279 Article 12 Section F(3) and Article 12 Section F(5)].
- An explanation of the reason(s) for taking action.
- A written, signed, and dated copy of the action that specifies: 1) The incident(s) upon which the action was based; 2) The statute and/or policy that was violated; 3) The specific 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 [TAWLS Article 7 Section 18]; and 2) Includes the employee's response to the allegation(s)

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 6.0 PROCEDURES FOR FORMAL ACTIONS–CONT'D. OFFICIAL REPRIMANDS–CONT'D.

involved, if response is given.

**NOTE:** If the Superintendent or his/her designee determines there may be Cause for disciplinary action, the employee shall be informed of the following in writing: 1) A pending meeting; 2) The specific reason(s) for the meeting; 3) The date and time of the meeting; and 4) The option of being accompanied by a union representative (see [Form 3.01](#) and [Form 3.02](#)). If requested by the Teacher not later than one (1) day following a conference or meeting that was not intended to be disciplinary in nature, the subsequent conference preceding the imposition of discipline shall be held not later than three (3) days following the initial conference or meeting [TAWLS Article 6 Section 10; see [Section 3.0](#)]. During the fact-finding meeting, the employee will have the opportunity: 1) To respond; 2) To rebut; 3) To offer mitigation; and/or: 4) To accept the allegation(s) and intended action.

- **During action.** The Superintendent or his/her designee will:
  - Meet with the employee within a reasonable timeframe.
  - State his or her reason(s) for proceeding with the action.
  - Reference any [aggravating and/or mitigating factors](#) considered prior to the decision [TAWLS Article 7 Section 18].
  - Present the employee with the documentation of the action (see [Form 6.01](#)) [TAWLS Article 5 Section 2].
  - Review the documentation with the employee.
  - Request signed and dated acknowledgement of receipt from the employee [TAWLS Article 5 Section 2].

**NOTE:** Signature does not imply agreement with the contents of the documentation. Refusal to sign and date the documentation shall be noted on the documentation.

- **After action.** The Superintendent or his/her designee will:
    - Provide the employee with a copy of the executed action [TAWLS Article 5 Section 2].
    - Offer the employee an opportunity to respond to the action in writing within a reasonable timeframe [TAWLS Article 4 Section 4 and Article 5 Section 2], and inform the employee of his or her right to include any comments he or she deems appropriate.
- NOTE:** Any written response must be: 1) Signed; 2) Dated; and 3) Attached [TAWLS Article 4 Section 4 and Article 5 Section 2].
- Inform the employee of his or her contest rights, if applicable [TAWLS Article 7 Section 18].
  - Retain the executed action in the ERF (see [Section 8.0](#)).

For state level reporting and potential licensure action considerations, if any [WLS 3140], 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 [OAPSE 279 Article 12 Section F(3)]; and 2) Includes the employee's response to the allegation(s) involved, if such a response is given.

**NOTE:** If the Superintendent or his/her designee determines there may be Cause for disciplinary action, the employee shall be informed of the following: 1) A pending Disciplinary Interview [OAPSE 279 Article 12 Section F(6)]; 2) The specific reason(s) for the Disciplinary Interview [OAPSE 279 Article 12 Section F(1a)]; 3) The date and time of the Disciplinary Interview; and 4) The option of being accompanied by a union representative [OAPSE 279 Article 12 Section F(1b) and Article 12 Section F(6)] (see [Form 3.01](#) and [Form 3.02](#)). The employee shall normally receive at least three (3) work days prior written notice of the conference [OAPSE 279 Article 12 Section F(1a)]. During the Disciplinary Interview, the employee will have the opportunity: 1) To respond; 2) To rebut; 3) To offer mitigation; and/or: 4) To accept the allegation(s) and intended action.

Initial comments in a Disciplinary Interview will indicate the intention of the discussion [OAPSE 279 Article 12 Section F(6)].

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 6.0 PROCEDURES FOR FORMAL ACTIONS–CONT'D. OFFICIAL REPRIMANDS–CONT'D.

During the Disciplinary Interview, the employee will have the opportunity: 1) To respond; 2) To rebut; 3) To offer mitigation; 4) To accept the allegation(s) and intended action; 5) To present witnesses [OAPSE 279 Article 12, section F(1c)]; 6) To question any witnesses presented by the administration [OAPSE 279 Article 12 Section F(1c)]; 7) To present any related evidence in his or her behalf [OAPSE 279 Article 12 Section F(1d)].

- **During action.** The Superintendent or his/her designee will:
  - Meet with the Employee within a reasonable timeframe.
  - State his or her reason(s) for proceeding with the action.
  - Reference any [aggravating and/or mitigating factors](#) considered prior to the decision.
  - Present the employee with the documentation of the action (see [Form 6.01](#)) [NBCE Handbook Section 1].
  - Review the documentation with the employee.
  - Request signed and dated acknowledgement of receipt from the employee [NBCE Handbook Section 1].

**NOTE:** Signature does not imply agreement with the contents of the documentation. Refusal to sign and date the documentation shall be noted on the documentation.

- **After action.** The Superintendent or his/her designee will:
  - Provide the employee with a copy of the executed action [NBCE Handbook Section 1].
  - Offer the employee an opportunity to respond to the action in writing within a reasonable timeframe [NBCE Handbook Section 1], and inform the employee of his or her right to include any comments he or she deems appropriate.

**NOTE:** Any written response must be: 1) Signed; 2) Dated; and 3) Attached [NBCE Handbook Section 1].

- Inform the employee of his or her contest rights, if applicable.
- Retain the executed action in the ERF (see [Section 8.0](#)).

For state level reporting and potential licensure action considerations, if any, 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 Grievance Procedure [ORC §4117.01 et seq.; TAWLS Article 3 and Article 7 Section 18], 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 Grievance Procedure [ORC §4117.01 et seq.; OAPSE 279 Article 5 and Article 12 Section F(2)], 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 GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 6.0 PROCEDURES FOR FORMAL ACTIONS—CONT'D. *OFFICIAL REPRIMANDS—CONT'D.*

THIS PAGE INTENTIONALLY LEFT BLANK.



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 6.0 PROCEDURES FOR FORMAL ACTIONS–CONT'D. SUSPENSIONS

An employee facing [Suspension](#) will receive the following:

### [Professional Staff Member](#)

- The Due Process afforded by Board policy [WLS 3140] and/or the Agreement [TAWLS Article 1 Section 2, Article 6 Section 10, and Article 7 Section 18].

**NOTE:** An employee has the right to union representation throughout the disciplinary process [TAWLS Article 6 Section 10 and Article 7 Section 18]. When such a request is made, the conference or meeting will not be held until the union president or his/her designee is in attendance [TAWLS Article 6 Section 10]; however, the availability of the representative may not unreasonably delay the meeting(s).

### [Classified Employee](#)

- The Due Process afforded by Board policy [WLS 4140] and/or the Agreement [OAPSE 279 Article 1 Section C and Article 12 Section F].

**NOTE:** An employee has the right to representation by the union president or his/her designee [OAPSE 279 Article 12 Section F(1b) and Article 12 Section F(6)] if requested; however, the availability of the representative may not unreasonably delay the meeting(s).

**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 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 [TAWLS Article 7 Section 18]; and 2) Includes the employee's response to the allegation(s) involved, if response is given.*

- **Disciplinary Suspension.** There is no provision for this action under state statute. Provisions under Board policy 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)]. A majority vote of the Board is required, and in such cases, the Board shall abide by Due Process, statutory procedures, and any applicable terms of the Administrator's contract.

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

#### [Teacher](#)

The employment contract of a Professional Staff Member may be suspended in accordance with law, for Good and Just Cause [TAWLS Article 1 Section 2 and Article 7 Section 18], including disclosing a question to a student on a state-mandated assessment [ORC §3319.151(A); WLS 3140]. A majority vote of the Board is required, and in such cases, the Board shall abide by Due Process, statutory procedures, and the applicable terms set forth in any Agreement [WLS 3140].

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

**NOTE:** If the Superintendent or his/her designee determines there may be Cause for disciplinary action, the employee shall be informed of the following in writing: 1) A pending meeting; 2) The specific reason(s) for the meeting; 3) The date and time of the meeting; and 4) The option of being accompanied by a union representative (see [Form 3.01](#) and [Form 3.02](#)). If requested by the Teacher not later than one (1) day following a conference or meeting that was not intended to be disciplinary in nature, the

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 6.0 PROCEDURES FOR FORMAL ACTIONS–CONT'D. SUSPENSIONS–CONT'D.

subsequent conference preceding the imposition of discipline shall be held not later than three (3) days following the initial conference or meeting [TAWLS Article 6 Section 10; see [Section 3.0](#)]. During the fact-finding meeting, the employee will have the opportunity: 1) To respond; 2) To rebut; 3) To offer mitigation; and/or: 4) To accept the allegation(s) and intended action.

- **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)]. 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)]. 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)].

Such a non-disciplinary action shall be: 1) Documented; and 2) Hand-delivered or sent by certified mail. The executed action will be retained in the ERF, 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 ODE promptly [ORC §3319.16, §3319.31, §3319.311, §3319.313 and §3319.40(C); WLS 3140]. For state level reporting and potential licensure action considerations, if any [WLS 3140], 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, his/her designee, or Treasurer will complete a formal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action [OAPSE 279 Article 12 Section F(3)]; and 2) Includes the employee's response to the allegation(s) involved, if such a response is given.*

- **Disciplinary Suspension.** Provisions under state statute and/or Board policy include the following:
  - **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); WLS 4140; OAPSE 279 Article 1 Section C]. The contracts provided for in ORC §3319.081 may be suspended by a majority vote of the Board [ORC §3319.081(C); WLS 4124 and 4140].

The action of the Board suspending or demoting an employee shall be served by certified mail [ORC §3319.081(C)]. The executed action will be retained in the ERF (see [Section 8.0](#)).

**NOTE:** If the Superintendent, his/her designee, or Treasurer determines there may be Cause for disciplinary action, the employee shall be informed of the following: 1) A pending Disciplinary Interview [OAPSE 279 Article 12 Section F(6)]; 2) The specific reason(s) for the Disciplinary Interview [OAPSE 279 Article 12 Section F(1a)]; 3) The date and time of the Disciplinary Interview; and 4) The option of being accompanied by a union representative [OAPSE 279 Article 12 Section

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 6.0 PROCEDURES FOR FORMAL ACTIONS–CONT'D. SUSPENSIONS–CONT'D.

F(1b) and Article 12 Section F(6)] (see [Form 3.01](#) and [Form 3.02](#)). The employee shall normally receive at least three (3) work days prior written notice of the conference [OAPSE 279 Article 12 Section F(1a)].

Initial comments in a Disciplinary Interview will indicate the intention of the discussion [OAPSE 279 Article 12 Section F(6)]. During the Disciplinary Interview, the employee will have the opportunity: 1) To respond; 2) To rebut; 3) To offer mitigation; 4) To accept the allegation(s) and intended action; 5) To present witnesses [OAPSE 279 Article 12 Section F(1c)]; 6) To question any witnesses presented by the administration [OAPSE 279 Article 12 Section F(1c)]; 7) To present any related evidence in his or her behalf [OAPSE 279 Article 12 Section F(1d)].

Unless necessary to maintain order, no employee shall be suspended until a meeting with the employee's immediate Supervisor or his/her designee is concluded [OAPSE 279 Article 12 Section F(4)]. If the employee is not available, this meeting may be with the Union President or his/her designee [OAPSE 279 Article 12 Section F(4)].

The Suspension shall be without pay [OAPSE 279 Work Rules].

- **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)]. 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)]. 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)].

Such non-disciplinary action shall be: 1) Documented; and 2) Hand-delivered or sent by certified mail [ORC §3319.081(C)]. The executed action will be retained in the ERF, 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 ODE promptly [ORC §3319.31, §3319.311, §3319.313, and §3319.40(C)]. For 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 Grievance Procedure [ORC §4117.01 et seq.; TAWLS Article 3 and Article 7 Section 18], 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](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 6.0 PROCEDURES FOR FORMAL ACTIONS–CONT'D. *SUSPENSIONS–CONT'D.*

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

### Classified Employee

- **Disciplinary Suspension.**

- **Non-civil service.**
  - **Records management.** See [Section 8.0](#).
  - **Contest.** Grievance is permitted using the Grievance Procedure [ORC §4117.01 et seq.; OAPSE 279 Article 5 and Article 12 Section F(2)], 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:** Suspension grievances shall be introduced directly to the second step of the Grievance Procedure [OAPSE 279 Article 12 Section F(2)].

- **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](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 6.0 PROCEDURES FOR FORMAL ACTIONS–CONT'D. TERMINATIONS

An employee facing [Termination](#) will receive the following:

### [Professional Staff Member](#)

- The Due Process afforded by state statute [ORC §3319.16], Board policy [WLS 3140], and/or the Agreement [TAWLS Article 1 Section 2, Article 6 Section 10, and Article 7 Section 18].

**NOTE:** An employee has the right to union representation throughout the disciplinary process [TAWLS Article 6 Section 10 and Article 7 Section 18]. When such a request is made, the conference or meeting will not be held until the union president or his/her designee is in attendance [TAWLS Article 6 Section 10]; however, the availability of the representative may not unreasonably delay the meeting(s).

### [Classified Employee](#)

- The Due Process afforded by state statute [ORC §3319.081(C)], Board policy [WLS 4140] and/or the Agreement [OAPSE 279 Article 1 Section C and Article 12 Section F].

**NOTE:** An employee has the right to representation by the union president or his/her designee [OAPSE 279 Article 12 Section F(1b) and Article 12 Section F(6)] if requested; however, the availability of the representative may not unreasonably delay the meeting(s).

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 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 [TAWLS Article 7 Section 18]; and 2) Includes the employee's response to the allegation(s) involved, if response is given.*

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

#### [Superintendent](#)

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

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

#### [Treasurer](#)

Except for a Treasurer who is automatically disqualified from service pursuant to ORC §3313.22(B) (regarding an Otherwise Qualified Treasurer), Termination of a Treasurer's contract shall be in accordance with ORC §3319.16 [ORC §3313.22(E)].

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

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

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 6.0 PROCEDURES FOR FORMAL ACTIONS–CONT'D. TERMINATIONS–CONT'D.

For the ORC §3319.16 procedure, see [Resource 6.01](#). The executed action will be retained in the ERF (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; WLS 3140; TAWLS Article 1 Section 2 and Article 7 Section 18], including, but not limited to, disclosing a question to a student on a state-mandated assessment [ORC §3319.151(A); WLS 3140]. A majority vote of the Board is required, and in such cases, the Board shall abide by Due Process, statutory procedures, and the applicable terms set forth in any Agreement [WLS 3140].

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

**NOTE:** If the Superintendent or his/her designee determines there may be Cause for disciplinary action, the employee shall be informed of the following in writing: 1) A pending meeting; 2) The specific reason(s) for the meeting; 3) The date and time of the meeting; and 4) The option of being accompanied by a union representative (see [Form 3.01](#) and [Form 3.02](#)). If requested by the Teacher not later than one (1) day following a conference or meeting that was not intended to be disciplinary in nature, the subsequent conference preceding the imposition of discipline shall be held not later than three (3) days following the initial conference or meeting [TAWLS Article 6 Section 10; see [Section 3.0](#)]. During the fact-finding meeting, the employee will have the opportunity: 1) To respond; 2) To rebut; 3) To offer mitigation; and/or: 4) To accept the allegation(s) and intended action.

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 ODE promptly [ORC §3319.16, §3319.311, §3319.313 and §3319.40(C); WLS 3140]. For state level reporting and potential licensure action considerations, if any [WLS 3140], 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, his/her designee, or Treasurer will complete a formal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action [OAPSE 279 Article 12 Section F(3)]; and 2) Includes the employee's response to the allegation(s) involved, if such a response is given.*

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

- **Non-civil service.** The contracts as provided for in ORC §3319.081 may be terminated by a majority vote the Board [ORC §3319.081(C); WLS 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); WLS 424 and 4140; OAPSE 279 1.C].

The action may be taken in accordance with: 1) The procedures set forth in ORC; and 2) In the applicable terms of any Agreement, as appropriate.



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 6.0 PROCEDURES FOR FORMAL ACTIONS–CONT'D. TERMINATIONS–CONT'D.

The action of the Board terminating the contract of an employee shall be served by certified mail [ORC §3319.081(C)]. The executed action shall be retained in the ERF (see [Section 8.0](#)).

**NOTE:** If the Superintendent, his/her designee, or Treasurer determines there may be Cause for disciplinary action, the employee shall be informed of the following: 1) A pending Disciplinary Interview [OAPSE 279 Article 12 Section F(6)]; 2) The specific reason(s) for the Disciplinary Interview [OAPSE 279 Article 12 Section F(1a)]; 3) The date and time of the Disciplinary Interview; and 4) The option of being accompanied by a union representative [OAPSE 279 Article 12 Section F(1b) and Article 12 Section F(6)] (see [Form 3.01](#) and [Form 3.02](#)). The employee shall normally receive at least three (3) work days prior written notice of the conference [OAPSE 279 Article 12 Section F(1a)].

Initial comments in a Disciplinary Interview will indicate the intention of the discussion [OAPSE 279 Article 12 Section F(6)]. During the Disciplinary Interview, the employee will have the opportunity: 1) To respond; 2) To rebut; 3) To offer mitigation; 4) To accept the allegation(s) and intended action; 5) To present witnesses [OAPSE 279 Article 12 Section F(1c)]; 6) To question any witnesses presented by the administration [OAPSE 279 Article 12 Section F(1c)]; 7) To present any related evidence in his or her behalf [OAPSE 279 Article 12 Section F(1d)].

Unless necessary to maintain order, no employee shall be discharged until a meeting with the employee's immediate Supervisor or his/her designee is concluded [OAPSE 279 Article 12 Section F(4)]. If the employee is not available, this meeting may be with the Union President or his/her designee [OAPSE 279 Article 12 Section F(4)].

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 ODE promptly [ORC §3319.31, §3319.311, §3319.313, and §3319.40(C)]. For state level reporting and potential licensure action considerations, if any, see [Section 9.0](#).

**Post-action considerations include the following:**

### Professional Staff Member

- **Records management.** See [Section 8.0](#).
- **Contest.** For the standard procedure, see [Resource 6.01](#).
- **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 and/or Board policy include the following:
  - **Non-civil service.** Grievance is permitted using the Grievance Procedure [ORC §4117.01 et seq.; OAPSE 279 Article 5 and Article 12 Section F(2)], 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:** Discharge grievances shall be introduced directly to the second step of the Grievance Procedure [OAPSE 279 Article 12 Section F(2)].

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

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 6.0 PROCEDURES FOR FORMAL ACTIONS–CONT'D. *TERMINATIONS–CONT'D.*

THIS PAGE INTENTIONALLY LEFT BLANK.



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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; WLS 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; WLS 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; WLS 1260]. The Superintendent may request a hearing before the Board on any action taken under ORC §3319.011 [ORC §3319.011; WLS 1260], and he 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; WLS 1260]. The Superintendent *pro tempore*: 1) Shall perform all of the duties and functions of the Superintendent; 2) Shall serve until the Board, by majority vote, determines the Superintendent's incapacity is removed or until the expiration of the Superintendent's contract or term of office, whichever is sooner [ORC §3319.011; WLS 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; WLS 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); WLS 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); WLS 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); WLS 1310]; and 2) Shall execute a written contract of employment with the Treasurer [ORC §3313.22(A); WLS 1310].

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 7.0 PROCEDURES FOR OTHER ACTIONS--CONT'D. CONTRACT ISSUANCE--CONT'D.

Additional provisions include the following:

- 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)]. 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); WLS 1310].
- 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 shall employ principals for all high schools and for such other schools as the board designates, and those boards may appoint assistant principals for any school that they designate [ORC §3319.02(B); WLS 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 nominations of the Superintendent [ORC §3319.02(C); WLS 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); WLS 1520]. The term of such Limited Contract shall not exceed three (3) years, except that in the case of a person who has been employed as an assistant superintendent, principal, assistant principal, or Other Administrator in the District or center for three (3) years or more, the term of the contract shall be for not more than five (5) years, and unless the Superintendent recommends otherwise, not less than two (2) years [ORC §3319.02(C); WLS 1520; SAAWLS Handbook 2.5]. 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); WLS 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); WLS 1520; SAAWLS Handbook Article 2 Section 2, Article 2 Section 3, Article 2 Section 4, Article 2 Section 6, Article 3 Section 1, Article 3 Section 2, Article 3 Section 3, Article 3 Section 4, Article 3 Section 5, Article 3 Section 7, Article 3 Section 8, Article 3 Section 9, Article 3 Section 10, Article 3 Section 12, Article 4 Section 1 et seq., and Article 8].

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)].

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 7.0 PROCEDURES FOR OTHER ACTIONS–CONT'D. *CONTRACT ISSUANCE–CONT'D.*

- 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); WLS 1520].

### 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); TAWLS Article 5 Section 10]. Contracts for the employment of teachers shall be of two types, limited contracts and continuing contracts [ORC §3319.08(A); TAWLS Article 5 Section 10], the former of which 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); TAWLS Article 5 Section 10].

**NOTE:** Teachers who believe they meet the requirements for tenure must complete the formal notification process outlined in the Agreement by April 30th of the year of eligibility [TAWLS Article 5 Section 6].

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 a Teacher that are in addition to the Teacher's regular teaching duties, shall enter into a supplemental written contract with each Teacher who is to perform additional duties [ORC §3319.08(A)]. Any such supplemental written contract shall be a Limited Contract [ORC §3319.08(A)] not subject to the provisions of ORC §3319.11 [ORC §3319.11(I)].

**NOTE:** Supplemental contracts are for a period of 1 (one) year only and are subject to the additional provisions of the Agreement [TAWLS Article 5 Section 8].

Such written contracts and supplemental written contracts shall set forth the Teacher's duties 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 contract is made, except as provided in ORC §3319.12 [ORC §3319.08(A); TAWLS Article 5 Section 8, Article 5 Section 10, Article 7 Section 11, Article 7 Section 15, Article 9 Section 3, Article 16 Section 1, Article 16 Section 2, Article 16 Section 3, Article 16 Section 4, Article 16 Section 5, Article 16 Section 7, Article 17 Section 1 et seq., Article 18, Article 19, Article 20, Article 21, and Schedules].

If a 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)].

### 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; WLS 3120.04].
- A Teacher employed as a substitute with an assignment 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; WLS 3120.04].
- A Teacher employed as a substitute for one hundred-twenty (120) days or more during a school year and re-employed for or assigned to a specific teaching position for the succeeding year shall receive a contract as a regular Teacher if the substitute meets the local educational requirements for the employment of regular teachers [ORC §3319.10].

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 7.0 PROCEDURES FOR OTHER ACTIONS–CONT'D. CONTRACT ISSUANCE–CONT'D.

### Classified Employee

- **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); WLS 4124; OAPSE 279 Article 8 Section W]. If such employees are rehired, their subsequent contract shall be for a period of two (2) years [ORC §3319.081(A)].

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)].

**NOTE:** The contractual year is July 1st to June 30th [OAPSE 279 Article 8 Section W]. Employees hired from July 1st to December 31st shall receive two (2) one (1) year contracts; the first contract shall be for one (1) year or the remaining portion of this current contractual year [OAPSE 279 Article 8.W]. Employees hired from January 1st to June 30th shall receive two (2) one (1) year contracts and a third one (1) year contract (at the Board's request); the first contract shall be for the remaining portion of the current contractual year [OAPSE 279 Article 8 Section W].

## 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 [WLS 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]. If the services of the Superintendent are found to be unsatisfactory to the Board, the Superintendent: 1) Shall be notified by the Board president in writing; and 2) Shall be given an opportunity to correct the conditions [WLS 1240.01].

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

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## **7.0 PROCEDURES FOR OTHER ACTIONS–CONT'D. DECISIONS NOT TO RE-EMPLOY–CONT'D.**

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; WLS 1240.01].

For state level reporting and potential licensure 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)]. If the services of the Treasurer are found to be unsatisfactory to the Board, the Treasurer: 1) Shall be notified by the Board president in writing; and 2) Shall be given an opportunity to correct the conditions 1) Be notified by the Board president in writing; and 2) Given an opportunity to correct the conditions [WLS 1340.01].

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 term of one (1) year at the same salary plus any increments that the Board may authorize, unless the Board, on or before March 1st of the year in which the contract of employment expires, 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)]. Said notice must be delivered not later than the first regular meeting in October of the expiration year of the Treasurer's contract [WLS 1340.01].

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 licensure 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 school 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); WLS 1520].

For the ORC §3319.02 standard Evaluation Procedures, see [Resource 7.01](#). For the District's Evaluation Procedures, see WLS 1530 and SAAWLS Handbook Article 5 Section 1.

An evaluation based upon procedures adopted under ORC §3319.02(D) shall be considered by the school board in deciding whether to renew the contract of employment of an Administrator or Other Administrator [ORC §3319.02(D)(1)].

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, unless the



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 7.0 PROCEDURES FOR OTHER ACTIONS—CONT'D. DECISIONS NOT TO RE-EMPLOY—CONT'D.

Board, on or before June 1st (see WLS 1520 for deadline variant, if applicable) of the year in which the contract of employment expires, either: 1) Re-employs such employee for a succeeding term (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)]; or 2) Gives written notice of its intention not to re-employ the employee [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); WLS 1520]; except as provided in Workflow #2.
- **Workflow #2: Superintendent does not recommend re-employment.** A board of education of a school district or the governing board of a service center may, by a three-fourths (3/4) vote of its full membership, re-employ any Administrator or Other Administrator whom the Superintendent refuses to nominate [ORC §3319.02(C); WLS 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 WLS 1520 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 WLS 1520 for deadline variant, if applicable) of the year in which such employee's contract expires, the Board: 1) Shall notify each such employee of the date that his or her contract expires; and 2) Shall notify each such employee that he or she may request a meeting with the Board [ORC §3319.02(D)(4); WLS 1520].

Upon request by such an employee, the Board shall grant the employee a meeting in executive session during which the Board shall discuss its reason(s) for considering renewal or non-renewal of the contract [ORC §3319.02(D)(4); WLS 1520]. The employee shall be permitted to have a representative, chosen by the employee, present at the meeting [ORC §3319.02(D)(4); WLS 1520].

If the Board fails to provide evaluations pursuant to ORC §3319.02(D)(2)(c), or if the Board fails to provide at the request of the employee a meeting as prescribed in ORC §3319.02(D)(4), the employee automatically shall 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 employee 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); WLS 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 licensure action considerations, if any, see [Section 9.0](#).

### Teacher

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

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 7.0 PROCEDURES FOR OTHER ACTIONS–CONT'D. DECISIONS NOT TO RE-EMPLOY–CONT'D.

For the ORC §3319.112 standard Teacher evaluation framework, see [Resource 7.02](#).

Beginning with the 2014-2015 school year, a 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 district or school shall choose one of the approved instruments to evaluate the applicable component selected by the 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)].

Notwithstanding any provision to the contrary in ORC Chapter 4117, the requirements of ORC §3319.111 prevail over any conflicting provisions of a CBA entered into on or after September 24, 2012 [ORC §3319.111(H)].

For the ORC §3319.111 standard Evaluation Procedures, see [Resource 7.04](#).

**NOTE:** The evaluation process shall be completed by the employee's supervising administrator, or other mutually agreed upon administrator, by May 1st with written report by May 10th TAWLS Article 7 Section 10(C)]. Any Teacher in jeopardy of non-renewal will be given an evaluation by February 1st and a final evaluation by May 1st [TAWLS Article 7 Section 10(C)].

Prior to recommending the non-renewal of a Teacher on a Limited Contract, the Administrator: 1) Shall properly utilize the Teacher evaluation instrument, including specific notification of deficiencies of a Teacher's effectiveness in the classroom with recommendations for improvement; and 2) Shall work with the Teacher to correct the deficiencies [TAWLS Article 5 Section 9 and Article 7 Section 10]. For additional negotiated evaluation considerations, see TAWLS Article 7 Section 10(A) and Article 7 Section 10(B).

The content of evaluation documents and oral criticism not reduced to writing and placed in a Teacher's Employment Record File in the form of a written warning shall not be considered "disciplinary action" within the meaning of TAWLS Article 5 Section 10]. In the event that a Jeopardy Sheet is used in, or results from, an evaluation conference, a subsequent conference will be held upon request as provided above to discuss the content of the Jeopardy Sheet at which time union representation may be present TAWLS Article 5 Section 10, Article 7 Section 10(D), and Appendix A].

The Superintendent will make a recommendation for renewal or non-renewal of a Teacher to the Board on the basis of deficiencies identified in the Teacher evaluation instrument and/or matters embraced in ORC §3319.16 [TAWLS 5 Section 9]. The re-employment or non-renewal of teachers employed under limited contracts shall be governed solely by the procedure established in ORC §3319.11, as now in effect or as hereafter amended or any successor statute governing that subject; however, after three (3) years employment with the District, a Teacher will be provided the reason(s) for non-renewal [TAWLS Article 5 Section 9].

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

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 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)].

- **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); WLS 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 June 1st [ORC §3319.11(C)(3)].

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 June 1st 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)].

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 June 1st, 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)].

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

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

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



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 7.0 PROCEDURES FOR OTHER ACTIONS–CONT'D. DECISIONS NOT TO RE-EMPLOY–CONT'D.

Board does not give the Teacher written notice on or before June 1st 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 of Education 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)].

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)]. A Teacher who does not have Evaluation Procedures applied in compliance with ORC §3319.111 or who does not receive notice on or before June 1st 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)].

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 June 1st 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); WLS 3220]. 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)].

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)]. 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 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)]. 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 licensure action considerations, if any, see [Section 9.0](#).

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 7.0 PROCEDURES FOR OTHER ACTIONS–CONT'D. DECISIONS NOT TO RE-EMPLOY–CONT'D.

### 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 [WLS 3220], 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); TAWLS Article 5 Section 10].

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 June 1st 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)]. 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 licensure action considerations, if any, see [Section 9.0](#).

### Substitute [Teacher](#)

Teachers employed as substitutes on a casual or day-to-day basis shall not be entitled to the notice of non-re-employment prescribed in ORC §3311.81 or §3319.81, but boards of education may grant such teachers Sick Leave and other local privileges and cumulate such service in determining [ORC §3319.10].

For state level reporting and potential licensure 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.*

**NOTE:** Evaluations will conform to the provisions of the Agreement [OAPSE 279 Article 8 Section I]. An employee can request a third one (1) year contract in lieu of non-renewal to be granted at the Board's option [OAPSE 279 Article 8 Section W]. For evaluation provisions for non-bargaining unit employees, see NBCE Handbook Section 1.

- **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)].

©2007-2016 UpSlope Solutions LLC. All rights reserved.

Licensed to Washington Local Schools

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## **7.0 PROCEDURES FOR OTHER ACTIONS--CONT'D. DECISIONS NOT TO RE-EMPLOY--CONT'D.**

The action may be taken in accordance with: 1) The procedures set forth in ORC; and 2) In the applicable terms of any Agreement, as appropriate. In all school districts wherein the provisions of ORC Chapter 124 do not apply, each board of education shall cause notice to be given of its intention not to re-employ said non-teaching employee, at the expiration of his or her contract [ORC §3319.083]. If such notice is not given on or before June 1st, said employee shall be deemed re-employed [ORC §3319.083].

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

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 licensure 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 licensure 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.

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

##### **Teacher**

No Teacher shall terminate his or her contract after the 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; TAWLS Article 5 Section 10]. Such Teacher may terminate his or her contract at any other time: 1) By giving written notice of five (5) days to the employing board [ORC §3319.15]; and 2) In accordance with the applicable terms of any Agreement.

Additional and/or modified terms under Board policy and/or administrative guidelines may apply. A resignation, once accepted by the Board, may not then be rescinded [WLS 3140; TAWLS Article 5 Section 10].

**NOTE:** A Teacher wishing to resign or retire shall notify the Director of Human Resources of such intent in writing as soon as possible [TAWLS Article 5 Section 10].

Upon complaint by the employing board to OSBE and after investigation by it, the license of a Teacher

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 7.0 PROCEDURES FOR OTHER ACTIONS—CONT'D. *RESIGNATIONS—CONT'D.*

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 ([Section 9.0](#)) [ORC §3319.15; TAWLS Article 5 Section 10].

### Classified Employee

- **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); WLS 4140]. A Classified Employee who is not going to be re-hired shall be given an opportunity to resign [WLS 4140].

For state level reporting and potential licensure 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; WLS 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); WLS 1310].

#### 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, and 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)].

The 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); WLS 1520]. The policy procedures and provisions adopted under ORC §3319.171(B)(2) and (3) 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 WLS 1540.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 7.0 PROCEDURES FOR OTHER ACTIONS–CONT'D. *SALARY REDUCTIONS AND REDUCTIONS IN FORCE–CONT'D.*

### 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 of these inter-district 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 of these inter-district contracts [ORC §3319.17(B); TAWLS 1.2 and 5.7(C)].

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)].

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)]. 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)].
- **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) Must work 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)].
- **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 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)]. 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)]. 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)].

**NOTE:** The union notification and procedural provisions of the Agreement shall be used to conduct reductions in force [TAWLS Article 5 Section 7(A), Article 5 Section 7(B), Article 5 Section 7(E), and Article 5 Section 7(F)]. Reduction not achieved through attrition will be made by suspending limited contracts prior to the suspension of continuing contracts, subject to appropriate licensure [TAWLS Article 5 Section 7(B)]. Suspension of contracts for tenured teachers shall be pursuant to ORC §3319.17 [TAWLS Article 5 Section 7(C)].



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 7.0 PROCEDURES FOR OTHER ACTIONS–CONT'D. *SALARY REDUCTIONS AND REDUCTIONS IN FORCE–CONT'D.*

No reduction in force shall occur within the bargaining unit as a result of work being subcontracted during the term of the Agreement [TAWLS 1.5]. When a Teacher is eligible for tenure, the tenure decision will be made prior to a reduction in force decision [TAWLS 5 Section 7(A)].

The provisions of the Agreement shall be used to conduct recalls [TAWLS Article 5 Section 7(D) and Article 5 Section 7(E)].

### Classified Employee

- **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; OAPSE 279 Article 1 Section C; NBCE Handbook 1].

**NOTE:** The provisions of the Agreement shall be used to conduct reductions in force OAPSE 279 Article 8 Section G and Article 8 Section H]. No reduction in force shall occur within the bargaining unit as a result of the use of volunteers, or as a result of work being subcontracted during the terms of the Agreement [OAPSE 279 Article 12 Section I].

For reduction in force provisions for non-bargaining unit employees, see NBCE Handbook Section 1.

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].
- **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].
- **Right of restoration.** Any non-teaching employee whose Continuing Contract is suspended under ORC §3319.172 shall have the right of restoration to continuing service status by the board of education or governing board that suspended that contract in order of Seniority of service in the 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]. 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].

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].

**NOTE:** The provisions of the Agreement shall be used to conduct recalls [OAPSE 279 Article 8 Section H]. For recall provisions for non-bargaining unit employees, see NBCE Handbook Section 1.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 8.0 PROCEDURES FOR RECORDS MANAGEMENT UNOFFICIAL SUPERVISOR FILES (USFs)

The documentation involved with any Informal Action will be retained in an Unofficial Supervisor's File (or "USF") in "active" status. The USF will be considered to represent a subsidiary record of the Employment Record File [WLS 8320].

USFs: 1) Shall be maintained in the Supervisor's office, separate from ERFs, and under his or her direct supervision; and 2) May be maintained for any length of time for the employees for whom the Supervisor is responsible. Such records may be kept in either: 1) A manual system; or 2) A PI System [ORC §1347.01(E) and (F)].

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; WLS 8310 and 8320]. As such, expired and/or withdrawn actions, if permitted, will be retained in an Archived Materials File (or "AMF") maintained in the office of the Director of Human Resources in "inactive" status, and the AMF will also be considered to represent a subsidiary record of the Employment Record File [WLS 8320].

### GENERAL PROVISIONS

- **Access, inspection, and copying (employee).** The employee shall have access to any non-confidential material in his or her USF upon request. Said review shall occur during regular working hours.

An employee wishing to access, inspect, or copy any non-confidential material in his or her own USF: 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; 3) Shall sign a log attached to the file indicating the date and person reviewing, if so requested.

- **Access, inspection, and copying (external).** The public may access, inspect, and copy any non-confidential material in the USF using the defined procedure [ORC §149.41, §149.43 and §1347.01 et seq.; WLS 8310 and 8320]. An access log must be maintained for the USF [ORC §149.41 and §149.43].

### INACTIVATION PROVISIONS

- **Expiration of action.** There are no provisions for the expiration of an Informal Action under state statute, Board policy, or the Agreement. Considerations include the following:
  - The action will expire: 1) Only if no further incidents of the same or substantially similar nature have been documented; and 2) Only after the following timeframes:

Expiration Timeframes (Calendar Months)				
ENTITY:	TAWLS	OAPSE 279	SAAWLS Handbook	NBCE Handbook
<a href="#">Acknowledged Oral Warning</a>	12	12	12	12
<a href="#">Written Warning</a>	12	12	12	12

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 8.0 PROCEDURES FOR RECORDS MANAGEMENT–CONT'D. UNOFFICIAL SUPERVISOR FILES (USFs)-CONT'D.

- 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 USF to the AMF.
- **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 Timeframes (Calendar Months)				
ENTITY:	TAWLS	OAPSE 279	SAWLS Handbook	NBCE Handbook
<a href="#">Acknowledged Oral Warning</a>	12	12	12	12
<a href="#">Written Warning</a>	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.

To request the withdrawal of an action, the employee:

- Must make written request for such to the 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.

To process the withdrawal of an action, the Supervisor:

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



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 8.0 PROCEDURES FOR RECORDS MANAGEMENT–CONT'D. *EMPLOYMENT RECORD FILES (ERFs)*

The documentation involved with any Formal Action will be retained in an Employment Record File (“ERF” or “Personnel File”) in “active” status. A single master Employment Record 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); WLS 8320; TAWLS Article 5 Section 2; OAPSE 279 Article 8 Section K].

ERFs shall be maintained in the District’s administrative office, under the direct supervision of the Superintendent or his/her designee [ORC §1347.05(A) and (C); WLS 8320]. Such records will be maintained permanently for all District employees and former employees unless, or until: 1) They are deemed no longer accurate, relevant, or necessary under WLS 8320; and 2) The District Records Commission approves of their disposal in accordance with law.

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); WLS 8320; TAWLS Article 5 Section 2]. Information obtained from employee personnel records by members of the Board 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 dismissal; 2) To aid the development and implementation of personnel policies; or 3) For such other uses as are necessary to enable the Board members to carry out their legal responsibilities [WLS 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 ODE under ORC §3319.313 be kept in the employee’s Employment Record File [ORC §3319.314; WLS 3140]. If, after an investigation under ORC §3319.311(A), ODE determines that the results do not warrant initiating action under ORC §3319.31, the board of education, governing board, or chief administrator shall require the reports of the investigation be moved to a separate public file [ORC §3319.314; WLS 3140].

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; WLS 8310 and 8320]. As such, expired and/or withdrawn actions, if permitted, shall be retained in an Archived Materials File (or “AMF”) maintained in the office of the Director of HR in “inactive” status, and the AMF shall be considered to represent a subsidiary record of the Employment Record File [WLS 8320].

**NOTE:** No anonymous information shall be included in a bargaining unit member’s ERF [TAWLS Article 5 Section 2]. A bargaining unit member shall be made aware of the deposit of any item in his or her ERF by the person making such deposit [TAWLS Article 5 Section 2]. Evidence of the knowledge of items contained in the ERF of a bargaining unit member shall be determined: 1) By the bargaining unit member’s signature on the item; or 2) By a statement in the item that it is to become part of the ERF [TAWLS 5.2]. Such written documentation or notification cannot be through email [TAWLS Article 5 Section 2].

In the event that a bargaining unit member does not wish for an item to be deposited in his or her ERF, an appeal, in writing, shall be made to the Superintendent or his/her designee, who shall have final authority in the decision [TAWLS Article 5 Section 2]. A bargaining unit member shall have the right to rebut any item deposited in the ERF against his or her wishes [TAWLS Article 4 Section 4 and Article 5 Section 2].

**NOTE:** Documents containing statements of concern or recognition may be placed in an employee’s ERF at any time; however, all documents must be filed with the knowledge of both parties [OAPSE 279 Article 8 Section I; NBCE Handbook Section 1]. An employee has the right to attach a rebuttal to any document placed in his or her ERF [OAPSE 279 Article 8 Section I; NBCE Handbook Section 1].

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 8.0 PROCEDURES FOR RECORDS MANAGEMENT-CONT'D. *EMPLOYMENT RECORD FILES (ERFs)-CONT'D.*

### 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 PI in the system of which the person is the subject; and 3) Shall inform the person about the types of uses made of the PI, including the identity of any users usually granted access to the system [ORC §1347.08(A)].

An employee wishing to access or inspect any non-confidential material in his or her own ERF: 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; 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); WLS 8320]. Any person who wishes to exercise a right provided by ORC §1347.08 may be accompanied by another individual of the person's choice [ORC §1347.08(B) and §1347.15].

If an individual who is authorized to inspect 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 PI to the individual [ORC §1347.08(D)]. Each state and local agency may establish reasonable fees for the service of copying, upon request, PI that is maintained by the agency [ORC §1347.08(D)].

**NOTE:** Any bargaining unit member for whom an ERF is maintained shall, upon request, be permitted to examine his or her ERF, with the exception of those documents or other communications regarding the initial employment of the bargaining unit member by the District [TAWLS 5 Article 5 Section 2].

- **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); WLS 8320].

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)].

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); TAWLS 4.4 and 5.2]; 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 disputant's statement or notation 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)].

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 8.0 PROCEDURES FOR RECORDS MANAGEMENT–CONT'D. EMPLOYMENT RECORD FILES (ERFs)-CONT'D.

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 copy of the disputant's statement of the dispute, to any person specifically designated by the person [ORC §1347.09(C)]. The agency shall clearly and conspicuously disclose to the disputant that he has the right to make such a request to the agency [ORC §1347.09(C)].

**NOTE:** If any bargaining unit member disputes the accuracy, relevancy, timeliness, or completeness of information deposited in his or her ERF, Levels I and II of the Grievance Procedure may be implemented concerning such information [TAWLS 5 Article 5 Section 2]. The factual accuracy of an item may be challenged through Level III of the Grievance Procedure [TAWLS 5 Article 5 Section 2]. This does not include: 1) Matters of judgment; or 2) The Teacher evaluation or Jeopardy Sheet [TAWLS 5 Article 5 Section 2].

- **Access, inspection, and copying (external).** The public may access, inspect, and copy to any non-confidential material in the ERF under state statute using the defined procedure [ORC §149.41, §149.43 and §1347.01 et seq.; WLS 8310 and 8320]. An access log must be maintained for the ERF [ORC §1347.05(G) and §1347.15(B)(4); WLS 8320].

### INACTIVATION PROVISIONS

- **Expiration of action.** There are no provisions for the expiration of a Formal Action under state statute or Board policy. Considerations include the following:
  - The action will expire: 1) Only if no further incidents of the same or substantially similar nature have been documented; and 2) Only after the following timeframes [OAPSE 279 Article 8 Section K]:

Expiration Timeframes (Calendar Months)				
ENTITY:	TAWLS	OAPSE 279	SAWLS Handbook	NBCE Handbook
<a href="#">Official Reprimand</a>	36	36	36	36
<a href="#">Suspension</a>				
<a href="#">Termination</a>				

**NOTE:** A letter of reprimand shall cease to have an effect after a period of three (3) years, provided the Classified Employee has corrected the specific area(s) referred to in the letter of reprimand [OAPSE 279 Article 8 Section K]. This does not apply to regular written employee evaluations [OAPSE 279 Article 8 Section K].

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

To process inactivation of the action, the Superintendent or his/her designee:

- Must move all documentation associated with the action from the ERF to the AMF.
- **Withdrawal of action.** There are no provisions for the withdrawal of a Formal Action under state statute or Board policy. Considerations include the following:

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 8.0 PROCEDURES FOR RECORDS MANAGEMENT-CONT'D. EMPLOYMENT RECORD FILES (ERFs)-CONT'D.

- 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 [TAWLS Article 5 Section 2]:

Withdrawal Timeframes (Calendar Months)				
ENTITY:	TAWLS	OAPSE 279	SAAWLS Handbook	NBCE Handbook
<a href="#">Official Reprimand</a>	60	60	60	60
<a href="#">Suspension</a>	60	60	60	60
<a href="#">Termination</a>				

**NOTE:** All documents of any nature pertaining to a bargaining unit member's performance shall be removed from the ERF after a period of five (5) years: 1) Contingent upon a written request from the bargaining unit member; and 2) Subject to restrictions in any applicable state or federal law [TAWLS Article 5 Section 2]. Individual documents may be removed, subject to the approval of the Director of Human Resources [TAWLS Article 5 Section 2].

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

To request the withdrawal of an action, the employee:

- Must make written request for such to the Superintendent or his/her designee [TAWLS 5 Article 5 Section 2] 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.

To process the withdrawal of an action, the Superintendent or his/her designee:

- Must attach the original withdrawal request to the original documentation of the action.
- Must move all documentation associated with the action from the ERF to the AMF.
- 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 AMF; and 3) That the action may not be used to justify progressive discipline should the conduct involved re-occur.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 9.0 STATE REPORTING, 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 Ohio Superintendent of Public Instruction the information prescribed in ORC §3319.313(D) when any of the following conditions applies to an employee who holds a license issued by OSBE [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 Ohio Superintendent of Public Instruction 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 Ohio Superintendent of Public Instruction 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, OSBE 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 issued to any



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 9.0 STATE REPORTING, INVESTIGATIONS & LICENSE ACTIONS–CONT'D. *INVESTIGATIONS–CONT'D.*

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 ODE for an allegation of unprofessional conduct made by the District, the Board of Education, the Superintendent, a District official, a principal, a colleague, a parent or guardian, a prosecutor or a community member, ODE will determine whether OSBE 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 ODE 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**

OSBE 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 OSBE, the District, or educational entity considers relevant. Conversely, OSBE 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 *Licensure Code of Professional Conduct for Ohio Educators* at the District level.

**NOTE:** The presumptive ranges of disciplinary options used by the OSBE 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.

The range of disciplinary options used by the SBE includes the following:

- Letter of Admonishment.
- Consent Agreement.
- Suspension of License.
- Limitation of License.
- Revocation of License.
- 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.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 10.0 PROCEDURES FOR ECOC REVIEW & DISSEMINATION

The Superintendent or his/her designee will ensure that:

- The ECOC is reviewed at regular intervals in conjunction with the policies of the Board [WLS 0123, 0131, and 0132]; and
- Either the ECOC or the EBE is provided to (or made accessible to) and explained to all employees (see [Form 10.01](#)) [ORC §3313.20 and §3313.47; WLS 0132, 1210, and 1230.01].

**Implementation Tip: Obtain acknowledgement of receipt**

It is a best practice to obtain such acknowledgements of receipt either the ECOC or the EBE: 1) Upon revision of the ECOC; or 2) On an annual basis.

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

[Glossary](#)

## 10.0 PROCEDURES FOR ECOC REVIEW & DISSEMINATION-CONT'D.

THIS PAGE INTENTIONALLY LEFT BLANK.



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

## GLOSSARY

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

TERM	DEFINITION
<b>AAA</b>	This term means the American Arbitration Association.
<b>Acknowledged Oral Warning</b>	<p>This term 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><b>NOTE:</b> There is no prescribed format for this action under state statute or Board policy; however, the event must be documented.</p>
<b>Administrator</b>	This term means an assistant superintendent, principal, or assistant principal [ORC §3319.02(A)(2)].
<b>Agreement</b>	<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, and terms and conditions of employment covered by the agreement [ORC §4117.10(A); WLS 0100; TAWLS Article 2 Section 1 and Article 2 Section 3; OAPSE 279 Article 2 Section B and Article 3].</p> <p><b>NOTE:</b> In addition to those referenced elsewhere in state statute, laws pertaining to any of the subjects referenced in ORC §4117.10(A) prevail over conflicting provisions of agreements between public employers and employee organizations [ORC §4117.10(A)].</p>
<b>Alcohol Concentration</b>	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].
<b>Arbitration</b>	<p>This term means the process by which a Grievance is resolved when the available mechanism was unsuccessful.</p> <p><b>NOTE:</b> Either party may request Arbitration [TAWLS Article 3].</p>
<b>Arbitrator</b>	<p>This term means the entity which conducts Arbitration when necessary.</p> <p><b>NOTE:</b> AAA will be used [TAWLS Article 3]. FMCS will be used [OAPSE 279 Article 5].</p>
<b>Assault Leave</b>	<p>This term means paid leave for an employee absent due to physical disability resulting from an assault while employed by a school board [ORC §3319.143].</p> <p><b>NOTE:</b> 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 OSBE [ORC §3319.143].</p>
<b>Association Leave</b>	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.
<b>Bargaining Collectively</b>	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 a CBA, with the intention of reaching an agreement, or to resolve questions arising under a CBA [29 USC §158; ORC §4117.01(G), §4117.03(A)(4) and §4117.08; TAWLS Article 2 Section 1 and Article 2 Section 4; OAPSE 279 Article 2 Section B].

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

## GLOSSARY–CONT'D.

	<p><b>NOTE:</b> The execution of a written contract incorporating the terms of any Agreement is required; however, the obligation to Bargain Collectively: 1) Does not mean that either party is compelled to agree to a proposal; and 2) Does not require the making of a concession [29 USC §158; ORC §4117.01(G)].</p>
<b>Board of Education</b>	This term (or “Board”) means the Washington Local Board of Education [WLS 0100, 0111, 0121, and 0122].
<b>Cause</b>	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.
<b>CDL License Holder</b>	This term means, for the purposes of for the purposes of the ADIPs: 1) All regular and substitute bus drivers; 2) Other employees who may drive students in Board-owned vehicles; or 3) Other employees who inspect, repair, and maintain Board-owned vehicles [WLS 4122.01 and 4162].
<b>Certified Employee</b>	This term (or “Certificated Employee”) means an employee who holds a position for which a state certificate in education is required [WLS 0100].
<b>Classified Employee</b>	This term (or “Non-Certificated 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 [WLS 0100].
<b>Compulsory Leave</b>	<p>This term means leave taken: 1) For jury duty [ORC §124.135]; or 2) For other mandatory court appearances (e.g., a subpoena).</p> <p><b>NOTE:</b> 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>
<b>Confidential Employee</b>	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 in collective bargaining; 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)].
<b>Confidential Personal Information</b>	This term means personal information that is not a public record for the purposes of ORC §149.43 [ORC §1347.15(A)(1)].
<b>Consent Agreement</b>	<p>This term means a licensure action involving a formal settlement agreement between an educator and OSBE designed to address specific educator conduct and to establish an educator's efforts at rehabilitation.</p> <p><b>NOTE:</b> 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>
<b>Continuing Contract</b>	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)]; or 2) The contract of a non-teaching employee who is continued in employment after the termination of the 2 (two) year contract provided in ORC §3319.081(A) [ORC §3319.081(B)].

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

## GLOSSARY–CONT'D.

	<p><b>NOTE:</b> 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 a CBA entered into on or after October 16, 2009 [ORC §3319.08(E)].</p>
<b>Continuing Service Status</b>	<p>This term means employment under a Continuing Contract for a Teacher [ORC §3319.09(C)]. 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)]; and 2) Those who, having attained Continuing Contract Status elsewhere, have served two (2) years in the District or center [ORC §3319.11(B)].</p> <p><b>NOTE:</b> The Board, upon the recommendation of the Superintendent, may, at the time of employment or at any time within such two (2) year period, declare any of the latter teachers eligible [ORC §3319.11(B)].</p>
<b>Controlled Substance</b>	<p>This term means, for the purposes of the ADIPs: 1) Any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity [WLS 4162]; 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) [WLS 4162]; 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 CDL-related testing 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 hydrocodone); 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); anabolic steroids (e.g., dehydro-epiandrosterone or DHEA).</p> <p><b>NOTE:</b> 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 safety-sensitive functions [WLS 4162].</p>
<b>Controlled Substance Abuse</b>	<p>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 [WLS 4162].</p>
<b>Credentialed Evaluator</b>	<p>This term means the following persons who hold a credential established by ODE for being an evaluator: 1) A person who is under contract with the Board pursuant to ORC §3319.01 or §3319.02 and 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 who is under contract with the Board pursuant to ORC §3319.02 and 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, including an agreement providing for peer review entered into by the Board and representatives of teachers employed by the Board [ORC</p>

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

## GLOSSARY–CONT'D.

	§3319.111(D)(3)]; or 4) A person who is employed by an entity contracted by the Board to conduct evaluations and 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)].
<b>Day</b>	<p>This term means one (1) calendar day [ORC §4117.01(Q)], unless otherwise indicated within an Agreement.</p> <p><b>NOTE:</b> In the plural, the term shall mean, for the purpose of the Grievance Procedure: 1) Consecutive calendar days, unless otherwise indicated [TAWLS 15.11]; or 2) Consecutive work days, unless otherwise indicated [OAPSE 279 Article 5 and Article 12 Section J(1)].</p>
<b>Denial of Application</b>	This term means a licensure action denying an educator's licensure application. If an application is denied, OSBE may establish a minimum time period before an educator can apply for a license. OSBE may also order that an educator be permanently ineligible to apply for any license issued by OSBE. This licensure action is a public record and remains part of the educator's disciplinary file.
<b>Disciplinary Interview</b>	This term means an interview by a Supervisor seeking information from an employee which is likely to lead to discipline [OAPSE 279 Article 12 Section F(6)].
<b>District</b>	This term means Washington Local Schools [WLS 0100].
<b>Due Process</b>	This term means the safeguards to which a person is entitled in order to protect the applicable rights of an employee [WLS 0100].
<b>EAP</b>	This term mean an Employee Assistance Program.
<b>Educational Support Staff Member</b>	See "Classified Employee."
<b>Employee Organization</b>	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; ORC §4117.01(D)].
<b>Employee Rights</b>	<p>This term means that within the state, public employees have the right 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 the purpose of collective bargaining or other mutual aid and protection [ORC §4117.03(A)(2)]; 3) Representation by an Employee Organization [29 USC §157; ORC §4117.03(A)(3)]; 4) Bargain Collectively with their Public Employer 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); TAWLS Article 2 Section 1 and Article 2 Section 4; OAPSE 279 Article 2 Section B]; 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 at the adjustment [ORC §4117.03(A)(5)]; and 6) Bargain Collectively for healthcare benefits [ORC §4117.03(E)].</p> <p><b>NOTE:</b> 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>

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

## GLOSSARY–CONT'D.

<b>ESI</b>	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.
<b>Evaluation Procedures</b>	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; or 2) The procedures required by the policy adopted by the Board pursuant to ORC §3319.111(A) [ORC §3319.11(A)(1)] for teachers.
<b>Exclusive Representative</b>	This term means the Employee Organization certified or recognized by the SERB under ORC §4117.05 [ORC §4117.01(E)].
<b>Extended Family</b>	This term means mean an employee's aunt, uncle, niece, nephew, guardian, or a person whose legal residence is in the same household [WLS 0100; TAWLS Article 11 Section 2; OAPSE 279 Article 12 Section J(3); SAAWLS Handbook Article 6 Section 3; NBCE Handbook Section 4].
<b>Extended Limited Contract</b>	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)].
<b>FCMS</b>	This term means Federal Mediation and Conciliation Services.
<b>Fiduciary Role</b>	For the purposes of the ECOC, this term means employment in a position with a duty of confidence or trust, especially with the management of public funds.
<b>For Gain</b>	For the purposes of the ECOC, this term means evidence of getting, or attempting to get, something wanted, valued, or beneficial.
<b>Formal Action</b>	This term means a disciplinary action for which documentation is typically retained in the Employment Record File.
<b>Grievance</b>	<p>This term means: 1) A written complaint by a member of the bargaining unit or the union that there has been a violation of the terms of the written Agreement between the Board and the union [TAWLS Article 3]; or 2) A complaint involving an alleged violation, misinterpretation, or misapplication of a specific article or section of the Agreement [OAPSE 279 Article 5].</p> <p><b>NOTE:</b> Where no Agreement exists, or where an Agreement makes no specification about a matter, the Public Employer, the Employee Organization, and the Public Employee are subject to all applicable state or local laws or ordinances pertaining to the wages, hours, and terms and conditions of employment for public employees [ORC §4117.10(A)]. 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 SPBR has 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> <p>The term "Grievance" shall not include any complaint concerning matters not specifically included within the terms of the Agreement nor any matter in which the Board is without authority to take final action [TAWLS Article 3].</p>
<b>Grievance Procedure</b>	<p>This term means the established workflow for the resolution of a Grievance as outlined within the Agreement [TAWLS Article 3; OAPSE 279 Article 5].</p> <p><b>NOTE:</b> The initial concern regarding a dispute, disagreement, or difference shall be handled informally by direct contact between the employee (either by himself or herself, or in the company of a union representative, if applicable) and the employee's immediate Supervisor [TAWLS Article 3; OAPSE 279 Article 5]. If not settled through the informal procedure 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 [TAWLS Article 3; OAPSE 279 Article 5].</p>
<b>Grievant</b>	This term means: 1) The person(s) and/or the union making the complaint [TAWLS Article 3]; or 2) The union, a person, or group alleging that a Grievance



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

## GLOSSARY–CONT'D.

	<p>has actually occurred [OAPSE 279 Article 5]. Either a Public Employee or an Exclusive Representative may raise a legitimate complaint or file a Grievance based on the Agreement [ORC §4117.08(C)].</p> <p><b>NOTE:</b> A union representative will be permitted to attend all Grievance meetings [OAPSE 279 Article 5].</p>
<b>IEP</b>	This term means an Individualized Education Plan.
<b>Illegal Drug</b>	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 [WLS 4162].
<b>Immediate Family</b>	This term (or “Relative”) means an employee's mother, father, grandmother, grandfather, brother/sister-in-law, mother/father-in-law, daughter/son-in-law, sister, brother, husband, wife, child, grandchild, or anyone who has virtually held the position of parent or child or anyone who is a permanent member of the household of the employee [WLS 0100; TAWLS Article 11 Section 2; OAPSE 279 Article 12 Section J(2); SAAWLS Handbook Article 6 Section 3; NBCE Handbook 4].
<b>Informal Action</b>	This term means a disciplinary action for which documentation is not typically retained in the Employment Record File.
<b>Intentionally</b>	For the purposes of the ECOC, this term means evidence of a pre-existing plan, intent, design, or purpose.
<b>Job Sharing</b>	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 [TAWLS Article 5 Section 12].
<b>“Last Chance” Agreement</b>	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 of the officer or employee without the right of appeal to the state personnel board of review or the appropriate commission [ORC §124.34(E)].
<b>LCPCOE</b>	This term means the Licensure Code of Professional Conduct for Ohio Educators [HB 190, 127 <sup>th</sup> General Assembly].
<b>Letter of Admonishment</b>	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.
<b>Licensed Employee</b>	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).
<b>Limitation of License</b>	This term means a licensure action that imposes limitations on an educator's license. OSBE can limit the type of educational activities an educator can perform or where an educator can perform educational activities. This licensure action is a public record and remains a part of the educator's disciplinary file.
<b>Limited Contract</b>	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)].

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

## GLOSSARY–CONT'D.

<b>Maliciously</b>	For the purposes of the ECOC, this term means evidence of having or showing a desire to: 1) Cause harm to another person; or 2) Damage his or her property.
<b>Management Level Employee</b>	<p>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 assist in the preparation for the conduct of collective negotiations, administer collectively negotiated agreements, or have a major role in personnel administration [ORC §4117.01(L)].</p> <p><b>NOTE:</b> Assistant Superintendents, principals, and assistant principals whose employment is governed by ORC §3319.02 are management level employees [ORC §4117.01(L)].</p>
<b>Management Rights</b>	<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 a CBA [ORC §4117.08(C), §4117.09 and §4117.10; WLS 0118; TAWLS Article 1 Section 2; OAPSE 279 Article 1 Section C].</p> <p><b>NOTE:</b> 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>
<b>Mediation</b>	<p>This term means the process by which a neutral third party is enlisted: 1) In an attempt to resolve negotiations in impasse; or 2) In an attempt to resolve a Grievance before proceeding to Arbitration.</p> <p><b>NOTE:</b> Both parties must agree to Mediation [TAWLS Article 3].</p>
<b>Mediator</b>	<p>This term means the entity which conducts Mediation when necessary.</p> <p><b>NOTE:</b> FCMS will be used [TAWLS Article 3; OAPSE 279 Article 4].</p>
<b>MRO</b>	This term means a Medical Review Officer.
<b>NBCE Handbook</b>	This term means the reference handbook for Non-Bargaining Classified Employees of the District, which contains information regarding procedures, benefits, and salary schedules for: 1) Coordinator of School Information; 2) Executive Secretary to Superintendent; 3) Payroll Clerk-Classified Salaries; 4) Secretary to Assistant Superintendent; 5) Secretary to Director of Business Services; 6) Secretary/Assistant to Director of Human Resources; 7) Secretary/Assistant to Treasurer; and 8) Federal Program Analyst [NBCE Handbook Preface].
<b>Neglect of Duty</b>	<p>For the purposes of the ECOC, 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><b>NOTE:</b> 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</p>

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

## GLOSSARY–CONT'D.

	endanger or threaten the welfare of staff, students, the staff member involved, or the legitimate interests of the District.
<b>Network</b>	This term means District-owned devices and other hardware, Internet access, email, electronic subscriptions, research, or productivity resources, and internal electronic resources.
<b>Network Users</b>	This term means staff members who use or otherwise access the network via wireless or hardwired connection.
<b>NLRB</b>	This term means the National Labor Relations Board.
<b>OAC</b>	This term means the Ohio Administrative Code.
<b>OAPSE 279</b>	<p>This term means the Ohio Association of Public School Employees, Local 279, recognized by the Board as the Exclusive Representative of all full and short-hour classified employees [OAPSE 279 Article 1 Section A].</p> <p><b>NOTE:</b> Specifically excluded from the bargaining unit are, as defined in ORC §4117.01: 1) Confidential employees; 2) Management level employees; 3) Employees who act in a fiduciary capacity; 4) Supervisors; 5) Students; 6) Seasonal and casual employees; 7) Professional employees; 8) Guards, as defined in ORC §4117.06(D)(2); 9) Substitute employees; 10) Secretary/assistant to the director of HR; 11) Secretary to the business manager; 12) Secretary to the Treasurer; 13) Payroll clerk-classified salaries; 14) Supervisor of nutrition services; 15) Supervisor of transportation; 16) Purchasing agent; 17) Business manager; 18) Assistant maintenance supervisor; 19) Maintenance foreman; 20) Supervisor of facilities and technical services; 21) Assistant supervisor of facilities; 22) Head mechanic; 23) Coordinator of school information; 24) Campus security officer; 25) Executive secretary to the Superintendent ; 26) Secretary to the assistant superintendent; and 27) Any other supervisory persons [OAPSE 279 Article 1 Section A].</p>
<b>ODE</b>	This term means the Ohio Department of Education.
<b>Official Reprimand</b>	<p>This term means a Formal Action that involves a statement of censure for misconduct of such concern that a permanent record of the incident(s) needs to be established. The action is used when the ECOC violation involved warrants a response that is more severe than a Written Warning, but less severe than a Suspension.</p> <p><b>NOTE:</b> No formal disciplinary hearing is required; however, only the Superintendent or his/her designee may issue this type of employee discipline.</p>
<b>ORC</b>	This term means the Ohio Revised Code.
<b>OSBE</b>	This term means the Ohio State Board of Education.
<b>OTES</b>	This term means the Ohio Teacher Evaluation System [ORC §3319.111 and §3319.112].
<b>Other Administrator</b>	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 ODE 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 50% (fifty percent) of the time employed teaching or working with students [ORC §3319.02(A)(1)(a)]; 2) Any Classified 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)].



# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

## GLOSSARY–CONT'D.

<b>Otherwise Qualified Treasurer</b>	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 OSBE for issuance or renewal of the license but has not yet received OSBE's decision regarding the issuance or renewal [ORC §3313.22(B)].
<b>Personal Communication Device</b>	This term (or "PCD") means a WCD not owned by the Board.
<b>Personal Leave</b>	<p>This term means paid leave that is intended to be used for personal reasons.</p> <p><b>NOTE:</b> Each board of education shall adopt rules entitling regular non-teaching employees to a minimum of 3 (three) days of such leave each year at their regular compensation [ORC §3319.142]. The rules shall govern the use and administration of such leave, but they need not specify each occasion or purpose for which such leave may be taken [ORC §3319.142]. Personal leave days shall not be charged against Sick Leave earned under ORC §3319.141 [ORC §3319.142]. If a board of education fails to adopt such rules, each regular non-teaching employee of the board is entitled to 3 (three) days of unrestricted personal leave during the school year [ORC §3319.142].</p>
<b>PI</b>	This term means Personal Information (i.e., describing anything about a person, indicating actions done by or to a person, or indicating that a person possesses certain personal characteristics, and that contains, and can be retrieved from a system by, a name, identifying number, symbol, or other identifier assigned to a person) [ORC §1347.01(E)].
<b>PII</b>	This term means Personally Identifiable Information [WLS 8330].
<b>PI System</b>	<p>This term means any collection or group of related records that are kept in an organized manner and that are maintained by a state or local agency, and from which PI is retrieved by the name of the person or by some identifying number, symbol, or other identifier assigned to the person [ORC §1347.01(F)].</p> <p><b>NOTE:</b> A PI System may include both records that are manually stored and records that are stored using electronic data processing equipment person [ORC §1347.01(F)].</p>
<b>Probationary Period</b>	<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 is declared [ORC §4117.09(C); TAWLS Article 1 Section 4; OAPSE 279 Article 1 Section B]; 2)The timeframe pursuant to ORC §124.27(B) during which a Classified Service appointee may be released with reduced Due Process [ORC §124.27(B); WLS 4124]; 3) The timeframe during which an employee not subject to ORC §124 may be released with reduced Due Process; 4) The timeframe before an appointment or promotion is considered final; or 5) The timeframe during which an employee accepting a promotion or transferring to a new classification may elect to remain in the position or return to his or her former position.</p> <p><b>NOTE:</b> 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>

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

## GLOSSARY–CONT'D.

<b>Professional Growth Leave</b>	This term means a leave of absence with part pay, for one (1) or two (2) semesters: 1) With the permission of the Board and the Superintendent; and 2) Subject to the restrictions in ORC §3319.131 [ORC §3319.131].
<b>Professional Leave</b>	This term means leave granted for professional purposes as outlined within the Agreement.
<b>Professional Staff Member</b>	This term means an employee who implements or supervises one (1) or more aspects of the District's program and whose position requires a professional credential from the Division of Teacher Education and Licensing [WLS 0100].
<b>Public Employee</b>	This term 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)].
<b>Public Employer</b>	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)].
<b>Reasonable Person Standard</b>	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 <sup>nd</sup> Edition. The Gale Group, Inc.].
<b>Revocation of License</b>	This term means a licensure action that revokes an educator's license. If revoked, OSBE may establish a minimum period of time before an educator can apply for a new license, or OSBE may order an educator be permanently ineligible to apply for any license issued by OSBE. This licensure action is a public record and remains part of the educator's disciplinary file.
<b>SAAWLS Handbook</b>	This term means the reference handbook for Supervisors and Administrators of the District, which contains information regarding practices, procedures, benefits, evaluation, and salary schedules for current administrators, supervisors, classified supervisors [SAAWLS Handbook Preface].
<b>Safety-Sensitive Employee</b>	This term means, for the purposes of the ADIPs: 1) Any regular or substitute bus driver; 2) Any employee who is required to hold a CDL license as a condition of employment; 3) Any other staff member who may drive students in a Board-owned vehicle; and 4) Any employee who inspects, repairs, or maintains Board-owned vehicles [WLS 4162].
<b>Safety-Sensitive Function</b>	This term means, for the purposes of the ADIPs, any task associated with the operation and maintenance of a Board-owned vehicle [WLS 4162].

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

## GLOSSARY–CONT'D.

<b>Seniority</b>	<p>This term means: 1) The length of continuous service in the District [TAWLS Article 5 Section 5 and Article 5 Section 7]; 2) The length of continuous employment with the Board as computed from the employee's most recent hire date ("System Seniority") [OAPSE 279 Article 8 Section B]; or 3) The length of continuous employment in a particular job classification as computed from the employee's most recent date of entry into such classification ("Job Classification Seniority") [OAPSE 279 Article 8 Section B and Article 8 Section C].</p> <p><b>NOTE:</b> Among those with the same length of continuous service, Seniority shall be determined by the process outlined in the Agreement [TAWLS 5.7(A)].</p> <p><b>NOTE:</b> Seniority date shall be determined pursuant to OAPSE 279 Article 8 Section B and Article 8 Section W]. Job Classification Seniority shall be used to determine layoffs and recalls [OAPSE 279 Article 8 Section B]. For System Seniority variants in cases of employees with &gt;1 position, see OAPSE 279 Article 8 Section X.</p>
<b>SERB</b>	This term means the State Employment Relations Board.
<b>Sick Leave</b>	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].
<b>Social Media</b>	This term means: 1) Internet-based applications for communication/interactive dialogue between users (e.g., Facebook®, LinkedIn®, MySpace®, Twitter® and YouTube®) [WLS 7540]; 2) Applications for video telephony (e.g., FaceTime® and Skype®); 3) Image sharing sites (e.g., Flickr® and Instagram®); 4) Weblogs (or "blogs"); 5) Wikis; 6) Other websites; or 7) Message boards.
<b>Superintendent</b>	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 [WLS 0100, 1100, 1210, and 1230; TAWLS Article 1 Section 3; OAPSE 279 Article 1 Section D].
<b>Supervisor</b>	<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; ORC §4117.01(F)]; or 2) The non-bargaining unit employee to whom a bargaining unit member reports.</p> <p><b>NOTE:</b> 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 OSBE rules is required pursuant to ORC §3319.22 [ORC §4117.01(F)(4)].</p>
<b>Supervisory Role</b>	For the purposes of the ECOC, this term means employment in a position as a Supervisor.
<b>Suspension</b>	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 grounds for employee discipline involved warrant an action that is more severe than an Official Reprimand, but a 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 Disciplinary Suspension is the most severe type of employee discipline that is still

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

## GLOSSARY–CONT'D.

	<p>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 concern, that the District must ensure the employee understands that a repeat incident is likely to result in Termination.</p> <p><b>NOTE:</b> When used for disciplinary purposes, this action requires the Due Process outlined in state statute. Board policy, and/or 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>
<b>Suspension of License</b>	<p>This term means a licensure action that suspends an educator's license for a specified time period, not to exceed 5 (five) years. During the suspension period, an educator is prohibited from performing any educational activities or duties that require licensure through the Ohio Department of Education. After the suspension period, the license is reactivated if the educator can demonstrate compliance with any educational requirements and other conditions contained in OSBE'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>
<b>TAWLS</b>	<p>This term means the Teachers' Association of Washington Local Schools, affiliated with the Northwest Ohio Education Association, the Ohio Education Association, and the National Education Association, recognized by the Board as the Exclusive Representative of all full-time and part-time certificated teachers [TAWLS Article 1 Section 1].</p> <p><b>NOTE:</b> Specifically excluded from the bargaining unit are, as defined in ORC §4117.01: 1) Confidential employees; 2) Management level employees; 3) Employees who act in a fiduciary capacity; 4) Supervisors; 5) Students; 6) Seasonal and casual employees; 7) Non-professional employees; 8) Guards, as defined in ORC §4117.06(D)(2); 9) Substitute teachers; 10) Special education supervisor; 11) Trade and industry supervisors; 12) Business office education supervisor; 13) Instructional materials center coordinator; 14) Remedial reading coordinator; 15) Guidance supervisor; 16) Coordinator of computer services; 17) Adult education administrator; 18) Adult education teachers; 19) Apprenticeship coordinator; 20) Apprenticeship instructors; 21) Case manager; and 22) Educational technologist teachers [TAWLS Article 1 Section 1]. Recognition of ESL instructors, special education instructors/tutors, and proficiency tutors dealing exclusively with students in grades K-12, as members of the bargaining unit, shall be limited to the specific provisions of the contract referenced in TAWLS Article 1 Section 1 [TAWLS Article 1 Section 1].</p>
<b>Teacher</b>	<p>This term means all persons licensed to teach and who are employed in the public schools of this state as instructors, principals, supervisors, Superintendents, or in any other educational position for which OSBE requires licensure under ORC §3319.22 to §3319.31, including persons having a license issued pursuant to ORC §3319.22 to §3319.31 and employed in an educational position, as determined by OSBE, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations [ORC §3319.09(A) and §4117.09(D)].</p>
<b>Termination</b>	<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 Just Cause; or 2) For performance-related issues.</p> <p><b>NOTE:</b> This action requires the Due Process outlined in state statute. Board policy, and/or Agreement by employee classification. The District-approved procedure must be followed, and only the Board may take this type of action.</p>

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

## GLOSSARY–CONT'D.

<b>Treasurer</b>	This term means the chief fiscal officer of the school district appointed by the Board of Education pursuant to ORC §3313.22 [WLS 0100 and 1310].
<b>Unauthorized Strike</b>	<p>This term means, but is not limited to, concerted action during the term or extended term of a CBA or during the pendency of the settlement procedures set forth in ORC §4117.14: 1) Failing to report to duty; 2) Willful absence from one's position; 3) Stoppage of work; or 4) 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(l) and §4117.23].</p> <p><b>NOTE:</b> 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(l)].</p>
<b>Unpaid Leave</b>	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 regular non-teaching school employee for not more than 2 (two) 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 regular non-teaching school employee for not more than 2 (two) years consecutively where illness/disability is the reason for the request [ORC §3319.13].
<b>Verbal Redirection</b>	This term means any private conversation, non-disciplinary counseling, or similar measure that is: 1) Non-disciplinary in nature; and 2) Undocumented.
<b>Weapon</b>	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, whether loaded or unloaded); 3) Knives; 4) Razors; 5) Clubs; 6) Electric weapons; 7) Metallic knuckles; 8) Martial arts weapons; 9) Ammunition; and 10) Explosives [WLS 3217 and 4217].
<b>While on Duty</b>	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 in readiness for work, until the time he or she is relieved from work and all responsibility for performing work [WLS 4162].
<b>Wireless Communication Device</b>	This term (or "WCD") 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 [WLS 7530.01].
<b>Workplace</b>	This term means, for the purposes of the ADIPs (and elsewhere in the ECOC, unless otherwise specified in Board policy): 1) The site for the performance of any work done in connection with the District; 2) Any District building, property, vehicle, or Board-approved vehicle used to transport students to and from school or school activities (at other sites off District property); 3) Any school-sponsored or District activity, event, or function (e.g., a field trip or athletic event in which students are under the jurisdiction of District authorities).
<b>Written Warning</b>	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

# ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



[Table of Contents](#)

## GLOSSARY–CONT'D.

	<p>warrants a response that is more severe than an Acknowledged Oral Warning, but a less severe than an Official Reprimand.</p> <p><b>NOTE:</b> There is no prescribed format for this action under state statute, Board policy, or the Agreement; however, the event must be documented.</p>
<b>Year</b>	<p>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)].</p>





For additional information on related products and services or another program in the **Risk Management in Education Series**, visit [www.upslopesolutions.com](http://www.upslopesolutions.com) or contact:

UpSlope Solutions  
P.O. Box 10683  
Glendale, AZ 85318  
(800) 599-0350 Toll Free

“UPSLOPE” and the UpSlope logo are registered trademarks of UpSlope Solutions, LLC.

