

ADMINISTRATIVE GUIDELINES:

EMPLOYEE CODE OF CONDUCT



VERSION CONTROL

CURRENT VERSION	2019.05.24
LAST USC AND CFR REVIEW	2016.05.13
LAST ORC AND OAC REVIEW	2017.04.01
LAST BOARD OF EDUCATION POLICY REVIEW	2015.04.01
LAST AGREEMENT REVIEW	2017.04.01
LAST DISTRICT REVIEW	2019.05.23

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INTRODUCTION



WASHINGTON LOCAL SCHOOLS

August 3, 2018

Dear Washington Local Schools administrators and supervisors:

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,

Dr. Susan Hayward, Superintendent
Washington Local Schools

individual attention. infinite opportunities.

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1.0 STATEMENTS OF PURPOSE AND INTENT

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

PURPOSE OF THE EMPLOYEE CODE OF CONDUCT

The purpose of the ECOC is to ensure that each Employee is aware of his or her responsibility for supporting the mission, vision, core values, philosophy, objectives, and goals of the District as follows [OAC 3301-35-01 through 3301-35-04]:

- **Mission.** 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;

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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 ethics and conduct:

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

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

The Board: 1) Recognizes those Employee Rights defined in ORC §4117.01 and §4117.03; and 2) Specifically retains unto itself all Management Rights as defined by law, except as specifically provided within any Agreement [ORC §4117.08(C); TAWLS Article 1 Section 2; OAPSE 279 Article 1 Section C]. Therefore, consistent with its purpose, the intent of the ECOC is:

- To alert employees to the types of actions and behaviors that most commonly represent violations of the general standards for ethics and conduct, and as such, grounds for disciplinary action;
- To define a rational course of action for addressing the inappropriate or unacceptable actions or behaviors of employees in a manner consistent with federal law, state statute, and Board policy; and
- To ensure that this course of action remains consistent with the applicable provisions of each Agreement between the Board and the Employee Organization certified by the SERB as the Exclusive Representative of its members for the purposes of Bargaining Collectively [ORC §4117.01 et seq.]. These include the following: 1) TAWLS; and 2) OAPSE 279.

Neither the ECOC nor these guidelines are intended to address every possible type of misconduct. District personnel should not conclude that disciplinary action cannot arise out of actions or behaviors not specifically referenced herein where supported by federal law, state statute, local ordinance, Board policy, and/or the Agreement.

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

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2.0 EMPLOYEE CODE OF CONDUCT

EMPLOYEE CODE OF CONDUCT

Board-Approved Employee Code of Conduct

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

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2.0 EMPLOYEE CODE OF CONDUCT (CONT'D)

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3.0 CONDUCT MANAGEMENT OVERVIEW

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

RATIONALE FOR DISCIPLINARY ACTIONS

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

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

Any disciplinary action taken: 1) Will be in proportion to the Employee’s offense or misconduct; and 2) Will be consistent with any applicable Due Process required under state statute, Board policy, and/or the Agreement [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 general incident management workflow is as follows (see [Resource 3.01](#)):

- **Step #1: Establish the ECOC violation.** The grounds for disciplinary action must be determined. Where required, Just Cause must be established [ORC §3319.08, §3319.081, §3319.16, and §4117.08(C); WLS 3140 and 4140; TAWLS Article 1 Section 2 and Article 7 Section 18; OAPSE 279 Article 1 Section C and Article 12 Section F(2)].

NOTE: Employees may be disciplined or terminated/discharged for Just Cause only [TAWLS Article 7 Section 18; OAPSE 279 Article 12 Section F(2)].

- **Step #2: Verify the ECOC violation.** The allegation(s) must be substantiated or refuted by either an investigation conducted under presumption of innocence (see [Form 3.01](#) and [Form 3.02](#)). If the allegation(s) involve a complaint or grievance by a parent/guardian or a member of the public, the District complaint management procedure must be followed during the investigation (see

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

[Resource 3.02](#)) [WLS 9130; TAWLS Article 4 Sections 4 and 5 and Article 6 Section 10].

NOTE: Upon request, a bargaining unit member is entitled to association representation at any investigatory interview (or follow-up meeting) by the administration that the member reasonably believes may result in disciplinary action (see [Form 3.03](#), [Form 3.04](#), and [Form 3.05](#)) [NLRB v. *Weingarten, Inc.*, 420 U.S. 251 (1975); ORC §4117.03(A)(3); TAWLS Article 6 Section 10; OAPSE 279 Article 12 Section F(6)].

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.

- **Step #3: Determine a course of action.** 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 Employee’s disciplinary record where applicable (i.e., presence or absence of the same or substantially similar disciplinary events in the past).

Supervisor Tip: Consider the relative severity of an offense

Each offense listed in the ECOC is assigned to one of the following six (6) classifications based on its severity relative to all other ECOC violations:

#	CLASS	DEFINITION
1	Alert	This term means a very low level ECOC violation managed on first offense with Verbal Redirection only.
2	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).
3	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).
4	Moderate	This term means a mid-level ECOC violation managed on first offense with mostly Formal Action (Informal Action in less serious cases only).
5	Major	This term means a high-level ECOC violation managed on first offense with Formal Action only.
6	Severe	This term means a high level ECOC violation that always places the Employee in jeopardy of Termination upon second offense.
7	Extreme	This term means a very high level ECOC violation managed on first offense with Termination only per state statute.

The classification assigned to each ECOC violation determines the case management strategy for either an initial offense or repeat offenses (if applicable), and the range of District-permitted disciplinary options for each ECOC violation / event interval pairing shown herein.

NOTE: A connection should be made for the Employee between the charge(s) and the District’s mission, vision, core values, philosophy, objectives, and goals when relevant (See [Section 1.0](#)).

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

DOUGLAS FACTORS

- 1 The nature and seriousness of the offense and its relation to the Employee’s duties,

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

- position, and responsibilities, including whether the offense was committed Intentionally (not technical or inadvertent), Maliciously, For Gain, or was frequently repeated.
- 2 The Employee's job level and type of employment, including any Supervisory Role or Fiduciary Role, contacts with the public, and prominence of the position.
 - 3 The Employee's past disciplinary record.
 - 4 The Employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
 - 5 The effect of the offense upon the Employee's ability to perform at a satisfactory level and its effect upon the Supervisor's confidence in the Employee's work ability to perform assigned duties.
 - 6 The consistency of the penalty with those imposed upon other employees for the same or similar offenses.
 - 7 The consistency of the penalty with any applicable agency table of penalties.
 - 8 The notoriety of the offense or its impact upon the reputation of the agency.
 - 9 The clarity with which the Employee was previously notified of any rules violated in committing the offense, or had previously received non-disciplinary counseling regarding the conduct in question.
 - 10 The Employee's potential for rehabilitation (if applicable).
 - 11 Any special circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice, or provocation on the part of others involved in the matter.
 - 12 The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the Employee or by others.

For the purposes of the ECOC, the "appropriate" action means one that "fits" the aggravating and mitigating case facts involved [OAC 3301-73-21]. General rules for applying the Douglas Factors to a disciplinary case are as follows:

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

Supervisor Tip: Consider the need for progressive discipline

While some incidents are so grave as to warrant immediate Formal Action up to and including Termination, repetitive misconduct of a lesser nature may require progressively more serious sanctions [TAWLS Article 7 Section 18; OAPSE 279 Article 12 Section F(3)]. In cases of chronic 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 the chronic ECOC violation.

NOTE: Progressive discipline shall be followed as appropriate [TAWLS Article 7 Section 18; OAPSE 279; Article 12 Section F(3)]. Normal progressive discipline involves warnings (verbal and written warnings) followed by suspensions of appropriate lengths and terminations [TAWLS Article 7 Section 18; OAPSE 279 Article 12 Section F(3)]. This is not appropriate in every case and the circumstances of each offense must be taken into account (e.g., some offenses warrant immediate Termination, while in other cases, several warnings or more than one Suspension may be appropriate [TAWLS Article 7 Section 18; OAPSE 279 Article 12 Section F(3)]).

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

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

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

DELEGATION OF AUTHORITY

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

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

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

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

Responsibilities related either directly or indirectly to disciplinary actions within the District include, but are not limited to, the following [ORC §3313.01 et seq. and §3319.01 et seq.; OAC 3301-35-01 et seq.; WLS 0100 et seq., 1100 et seq., 2110 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 policies for the administration of schools, and reviewing or revising them as necessary [WLS 0118, 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 [ORC §3313.47].
- Making such rules and regulations as are necessary for its governance and that of its employees, its students, its grounds, or its premises by adopting bylaws and policies for the organization and operation of the Board and the District [ORC §3313.20(A); WLS 0118 and 0131].
- 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].
- Selecting and appointing a Superintendent [ORC §3319.01; WLS 0100, 0118, 0132, and 1220].
- Delegating authority for the administration of the schools to the Superintendent and staff [WLS 0123 and 0132], including the authority to take necessary action in circumstances not provided for in Board policy, provided that such action is reported to the Board in a timely manner [WLS 0123, 0132, 1210, 1230, and 1230.01].
- Retaining oversight of operational procedures [WLS 1210].
- Appraising its own function as a Board as it affects the educational effectiveness of the District [WLS 0118 and 1110].
- Defining the Superintendent's responsibilities, and helping him or her formulate District goals, 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, 1110, 1210, 1240, and 2605].
- Establishing fair and equitable terms and conditions of employment and evaluation of all staff [WLS 0123, 0171.1, and 1110].
- Referring all operational complaints about staff to the Superintendent for investigation and action, except when the complaints concern Board actions or operations [WLS 9130 and 9150].
- Acting in matters of employment Suspension or Termination after receiving recommendations from the Superintendent [WLS 1230, 3140, and 4140].
- Selecting and appointing a Treasurer [ORC §3313.22(A); WLS 0100 and 1310].
- Determining the Treasurer's success in meeting the goals established by the Board, and annually evaluating his or her performance [WLS 1330].
- Giving the Treasurer full authority for properly discharging his or her professional duties, and holding him or her responsible for acceptable results.
- Referring all complaints about the Treasurer's staff to the Treasurer for investigation and action, as appropriate [WLS 9130].
- Bargaining Collectively with each Exclusive Representative [ORC §4117.01(G), §4117.03(A)(4), and §4117.08].
- Deciding whether to appoint a professional negotiator or to appoint representatives from within the District to serve on a negotiating team [ORC §4117.10(C)].
- Participating in Grievance proceedings [TAWLS Article 3; OAPSE 279 Article 5] or appeal proceedings as necessary.

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

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

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

Superintendent. The Superintendent is responsible for:

- Enforcing the statutes of Ohio, the rules of the State Board, and the policies of the Board [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 and 1230].
- Designing and implementing administrative guidelines that are: 1) Consistent with state statutes, regulations or policies of the State Board, and/or the policies of the Board; 2) Binding on District employees and students; and 3) Made known to them [WLS 0100, 0132, 1210, and 1230.01].
- Keeping the Board informed of regulations in a timely manner [WLS 0132].
- Selecting and recommending 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 0171.1, 1110, 1230, 1530, 2605, 3220, and 3223].
- Making regulations and other conditions of employment known to all employees [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.
- Making final decisions in cases involving Informal Action for direct subordinates.
- Conducting technical reviews of all proposals for Suspension or Termination.
- Making recommendations to the Board in cases involving Suspension or Termination [WLS 1230, 3140, and 4140].
- Being closely involved in planning, preparing, and participating in the bargaining process to the extent: 1) Permitted by law; and 2) Determined by the Board [WLS 1210].
- Participating in Grievance proceedings [TAWLS Article 3; OAPSE 279 Article 5] or appeal proceedings as necessary.

Treasurer. The Treasurer is responsible for:

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

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

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

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

- Making final decisions in cases involving an Official Reprimand referred up the chain of command.
- Referring recommendations for Suspension or Termination up the chain of command.
- Maintaining and evaluating District-level disciplinary data.
- Participating in Grievance proceedings [TAWLS Article 3; OAPSE 279 Article 5] or appeal proceedings as necessary.

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

- Communicating all regulations and other conditions of employment to subordinates.
- Using Verbal Redirection whenever reasonable and appropriate.
- Maintaining equity in the application of disciplinary policies and procedures.
- Ensuring that grounds for disciplinary action are established prior to initiating inquiries.
- Ensuring that inquiries have sufficiently verified the grounds for disciplinary action.
- Ensuring that disciplinary actions are taken in accordance with applicable federal law, state statute, Board policy, and Agreement provisions.
- Completing and interpreting disciplinary rubrics to determine appropriate disciplinary actions.
- Making final decisions in cases involving Informal Action for direct subordinates.
- Delivering Informal Action constructively, individually, and in private.
- Referring recommendations for Formal Action up the chain of command.
- Maintaining and evaluating building or site-level disciplinary data.
- Participating in Grievance proceedings [TAWLS Article 3; OAPSE 279 Article 5] or appeal proceedings as necessary.

All employees. All employees are responsible for:

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

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

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4.0 ECOC VIOLATIONS

POTENTIAL VIOLATIONS OF POLICY ALONE

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

ATTENDANCE, PUNCTUALITY, OR CONTRACT DAY POLICY VIOLATION

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

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

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

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

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

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

Licensure Code: §3b

Board Level: WLS 0123; 1461; 1520; 1522; 1630.01; 2440; 2451; 3120.04; 3140; 3161; 3210; 3242; 3243; 3244; 3430.01; 3430.02; 4120.04; 4120.05; 4124; 4140; 4161; 4162; 4210; 4430.01; 4430.02; 5230; 5420; 5420.01; 6110; 6116; 6530; 6700; 7510; 8210; 8220; 8442

See also related administrative guidelines

Agreement Level: TAWLS Article 1 Section 2; Article 3; Article 6 Section 4; Article 6 Section 11; Article 6 Section 15; Article 6 Section 16; 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;

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

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

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 16 Section 11; Article 16 Section 12; 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; 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 9 Section I; 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 12 Section L; 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

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 are not 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 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Verbal Redirection	Acknowledged Oral Warning	Written Warning	Official Reprimand
Relatively Equal	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Mostly Aggravating	Written Warning	Official Reprimand	Suspension	Termination

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

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

Commentary:

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

BREACH OF CHAIN OF COMMAND PROTOCOL

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

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

- Bringing a problem to a District level Supervisor that could have been directly addressed at the building or site level or encouraging others to do so.
- Failing to follow established Grievance channels.
- Requesting that a higher level Supervisor overrule an operational decision by a lower level Supervisor that was within the scope of his or her authority to make.

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

Federal Level: NONE

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

Licensure Code: §3b

Board Level: WLS 0123; 1100; 3140; 3210; 4140; 4210; 9130

See also related administrative guidelines

Agreement Level: 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

Handbook(s): NONE

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

BREACH OF CHAIN OF COMMAND PROTOCOL (CONT'D)

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

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: NO

Initial Classification: [MINOR-1](#)

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

Commentary:

- Consistent 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; 2) If the Employee's Immediate Supervisor is not responsive (or is the Employee whose behavior is in question), the Employee may report to the Superintendent; and 3) If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

DISHONESTY (NON-CRIMINAL)

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

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

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

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

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

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

Licensure Code: §3b; §8a

Board Level: WLS 0123; 0141.2; 0175.1; 1130; 1220; 1520; 2110; 2431; 2605; 2623; 3113; 3120; 3120.04; 3120.08; 3122; 3140; 3210; 3213; 3214; 3217; 3231; 3362; 4113; 4120; 4120.04; 4120.05; 4122; 4140; 4210; 4213; 4214; 4217; 4362; 5136; 5516; 5517; 5517.01; 6110; 6111; 6112; 6114; 6210; 6320; 6325; 6423; 6440; 6460; 6510; 6605; 6610; 6625; 6660; 6670; 6700; 7240; 7430; 7450; 7455; 7530.01; 8340; 8410; 8442; 8462; 8900

See also related administrative guidelines

Agreement Level: TAWLS Article 1 Section 2; Article 7 Section 1; Article 7 Section 18; Article 16 Section 6

OAPSE 279 Article 1 Section C; Article 11 Section P; Article 12 Section F; Article 14 Section C

Handbook(s): SAAWLS Handbook Article 3 Section 6

NBCE Handbook Section 2

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

DISHONESTY (NON-CRIMINAL) (CONT'D)

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

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: NO

Initial Classification: [MINOR-2](#)

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

Commentary:

- No person shall: 1) Reveal to a student any specific question known to be a part of an assessment under ORC §3301.0711; or 2) Assist a pupil to cheat on such an assessment [ORC §3319.151(A); WLS 2623 and 3140]. Any such violation is grounds for: 1) Termination of a Teacher contract under ORC §3311.82 or §3319.16 [ORC §3319.151(C)(2)]; or 2) Termination of the employment of a non-teaching Employee under ORC §124.34 or §3319.081(C) [ORC §3319.151(C)(1)].
- Consistent ORC §4113.52: 1) To report suspected fraud or fraudulent activity, an Employee may file a report using the Auditor of State's system either in addition to or instead of filing a written report with his or her Supervisor or other District authority; and 2) An Employee is subject to disciplinary action, up to and including Termination, if he or she is aware of a violation of federal, state, or local law that the Board has the authority to correct and he or she does not make a written report to his or her Immediate Supervisor.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the ECOC.
- On a finding by the State Board, after investigation, that a school Employee who holds a license issued under ORC §3319.22 to §3319.31 has violated ORC §3319.151(A), the license of such Teacher shall be suspended for one (1) year [ORC §3319.151(B)]. For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

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 Policies* (SDGPs) 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 While on Duty [WLS 4216].
 - Dressing in a manner inconsistent with one's professional responsibilities While on Duty [WLS 4216].
 - Dressing in a manner that does not communicate pride in personal appearance to students While on Duty [WLS 4216].
 - Dressing in a manner that causes damage to Board property While on Duty [WLS 4216].
 - Dressing or being groomed in a way that disrupts the educational process While on Duty [WLS 4216] (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; wearing or items that promote drug use or other illegal activity; wearing items that cause a health or safety hazard, such as clothing that causes an unsafe working environment; or neglecting to wear safety equipment when required).
 - Neglecting to wear a Board-issued ID badge, if required, While on Duty.
 - Neglecting to wear safety apparel (e.g., goggles, splash shields, masks, or gloves) when required.

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

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

State Level: ORC §3319.081; §3319.16

Licensure Code: §8b

Board Level: WLS 0123; 3140; 3210; 3231; 4140; 4210; 4216; 5511; 7420; 7425; 8453; 8453.01

See also related administrative guidelines

Agreement Level: TAWLS Article 1 Section 2; Article 7 Section 18

OAPSE 279 Article 1 Section C; Article 11 Section Q; Article 12 Section F

Handbook(s): NONE

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

DRESS CODE VIOLATION (CONT'D)

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

Initial Responsibility: BUILDING OR SITE LEVEL

Mandatory Reporting: NO

Initial Classification: [ALERT](#)

Case Management Options: Dress Code Violation				
Case Facts	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Verbal Redirection	Not Applicable	Not Applicable	Not Applicable
Relatively Equal	Verbal Redirection	Not Applicable	Not Applicable	Not Applicable
Mostly Aggravating	Verbal Redirection	Not Applicable	Not Applicable	Not Applicable

Commentary:

- Consistent with the Board *Staff Dress and Grooming Policies* (SDGPs) [WLS 4216] and/or related administrative guidelines, the Board retains the authority to specify dress and grooming guidelines for staff that will prevent such matters from having an adverse impact on the educational process.
- 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 management guidelines beyond a first occurrence, see [Insubordination](#).
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

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

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

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

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

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

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

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

Licensure Code: §3b-c; §7g

Board Level: WLS 0123; 0171.1; 1110; 1220; 1520; 1530; 2110; 2605; 2623; 3120; 3120.04; 3140; 3210; 3220; 3223; 4120; 4120.04; 4120.05; 4140; 4210; 6105; 6110; 6111; 6112; 6116; 6210; 6423; 6440; 6510; 6610; 6625; 6660; 6670; 7450; 7455; 8340; 8442; 8900

See also related administrative guidelines

Agreement Level: 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

Handbook(s): SAAWLS Handbook Article 3 Section 6; Article 6 Section 2

NBCE Handbook Section 2; Section 4

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

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

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

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: NO

Initial Classification: [MODERATE](#)

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

Commentary:

- No person shall: 1) Reveal to a student any specific question known to be a part of an assessment under ORC §3301.0711; or 2) Assist a pupil to cheat on such an assessment [ORC §3319.151(A); WLS 2623 and 3140]. Any such violation is grounds for: 1) Termination of a Teacher contract under ORC §3311.82 or §3319.16 [ORC §3319.151(C)(2)]; or 2) Termination of the employment of a non-teaching Employee under ORC §124.34 or §3319.081(C) [ORC §3319.151(C)(1)].
- Consistent with 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 the State Board, after investigation, that a school Employee who holds a license issued under ORC §3319.22 to §3319.31 has violated ORC §3319.151(A), the license of such Teacher shall be suspended for one (1) year [ORC §3319.151(B)]. For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE PREPARATION FOR EMPLOYEE JOB RESPONSIBILITIES

- Definition:** This ECOC violation means any demonstration of substandard and/or inconsistent use of required skills or resources to fulfill the duties established in one's job description(s).
- Examples:** Include, but are not limited to, the following:
- Failing to prepare for the optimal execution of job responsibilities as assigned.
 - Failing to perform other duties as assigned.
 - Failing to attend staff meetings.
 - Remaining unwilling or unable to plan for the optimization of allotted time.
 - Failing to plan for and provide adequate direction during an absence.
 - Remaining unwilling to grow in the use of equipment, resources, and/or technological advances appropriate for assigned duties.
 - Performing duties outside of one's job description or classification without approval.

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

Federal Level: NONE

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

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

Licensure Code: §8b

Board Level: WLS 0123; 1100; 1110; 1220; 1230; 1240; 1320; 1330; 1340.01; 1400; 1520; 1530; 2110; 2120; 2131; 2132; 2210; 2411; 2414; 2451; 2460; 2461; 2464; 2605; 2623; 2623.02; 3120; 3140; 3210; 3213; 3220; 3223; 3242; 3243; 3244; 4114; 4120; 4124; 4140; 4210; 4213; 5336; 5630.01; 6146; 7425; 7430; 7540.04; 8410; 8452

See also related administrative guidelines

Agreement Level: 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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE PREPARATION FOR EMPLOYEE JOB RESPONSIBILITIES (CONT'D)

Section F; Article 11 Section H; Article 12 Section L; Article 12 Section F; Article 12 Section G; Article 13 Section A; Article 13 Section B; Article 13 Section D; Article 13 Section E

Handbook(s): SAAWLS Handbook Article 3 Section 11; Article 5 Section 1
NBCE Handbook Section 2

Case management considerations include, but are not 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 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Termination
Mostly Aggravating	Official Reprimand	Suspension	Termination	Termination

Commentary:

- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [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 license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE SUPERVISION OF STAFF

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

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

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

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

Federal Level: NONE

State Level: ORC §3319.01 et seq.

Licensure Code: §8b

Board Level: WLS 0123; 0171.1; 1110; 1230; 1530; 2132; 3120.06; 3120.07; 3140; 3210; 3220; 3223; 4114; 4140; 4210

See also related administrative guidelines

Agreement Level: 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

Handbook(s): NONE

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE SUPERVISION OF STAFF (CONT'D)

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

Initial Responsibility: BUILDING OR SITE LEVEL

Mandatory Reporting: NO

Initial Classification: [MINOR-2](#)

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

Commentary:

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE SUPERVISION OF STUDENTS

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

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

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

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

Federal Level: NONE

State Level: ORC §109.65; §3313.208; §3313.646; §3319.02; §3319.08; §3319.081; §3319.16; §3327.01; §3327.014; §3737.73; §4511.76
OAC 3301-35-01 through 3301-35-06; 3301-51-10; 3301-83-08; 3301-83-12

Licensure Code: §2g; §8b

Board Level: WLS 0123; 2110; 2132; 2271; 2340; 2430; 2430.02; 2431; 2460; 2623; 3140; 3210; 3213; 3900; 4140; 4210; 4213; 5136; 5200; 5205; 5215; 5230; 5330; 5336; 5500; 5501; 5511; 5513; 5514; 5515; 5516; 5517; 5517.01; 5520; 5530; 5560; 5600; 5601; 5630.01; 5722; 5820; 5830; 5840; 5855; 6605; 7430; 7540.02; 7540.03; 7540.04; 7540.06; 8410; 8452; 8600; 8640; 8651; 9150

See also related administrative guidelines

Agreement Level: TAWLS Article 1 Section 2; Article 7 Section 15; Article 7 Section 18; Article 8 Section 2; Article 13 Section 4; Article 15 Section 9
OAPSE 279 Article 1 Section C; Article 12 Section F; Article 13 Section C; Article 13 Section H

Handbook(s): NONE

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INADEQUATE SUPERVISION OF STUDENTS (CONT'D)

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

Initial Responsibility: BUILDING OR SITE LEVEL

Mandatory Reporting: NO

Initial Classification: [MINOR-2](#)

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

Commentary:

- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [WLS 3213 and 4213] and/or related administrative guidelines, employees shall not send students on any personal errands.
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Web Content, Services, and Apps Policy* (WCSAP) [WLS 7540.02], *Student Education Technology Acceptable Use and Safety Policy* (SETAUSP) [WLS 7540.03], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [WLS 7540.04], related administrative guidelines, [Resource 4.02](#), and/or [Form 4.01](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- A "Reasonable Person Standard" should be used to establish this ECOC violation.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

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

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

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

- Engaging in conduct directed toward supervisors, employees, students, or others that is improper for the circumstances in which it occurs.
- Engaging in discourteous, derisive, or disruptive action(s) or behavior(s).
- Failing to follow an established operational procedure.
- Engaging in an act of retaliation not prohibited by law.

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

Federal Level: *Occupational Safety & Health Act of 1970* [OSHA; 29 USC §651 et seq.; Public Law 91-596; 29 CFR §1910.1 et seq.]; *Education Department General Administrative Regulations* [EDGAR; 34 CFR §74-86 and 97-99]

State Level: ORC §9.10; §9.11; §9.12; §9.25; §9.30; §9.31; §9.311; §9.312; §9.314; §102.03; §109.65; §117.01 et seq.; §124.23; §124.341; §125.04; §135.01 et seq.; §153.12; §153.54; §167.01 et seq.; §4115.04; §4115.32 et seq.; §4116.02; §4116.03; §2744.01 et seq.; §2901.30; §3301.01 et seq.; §3311.16 et seq.; §3313.20(A); §3313.537; §3313.64; §3313.672; §3313.71 et seq.; §3314.01 et seq.; §3315.01 et seq.; §3316.031; §3318.01 et seq.; §3319.02; §3319.08; §3319.081; §3319.11; §3319.111; §3319.112; §3319.113; §3319.114; §3319.16; §3319.21; §3319.32; §3319.41; §3321.01 et seq.; §3323.01 et seq.; §3327.09 through §3327.15; §3329.06; §3329.07; §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 901:5-11-01 et seq.; 3301-32-09; 3301-35-02 through 3301-35-09; 3301-37-10; 3301-83-02; 3301-83-03; 3301-83-12; 3301-83-16 and 3301-83-20; 3301-91-09

Licensure Code: §8b

Board Level: WLS 0123; 0141.2; 0148; 0164; 0165.1; 0167.1; 0169.2; 0171.1; 1100; 1110; 1130; 1231; 1240; 1330; 1422.02; 1461; 1520; 1530; 2105; 2110; 2131; 2132; 2210; 2220; 2240; 2250; 2260; 2260.01; 2261; 2261.01; 2271; 2330; 2340; 2370; 2411; 2412; 2413; 2414; 2416; 2430; 2430.02; 2431; 2440; 2451; 2460; 2461; 2464; 2510; 2520; 2623; 2623.02; 3111; 3113; 3120; 3120.04; 3122; 3140; 3160; 3161; 3210; 3213; 3214; 3217; 3220; 3223; 3231; 3244; 3362; 3362.01; 4111; 4113; 4114; 4120; 4120.04; 4120.05; 4122; 4122.02; 4140; 4160; 4161; 4162; 4210; 4213; 4214; 4217; 4362; 4362.01; 5111; 5111.01; 5111.03; 5112; 5113; 5113.01; 5114; 5120; 5130; 5200;

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

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

5205; 5215; 5230; 5310; 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; 5560;
5600; 5601; 5605; 5610; 5610.01; 5610.02; 5610.03; 5610.04;
5610.05; 5611; 5630; 5630.01; 5722; 5724; 5751; 5771; 5780; 5820;
5830; 5840; 5855; 6110; 6111; 6112; 6114; 6116; 6140; 6144; 6150;
6152; 6152.01; 6185; 6210; 6320; 6325; 6423; 6440; 6460; 6510;
6520; 6530; 6605; 6610; 6625; 6660; 6670; 6680; 7100; 7230; 7300;
7310; 7410; 7420; 7425; 7430; 7440; 7450; 7455; 7460; 7510; 7530;
7530.01; 7540; 7540.01; 7540.02; 7540.04; 7540.05; 8305; 8310;
8320; 8330; 8340; 8350; 8410; 8431; 8442; 8450; 8452; 8453;
8453.01; 8500; 8510; 8531; 8540; 8550; 8600; 8640; 8651; 8660;
8710; 8800; 8900; 9120; 9130; 9150; 9160; 9190; 9210; 9211; 9270;
9500; 9700

See also related administrative guidelines

Agreement Level:

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 7 Section 19; 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 11 Section P; Article 12 Section F; Article 14 Section
C

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 are not limited to, the following:

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: NO

Initial Classification: [MODERATE](#)

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

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

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

Commentary:

- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [WLS 3213 and 4213], *Crisis Intervention Policy* (CIP) [WLS 8410], *Transportation of Students by Private Vehicle Policy* (TSPVP) [WLS 8660], and/or related administrative guidelines: 1) If a student approaches an Employee to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc., the Employee may attempt to assist the student by facilitating contact with certified or licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem; however, under no circumstances should an Employee attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior; 2) A Professional Staff Member shall provide proper instruction in safety matters as presented in assigned course guides; 3) An Employee shall not transport students in a private vehicle without the approval of the Superintendent or his/her designee; and 4) A student shall not be required to perform work or services that may be detrimental to his or her health.
- Consistent with the Board *Outside Activities of Staff Policies* (OASPs) [WLS 1231 and 3231] and/or related administrative guidelines: 1) Employees should refrain from expressions that disrupt the efficient operation of the school and/or interfere with the maintenance of discipline by school officials; and 2) Employees may not campaign on school property during working hours on behalf of any political issue, or candidate for local, state, or national office.
- Consistent with the Board *Student Assessment and Academic Intervention Services Policy* (SAAISP) [ORC §33010.729; WLS 2623] and/or related administrative guidelines: 1) After July 1, 2017, no student will spend more than two percent (2%) of the school year taking state assessments (including the Ohio graduation tests, college and work ready assessment systems, and any District-wide assessments) for all students in a specified subject area or grade level; 2) Students will not spend more than one percent (1%) of the school year on diagnostic or practice assessments to prepare for the above assessments; and 3) Students with disabilities are exempt from this requirement, as are related diagnostic assessments for students who failed the English language arts achievement assessment, substitute examinations, or examinations to identify gifted students.
- Abusive language, inappropriate language, malicious attacks, and humiliation will not be condoned in our District [TAWLS Article 7 Section 1]. Board employees who engage in this type of conduct toward fellow employees or students may be subject to disciplinary action, which may include Dismissal [TAWLS Article 7 Section 1].
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Electronic Mail/Text Messages Policies* (UEMTMPs) [WLS 0167.1 and 7540.05], *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [WLS 7540.01], *Web Content, Services, and Apps Policy* (WCSAP) [WLS 7540.02], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [WLS 7540.04], related administrative guidelines, [Resource 4.02](#), and/or [Form 4.01](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

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

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INAPPROPRIATE USE OF TECHNOLOGY RESOURCES

Definition: This ECOC violation means any conduct: 1) That violates one or more Board *Acceptable and Safe Use of Technology Policies* (ASUTPs) and/or the related *Acceptable Use Agreements* (AUAs); and 2) That is a matter of interest to the District only.

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

- Using District technology resources excessively for personal reasons; providing authentication data to unauthorized parties (e.g., giving a student the password to a computer or program).
- Accessing online websites deemed unacceptable by the District during While on Duty (e.g., using Social Media for personal reasons during the contractual work day).
- Accessing or displaying materials, content, or information deemed unacceptable by the District using the Network.
- Failing to monitor student use of technology or failing to limit student access to the Internet and/or World Wide Web as required.
- Compromising Network security either Intentionally or through neglect.
- Knowingly failing to monitor the safety and security of minor students using electronic mail, chat rooms or other forms of direct electronic communications.
- Connecting personal equipment to hardware or the Network in a manner that violates Board policy.
- Loading unapproved software on computers owned by the District.
- Transferring or permitting the transfer of District software to personal computers.

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

Federal Level: *Communications Act of 1934; Family Educational Rights and Privacy Act of 1974 [FERPA; 20 USC §1232g]; 20 USC §9134; Children's Online Privacy Protection Act of 1998 [COPPA; 15 USC §6501 et seq.]; Children's Internet Protection Act of 2000/Neighborhood Children's Internet Protection Act of 2002/Protecting Children in the 21st Century Act of 2008 [CIPA; 47 USC §254; Public Law 106-554; FCC Order 03-188]*

State Level: ORC §9.03; §117.53; §3319.02; §3319.08; §3319.081; §3319.16; §3319.21

OAC 3301-35-06

Licensure Code: §1g; §2i

Board Level: WLS 0123; 0167.1; 2110; 2132; 2370; 2531; 3140; 3210; 3900; 4140; 4210; 5136; 5420; 5420.01; 5721; 5722; 7530; 7530.01; 7540; 7540.01; 7540.02;

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INAPPROPRIATE USE OF TECHNOLOGY RESOURCES (CONT'D)

7540.03; 7540.04; 7540.05; 7540.06

See also related administrative guidelines

Agreement Level:

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 Section 18

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

Handbook(s):

NONE

Case management considerations include, but are not 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 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Acknowledged Oral Warning	Written Warning	Official Reprimand	Suspension
Relatively Equal	Written Warning	Official Reprimand	Suspension	Termination
Mostly Aggravating	Official Reprimand	Suspension	Termination	Termination

Commentary:

- For guidance on avoiding this ECOC violation, consult the Board *Use of Electronic Mail/Text Messages Policies* (UEMTMPs) [WLS 0167.1 and 7540.05], *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [WLS 7540.01], *Web Content, Services, and Apps Policy* (WCSAP) [WLS 7540.02], *Student Education Technology Acceptable Use and Safety Policy* (SETAUSP) [WLS 7540.03], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [WLS 7540.04], related administrative guidelines, [Resource 4.02](#), and/or [Form 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.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the ECOC.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INSUBORDINATION

Definition: This ECOC violation means any refusal to comply with a legitimate directive issued by a duly empowered source of authority which the Employee had both the knowledge of, and the capacity to, carry out.

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

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

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

Federal Level: NONE

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

Licensure Code: §8b

Board Level: WLS 0123; 2131; 2132; 3140; 3210; 4140; 4210

See also related administrative guidelines

Agreement Level: TAWLS Article 1 Section 2; Article 7 Section 18

OAPSE 279 Article 1 Section C; Article 12 Section F

Handbook(s): NONE

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

INSUBORDINATION (CONT'D)

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

Initial Responsibility: BUILDING OR SITE LEVEL

Mandatory Reporting: NO

Initial Classification: [MINOR-2](#)

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

Commentary:

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

LACK OF TEAMWORK

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

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

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

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

Federal Level: NONE

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

Licensure Code: §8b

Board Level: WLS 0118; 0123; 0169.1; 0171.1; 1230; 2105; 2110; 2111; 2131; 2132; 2261.01; 3140; 3210; 4140; 4210; 5420; 5420.01; 5780; 5820; 9120; 9141; 9142; 9210; 9211; 9500; 9555
See also related administrative guidelines

Agreement Level: 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

Handbook(s): NONE

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

LACK OF TEAMWORK (CONT'D)

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

Initial Responsibility: BUILDING OR SITE LEVEL

Mandatory Reporting: NO

Initial Classification: [MINOR-1](#)

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

Commentary:

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OFF-DUTY MISCONDUCT

Definition: This ECOC violation means any conduct: 1) That occurs outside of the Workplace, contract day, or work day that impacts the ability of an Employee to perform his or her job duties, undermines the legitimate interests of the District, or creates a disruption of District operations; and 2) That is a matter of interest to the District only.

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

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

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

Federal Level: NONE

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

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

Board Level: WLS 0123; 0141.2; 0148; 0167.1; 1130; 1231; 3113; 3140; 3210; 3213; 3231; 4113; 4140; 4210; 4213; 6605; 7530; 7530.01; 7540; 7540.01; 7540.02; 7540.04; 7540.05; 9130; 9700

See also related administrative guidelines

Agreement Level: TAWLS Article 1 Section 2; Article 6 Section 1; Article 6 Section 3; Article 6 Section 4; Article 6 Section 5; Article 6 Section 16; 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

Handbook(s): SAAWLS Handbook Article 3 Section 1

NBCE Handbook Section 2

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OFF-DUTY MISCONDUCT (CONT'D)

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

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: NO

Initial Classification: [MODERATE](#)

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

Commentary:

- While the District does not wish to become involved in the personal lives of employees, disciplinary action may result when a “rational nexus” can be established between any off-duty or “mixed duty” incident and the legitimate interests of the District. As such:
 - Consistent with the Board *Outside Activities of Staff Policies* (OASPs) [WLS 1231 and 3231], and/or related administrative guidelines:
 - Employees should avoid situations in which their personal interests, activities, and associations conflict with the interests of the District. If such situations threaten an Employee's effectiveness within the school system, the Superintendent and/or Board shall evaluate the impact of such interests, activities, or associations upon the Employee's responsibilities.
 - Employees may not dedicate work time to outside interests, activities, or associations.
 - Employees may not use school property or school time to solicit or accept customers for private enterprises.
 - Employees may not engage in business transactions on behalf of private enterprises in which they may profit by virtue of their official positions or authority, or benefit financially from confidential information which they obtain, or may obtain, by reason of their positions or authority.
 - The constitutional right to express political and other opinions as citizens is reserved to all employees; however, employees may not campaign on school property during duty hours on behalf of any political candidate for national, state, or local office.
 - Unless expressly approved by the Superintendent, a Professional Staff Member: 1) May not accept fees for tutoring when such tutoring is conducted during the normal work day; and 2) May not accept fees for remedial tutoring of students currently enrolled in one (1) or more of his or her classes.
 - Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [WLS 3213 and 4213] and/or related administrative guidelines, employees shall only engage in electronic communication with students via email, texting, or Social Media: 1) When such communication is directly related to curricular matters or co-curricular or extracurricular events or activities; and 2) With prior approval of the Superintendent or his/her designee.

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OFF-DUTY MISCONDUCT (CONT'D)

- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Electronic Mail/Text Messages Policies* (UEMTMPs) [WLS 0167.1 and 7540.05], *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [WLS 7540.01], *Web Content, Services, and Apps Policy* (WCSAP) [WLS 7540.02], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [WLS 7540.04], related administrative guidelines, [Resource 4.02](#), and/or [Form 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.
- Acts that may represent violations of [civil law](#) or [criminal law](#) are addressed elsewhere in the ECOC.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OFF-DUTY MISCONDUCT (CONT'D)

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

TOBACCO POLICY VIOLATION

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

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

- Federal Level:** *Pro-Children Acts of 1994* [20 USC §6081 et seq.; Public Law 103-227] and *2001* [20 USC §7181; Public Law 107-110]; 20 USC §7161; 20 USC §7184; *Food, Drug, and Cosmetic Act of 1938*, as amended [21 USC §321 et seq.]
- State Level:** ORC §3313.751; §3319.02; §3319.08; §3319.081; §3319.16; *Ohio Smoke-Free Workplace Act of 2006* [§3794.01 et seq.]
OAC 3301-35-02 through 301-35-06; 3301-83-20; 3701-52-01
- Licensure Code:** §6c-d
- Board Level:** WLS 0123; 2131; 2422; 3140; 3210; 3213; 3215; 4140; 4210; 4213; 4215; 5601; 7425; 7434; 9160
See also related administrative guidelines
- Agreement Level:** TAWLS Article 1 Section 2; Article 7 Section 18
OAPSE 279 Article 1 Section C; Article 12 Section F
- Handbook(s):** NONE

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

TOBACCO POLICY VIOLATION (CONT'D)

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

Initial Responsibility: BUILDING OR SITE LEVEL

Mandatory Reporting: NO

Initial Classification: [MINOR-2](#)

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

Commentary:

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OTHER POLICY VIOLATION

Definition: This ECOC violation means any conduct not specified elsewhere in this section of the ECOC: 1) That involves neglect or failure to follow a policy, rule, or procedure of the school or District; and 2) That is a matter of interest to the District only.

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

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

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

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

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

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

Licensure Code: VARIABLE

Board Level: Includes WLS 0123, 3140, 3210, 4140, 4210, and any Board level policies (non-criminal/non-civil) not otherwise specified

See also related administrative guidelines

Agreement Level: Includes TAWLS Article 1 Section 2, Article 7 Section 18, and any Agreement level provisions (non-criminal/non-civil) not otherwise specified

Includes OAPSE 279 Article 1 Section C, Article 12 Section F, 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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF POLICY ALONE (CONT'D)

OTHER POLICY VIOLATION (CONT'D)

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

Initial Responsibility: BUILDING OR SITE LEVEL

Mandatory Reporting: NO

Initial Classification: [MINOR-2](#)

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

Commentary:

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

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

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

BREACH OF CONFIDENTIALITY

Definition: This ECOC violation means any act, or failure to act: 1) That involves the inappropriate access, use, disclosure, misuse, lack of protection, or improper disposition of private, confidential, restricted, secure, or proprietary information, data, or records; and 2) That may be a matter of interest to an outside agency.

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

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

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

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

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

BREACH OF CONFIDENTIALITY (CONT'D)

OAC 3301-2-16

Licensure Code:

§5a-b

Board Level:

WLS 0123; 0148; 0149; 0164; 0166; 0167.1; 0169.2; 0171.1; 1110; 1130; 1231; 1240; 1240.01; 1330; 1422.02; 1461; 1530; 1619; 2110; 2260; 2260.01; 2411; 2413; 2416; 2460; 2461; 2464; 2605; 2623; 3113; 3120; 3120.04; 3122; 3122.01; 3122.02; 3140; 3160; 3161; 3170; 3210; 3213; 3220; 3223; 3231; 3362; 3419; 3430.01; 3900; 4113; 4120; 4120.04; 4120.05; 4122; 4122.01; 4122.02; 4140; 4160; 4161; 4162; 4170; 4210; 4213; 4362; 4419; 4430.01; 5111.03; 5130; 5136; 5310; 5320; 5330; 5336; 5420; 5420.01; 5500; 5501; 5516; 5517; 5517.01; 5540; 5600; 5605; 5610; 5610.01; 5610.02; 5610.03; 5610.04; 5610.05; 5630.01; 5721; 5722; 5780; 6110; 6423; 6520; 6605; 7530; 7530.01; 7540; 7540.01; 7540.02; 7540.03; 7540.04; 7540.05; 8300; 8305; 8310; 8320; 8330; 8340; 8350; 8410; 8453; 8453.01; 8462; 8500; 8510; 8531; 9120; 9130; 9160; 9700

See also related administrative guidelines

Agreement Level:

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

Handbook(s):

SAAWLS Handbook Article 2 Section 7

NBCE Handbook Section 1

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

Initial Responsibility:

DISTRICT LEVEL

Mandatory Reporting:

YES

Initial Classification:

[MODERATE](#)

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

BREACH OF CONFIDENTIALITY (CONT'D)

Commentary:

- Consistent with IDEA Part B, all employees collecting or using PII must receive training or instruction regarding state confidentiality policies and procedures under IDEA Part B and FERPA. Additionally, the District must maintain, for public inspection, a current listing of the names and positions of employees who may have access to PII [34 CFR §300.623].
- Access to District personnel and student records shall be subject to the Board policy and applicable federal and state law [WLS 0149].
- Consistent 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; 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; and 3) Employees are prohibited from electronically transmitting any personally identifiable image of students, including video, photographs, streaming video, etc. via email, text message, or through the use of Social Media, unless such transmission has been made as part of a pre-approved curricular matter, co-curricular event, or extracurricular activity (e.g., a school-sponsored publication or production) in accordance with WLS 5722.
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Electronic Mail/Text Messages Policies* (UEMTMPs) [WLS 0167.1 and 7540.05], *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [WLS 7540.01], *Web Content, Services, and Apps Policy* (WCSAP) [WLS 7540.02], *Student Education Technology Acceptable Use and Safety Policy* (SETAUSP) [WLS 7540.03], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [WLS 7540.04], *Information Security Policy* (ISP) [WLS 8305], related administrative guidelines, [Resource 4.02](#), and/or [Form 4.01](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this ECOC violation: 1) Must be reported to the Superintendent or his/her designee; and 2) Will be investigated and resolved in accordance with Board policy. In all cases, a "Reasonable Person Standard" should be used to establish this ECOC violation; however, the following are not required for establishing or verifying this ECOC violation: 1) The filing of an actionable civil complaint with an outside agency; 2) Evidence of intentionality; or 3) Evidence of an actual injury to a student, Employee, or the interests of the District.
- Consistent with 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.
- Acts that may represent violations of [criminal law](#) are addressed elsewhere in the ECOC.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

BREACH OF CONFIDENTIALITY (CONT'D)

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

DISCRIMINATION

Definition:

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

Examples:

Include, but are not limited to, the following:

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

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

Federal Level:

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

DISCRIMINATION (CONT'D)

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

State Level:

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

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

Licensure Code:

§1c; §1f-g; §2d-e; §5b

Board Level:

WLS 0100; 0123; 0167.1; 0171.1; 1231; 1400; 1422.02; 1461; 2105; 2110; 2131; 2240; 2260; 2260.01; 2261; 2261.01; 2412; 2413; 2460; 2461; 2464; 2510; 2520; 3111; 3120; 3120.04; 3122; 3122.01; 3122.02; 3140; 3160; 3161; 3170; 3210; 3213; 3231; 3362; 3362.01; 3430.01; 3900; 4111; 4120; 4120.04; 4120.05; 4122; 4122.01; 4122.02; 4140; 4160; 4161; 4162; 4170; 4210; 4213; 4362; 4362.01; 4430.01; 5500; 5501; 5111; 5111.01; 5113; 5113.01; 5120; 5336; 5410; 5430; 5430.01; 5463; 5516; 5517; 5517.01; 5540; 5600; 5605; 5610; 5610.01; 5610.02; 5610.03; 5610.04; 5610.05; 5722; 5751; 5840; 6110; 6152.01; 7510; 7530; 7530.01; 7540; 7540.01; 7540.02; 7540.03; 7540.04; 7540.05; 8600; 8800; 9130; 9160; 9210; 9270; 9500; 9700

See also related administrative guidelines

Agreement Level:

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

Handbook(s):

SAAWLS Handbook Article 1 Section 1; Article 1 Section 2

NBCE Handbook 1

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

DISCRIMINATION (CONT'D)

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

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: YES

Initial Classification: [MODERATE](#)

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

Commentary:

- Consistent with the Board *Non-Discrimination and Equal Employment Opportunity Policies* (NDEEOPs) [CHUH 3120 and 4122] and/or related administrative guidelines, the District's Notice of Non-Discrimination is to be disseminated at least annually to employees.
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Electronic Mail/Text Messages Policies* (UEMTMPs) [WLS 0167.1 and 7540.05], *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [WLS 7540.01], *Web Content, Services, and Apps Policy* (WCSAP) [WLS 7540.02], *Student Education Technology Acceptable Use and Safety Policy* (SETAUSP) [WLS 7540.03], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [WLS 7540.04], related administrative guidelines, [Resource 4.02](#), and/or [Form 4.01](#).
- 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 typically not required for establishing or verifying this ECOC violation: 1) The filing of an actionable civil complaint with an outside agency; 2) Evidence of intentionality; or 3) Evidence of an actual injury to the complainant.
- Acts that may represent violations of [criminal law](#) are addressed elsewhere in the ECOC.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

DISCRIMINATION (CONT'D)

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

SEXUAL HARASSMENT

Definition:

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

Examples:

Include, but are not limited to, the following:

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

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

Federal Level:

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

State Level:

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

SEXUAL HARASSMENT (CONT'D)

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

Licensure Code: §2d-e; §5b

Board Level: WLS 0123; 0167.1; 2105; 2110; 2131; 3140; 3210; 3213; 3362; 3362.01; 3900; 4140; 4210; 4213; 4362; 4362.01; 5517; 5517.01; 5722; 7530; 7530.01; 7540; 7540.01; 7540.03; 7540.04; 7540.05; 9130
See also related administrative guidelines

Agreement Level: TAWLS Article 1 Section 2; Article 6 Section 1; Article 6 Section 3; Article 7 Section 1; Article 7 Section 18
OAPSE 279 Article 1 Section C; Article 7 Section A; Article 7 Section C; Article 12 Section F

Handbook(s): NONE

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

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: YES

Initial Classification: [MODERATE](#)

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

Commentary:

- Consistent 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.
- Sexual harassment will not be condoned in our District [TAWLS Article 7 Section 1]. Board employees who engage in this type of conduct toward fellow employees or students may be subject to disciplinary action, which may include Dismissal [TAWLS Article 7 Section 1].
- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Electronic Mail/Text Messages Policies* (UEMTMPs) [WLS 0167.1 and 7540.05], *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [WLS 7540.01], *Student Education Technology Acceptable Use and Safety Policy* (SETAUSP) [WLS 7540.03], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [WLS 7540.04], related administrative guidelines, [Resource 4.02](#), and/or [Form 4.01](#).
- 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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

SEXUAL HARASSMENT (CONT'D)

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 typically not required for establishing or verifying this ECOC violation: 1) The filing of an actionable civil complaint with an outside agency; 2) Evidence of intentionality; or 3) Evidence of an actual injury to the complainant.

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

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SEXUAL HARASSMENT (CONT'D)

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

OTHER CIVIL VIOLATION

Definition:

This ECOC violation means any act, or failure to act, not specified elsewhere in this section of the ECOC: 1) That negatively impact(s) the work or learning environment, or the rights of one or more students, employees, or other parties; and 2) That may be a matter of interest to an outside agency.

Examples:

Include, but are not limited to, the following:

- Disregarding established student search procedures.
- Endangering students, staff, or the interests of the District.
- Failing to take reasonable action to protect students, other employees, or the interests of the District.
- Creating, contributing to, or failing to address a hostile environment (e.g., bullying, harassing, or intimidating behavior) in a manner that has neither a discriminatory nor a sexually harassing effect in the Workplace, on Social Media, or elsewhere.
- Engaging in an act of retaliation prohibited under federal, state, or local civil statute.
- Taking, neglecting to take, or refusing to take, any action that results in the unreasonable denial of an individual's right under law.
- Copying software purchased by the District for personal use.
- Using a technological resource in a manner that violates federal or state law relating to copyrights, trademarks, or public records (e.g., failing to acquire the permission of a copyright owner prior to copying copyrighted material, unless "fair use" conditions are met).
- Restricting student access to ideas, perspectives, or viewpoints motivated solely by personal disapproval of such.
- Taking action in violation of an active Agreement.
- Taking, or neglecting to take, any other action that exposes the District to civil liability.

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

Federal Level:

Includes U.S. Constitution Amendments I, IV, V, VI and XIV, 5 USC §552b, *Asbestos Hazard Emergency Response Act* [AHERA; 15 USC §2641 et seq.; 40 CFR §763.80 et seq.], 17 USC §101 et seq., *Protection of Elementary and Secondary Education Act of 1965*, as amended (*Every Student Succeeds Act of 2015*) [20 USC §6301 et seq.; Public Laws 17-110 and 114-95], *National Labor Relations Act* [NLRA; 29 USC §151-169], *Fair Labor Standards Act of 1938* [FLSA; 29 USC §201 et seq.] as amended, 29 USC §660, *Occupational Safety & Health Act of 1970* [OSHA; 29 USC §651 et seq.; Public Law 91-596; 29 CFR §1910.1 et seq.], 36 USC §101 et seq., *National School Lunch Act of 1946*, as amended [42 USC §1751 et seq.; 7 CFR §210.1 et seq.], *Healthy, Hunger-Free Kids Act of 2010* [Reauthorization of the *Child Nutrition Act of 1966*; 42 USC §1771 et seq.; Public Law 111-296], 49 USC §30125 and §30165, 34 CFR §200.55 et seq., and any federal level statutes or implementing regulations (civil) not otherwise specified

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

OTHER CIVIL VIOLATION (CONT'D)

State Level:

Includes ORC §9.40 to §9.45, §9.80, §9.81, §9.83, §9.90, §9.91, §109.65, §117.53, §121.22, §124.12, §124.15, §124.152, §124.18, §124.27, §124.271, §124.30, §124.31, §124.32, §124.321 to §124.328, §124.33, §124.34, §124.341, §124.39, §124.56, §124.57, §124.60, §124.61, §124.62, §124.64, §124.81, §124.82, §131.18, §135.01 et seq., §148.01, §148.04, §1347.01 et seq., §2152.18, §2305.23, §2305.235, §2307.44, §2744.01 et seq., §2901.30, §2921.45, §2923.1210, §3311.80, §3311.81, §3311.82, §3311.84, §3313.20(A)(B), §3313.202, §3313.48, §3313.51, §3313.64, §3313.71 et seq., §3313.814, §3315.062, §3315.08, §3317.01 et seq., §3319.02, §3319.04, §3319.08, §3319.081, §3319.11, §3319.111, §3319.112, §3319.113, §3319.114, §3319.16, §3319.17, §3319.171, §3319.172, §3319.311, §3319.33, §3319.35, §3321.01 et seq., §3323.01 et seq., §3327.09, §3365.01 et seq., §3917.01 et seq., §4101.11-12, §4112.01 et seq., §4113.06, §4113.51, §4113.52, §4117.01 et seq., §4511.76, §5705.01 et seq., and any state level statutes (civil) not otherwise specified

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

Licensure Code:

VARIABLE

Board Level:

Includes WLS 0118, 0123, 0164, 0166, 0167.1, 0169.2, 0171.1, 1220, 1231, 1310, 1461, 1520, 1530, 1540, 1619, 1619.03, 2105, 2110, 2131, 2210, 2220, 2240, 2250, 2260, 2260.01, 2261, 2261.01, 2261.03, 2271, 2340, 2370, 2411, 2412, 2413, 2414, 2416, 2430, 2430.02, 2431, 2451, 2460, 2461, 2464, 2510, 2520, 2531, 2623, 2623.02, 3111, 3120, 3120.04, 3122, 3140, 3160, 3161, 3210, 3213, 3220, 3223, 3231, 3362, 3362.01, 3419, 3419.03, , 3531, 3900, 4111, 4120, 4120.04, 4120.05, 4122, 4124, 4140, 4160, 4161, 4210, 4213, 4362, 4362.01, 4419, 4419.03, 4531, 5111, 5111.01, 5111.03, 5112, 5113, 5113.01, 5120, 5130, 5136, 5200, 5205, 5215, 5230, 5310, 5320, 5330, 5336, 5341, 5410, 5421, 5460, 5463, 5500, 5501, 5511, 5514, 5515, 5516, 5517, 5517.01, 5520, 5530, 5540, 5560, 5600, 5601, 5605, 5610, 5610.01, 5610.02, 5610.03, 5610.04, 5610.05, 5611, 5630.01, 5722, 5724, 5751, 5771, 5780, 5820, 5830, 5840, 5855, 6110, 6111, 6112, 6114, 6116, 6144, 6150, 6151, 6152, 6152.01, 6185, 6190, 6325, 6460, 6510, 6520, 6530, 6605, 6700, 7100, 7230, 7240, 7410, 7420, 7425, 7430, 7430.01, 7440, 7510, 7530, 7530.01, 7540, 7540.01, 7540.02, 7540.03, 7540.04, 7540.05, 8300, 8305, 8310, 8320, 8330, 8340, 8350, 8410, 8431, 8442, 8450, 8452, 8453, 8453.01, 8500, 8531, 8540, 8550, 8600, 8640, 8651, 8660, 8710, 8740, 8800, 9130, 9150, 9160, 9190, 9210, 9270, 9500, 9700, and any Board level policies (civil) not otherwise specified

See also related administrative guidelines

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POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

OTHER CIVIL VIOLATION (CONT'D)

Agreement Level: Includes TAWLS Article 1 Section 1 et seq. and any Agreement level provisions (civil) not otherwise specified

Includes OAPSE 279 Article 1 Section A et seq. and any Agreement level provisions (civil) not otherwise specified

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

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

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: YES

Initial Classification: [MODERATE](#)

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

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].
- Consistent 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.
- Consistent 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.
- Consistent 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 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 guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Use of Electronic Mail/Text Messages Policies* (UEMTMPs) [WLS 0167.1 and 7540.05], *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [WLS 7540.01], *Web Content, Services, and Apps Policy* (WCSAP) [WLS 7540.02], *Student Education Technology Acceptable Use and Safety Policy* (SETAUSP) [WLS 7540.03], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [WLS 7540.04], *Information Security*

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CIVIL STATUTE (CONT'D)

OTHER CIVIL VIOLATION (CONT'D)

- Policy* (ISP) [WLS 8305], related administrative guidelines, [Resource 4.02](#), and/or [Form 4.01](#).
- 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 typically not required for establishing or verifying this ECOC violation: 1) The filing of an actionable civil complaint with an outside agency; 2) Evidence of intentionality; or 3) Evidence of an actual injury to the complainant.
 - All incidents potentially involving other forms of this ECOC violation must be reported to the Superintendent or his/her designee.
 - Acts that may represent violations of [criminal law](#) are addressed elsewhere in the ECOC.
 - For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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

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

ALCOHOL OR DRUG POLICY VIOLATION

- Definition:** This ECOC violation means any conduct that violates one or more of the Board *Alcohol, Drug, or Intoxicant Policies* (ADIPs); and 2) That may be a matter of interest to a law enforcement agency.
- Examples:** Include, but are not limited to, the following:
- Possessing, using, selling, distributing, dispensing, or manufacturing Alcohol, or engaging in the illegal possession, use, sale, distribution, dispensing, or manufacture of drugs: 1) While on Duty; 2) While in the Workplace; 3) While operating a Board-owned or Board-operated vehicle; or 4) While performing a Safety-Sensitive Function [WLS 3122.01 and 4122.01].
 - Performing a Safety-Sensitive Function or operating a Board-owned or Board-operated vehicle: 1) After using Alcohol; or 2) After using an Illegal Drug [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].
 - Neglecting to report to the Superintendent or his/her designee prescribed medical treatment with any drug or Controlled Substance that may impair the Employee's physical or mental ability, or failing to provide written doctor's approval of such when requested to do so [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 in excess of the state limit (or a blood or urine test corresponding to such); or 3) While testing positive for using a prohibited drug [WLS 4162].
 - Refusing to submit to Alcohol and/or drug testing when required [WLS 4162].
 - Altering, attempting to alter, or unduly influencing Alcohol and/or drug testing results [WLS 4162].
 - Failing to remain readily available for post-accident testing (e.g., leaving the scene of an accident prior to the submission of a post-accident test, except when emergency care is needed, or failing to

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

ALCOHOL OR DRUG POLICY VIOLATION (CONT'D)

- notify one's Supervisor of his or her location) [WLS 4162].
- Failing to enroll, when requested by the Board, in an Alcohol or drug treatment or counseling program, or failing to adhere to the requirements of such a program [WLS 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 law 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].

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

Federal Level: 18 USC §341 et seq.; *Drug-Free Schools and Communities Act Amendments of 1989* [20 USC §1145g; 34 CFR §86.1 et seq.]; 20 USC §7101 et seq.; 20 USC §7912; 34 CFR §200.44; *Comprehensive Drug Abuse Prevention and Control Act of 1970* ["Controlled Substances Act" or "CSA"; 21 USC §801 et seq.; 21 CFR §1300.01 et seq.]; *Mental Health Parity and Addiction Equity Act of 2008* ["MHPAEA"; 29 USC §1185a]; *Drug Free Workplace Act of 1988* [41 USC §8101 et seq.; 34 CFR §84.100 et seq.; Public Law 100-690]; 42 USC §1996 and §1996a; 42 USC §12644; 42 USC §12645g; *Omnibus Transportation Employee Testing Act of 1991* [49 USC §31301 et seq.; 49 CFR §382.01 et seq.]; 49 CFR §40.1 et seq.

State Level: ORC §109.572; §124.88; §2744.01 et seq.; §2921.36; §2925.01 et seq.; §3319.02; §3319.08; §3319.081; §3319.101; §3319.16; §3319.20; §3319.313(F); §3319.39; §3319.391; §3327.10; §3793.01 et seq.; §4301.01; §4399.02 et seq.; §4511.19; §4729.01 et seq.
OAC 3301-20-01 et seq.; 3301-27-01; 3301-35-04; 3301-35-06; 3301-83-07; 3301-83-20; 3301-83-23

Licensure Code: §1b; §1d; §1f; §4a; §6a-e

Board Level: WLS 0123; 1220; 1240.01; 1310; 1400; 1520; 2131; 3120; 3120.04; 3120.07; 3120.08; 3121; 3122.01; 3140; 3160; 3161; 3170; 3210; 3213; 4120; 4120.04; 4120.05; 4121; 4122.01; 4140; 4160; 4161; 4162; 4170; 4210; 4213; 5530; 5601; 6460; 6510; 6680; 8320; 8442; 8600; 8600.04; 9130; 9160

See also related administrative guidelines

Agreement Level: 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

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

ALCOHOL OR DRUG POLICY VIOLATION (CONT'D)

Section F; Article 13 Section B; Article 14 Section G

Handbook(s): NONE

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

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: VARIABLE

Initial Classification: [MAJOR](#)

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

Commentary:

- Consistent 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 Policies* (CHTPs) [WLS 4162], related administrative guidelines, [Resource 4.03](#), and/or the Agreement.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this ECOC violation: 1) Must be reported to the Superintendent or his/her designee; and 2) Must be reported to the appropriate outside agency (e.g. law enforcement, social services, and/or the State Board/State Department) by the Superintendent or his/her designee where mandated.
- Some examples of this ECOC violation may be incompatible with initial or continued employment by the District; for management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

ALCOHOL OR DRUG POLICY VIOLATION (CONT'D)

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

COMMISSION OF A SEX OFFENSE

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

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

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

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

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

State Level: ORC §109.572; §124.34; §2744.01 et seq.; §2907.01; §2907.08; §2907.09; §2907.40; §2950.01 et seq.; §3301.074; §3314.41; §3319.02; §3319.08; §3319.081; §3319.088; §3319.101; §3319.16; §3319.20; §3319.291-292; §3319.303; §3319.31; §3319.313(F); §3319.39; §3319.391 and §3319.392; §3327.10; §3716.11; §3797.01 et seq.
OAC 3301-20-01 et seq. et seq.; OAC 3301-20-01 et seq.; 3301-27-01; 3301-35-04; 3301-35-06; §3301-83-23

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

Board Level: WLS 0123; 1220; 1240.01; 1310; 1520; 2105; 3120; 3120.04; 3120.07; 3120.08; 3121; 3140; 3210; 3213; 3362; 3362.01; 3900; 4120; 4120.04; 4120.05; 4121; 4140; 4210; 4213; 4362; 4362.01; 6460; 7530; 7540; 7540.01; 7540.04; 8320; 8600.04; 9130

See also related administrative guidelines

Agreement Level: TAWLS Article 1 Section 2; Article 5 Section 13; Article 7 Section 18
OAPSE 279 Article 1 Section C; Article 12 Section F

Handbook(s): NONE

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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 are not limited to, the following:

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: YES

Initial Classification: [EXTREME](#)

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

Commentary:

- Consistent 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 *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [RLS 7540.01], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [WLS 7540.04], related administrative guidelines, [Resource 4.02](#), and/or [Form 4.01](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this ECOC violation: 1) Must be reported to the Superintendent or his/her designee; and 2) Must be reported to the appropriate outside agency (e.g. law enforcement, social services, and/or the State Board/State Department) by the Superintendent or his/her designee where mandated.
- Most examples of this ECOC violation are incompatible with initial or continued employment by the District; for management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

DISHONESTY (CRIMINAL)

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

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

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

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

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

State Level: ORC §9.10; §9.11; §9.12; §9.25; §9.30; §9.31; §9.311; §9.312; §9.314; §102.06; §117.01 et seq.; §124.341; §124.59; §125.04; §135.01 et seq.; §153.12; §153.54; §167.01 et seq.; §2151.421; §2903.15; §2921.12; §2921.14 and §2921.15; §2921.22; §2921.42 and §2921.43; §3315.01 et seq.; §3319.02; §3319.08; §3319.081; §3319.101; §3319.16; §3319.073; §3319.20; §3319.313(F); §3319.39; §3319.45; §4113.51; §4113.52; §4115.04; §4115.32 et seq.; §4116.02; §4116.03; §5705.01 et seq.

OAC 3301-20-01 et seq.; 3301-27-01; 3301-57-01

Licensure Code: §1b; §1d-f

Board Level: WLS 0123; 0141.2; 0175.1; 1130; 1220; 1240.01; 1310; 1520; 2110; 3113; 3120; 3120.04; 3120.07; 3120.08; 3121; 3140; 3210; 3213; 3214; 3217; 3362; 4113; 4120; 4120.04; 4120.05; 4121; 4140; 4210; 4213; 4214; 4217; 4362; 5516; 5517; 5517.01; 6111; 6112; 6114; 6210; 6320; 6325; 6423; 6440; 6460; 6510; 6605; 6610; 6625; 6660; 6670; 7217; 7240; 7450; 7455; 8320; 8462; 8410; 8600.04; 8900; 9130

See also related administrative guidelines

Agreement Level: 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

Handbook(s): SAAWLS Handbook Article 3 Section 6

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

DISHONESTY (CRIMINAL) (CONT'D)

NBCE Handbook Section 2

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

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: YES

Initial Classification: [MAJOR](#)

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

Commentary:

- Consistent with ORC §4113.52: 1) To report suspected fraud or fraudulent activity, an Employee may file a report using the Auditor of State's system either in addition to or instead of filing a written report with his or her Supervisor or other District authority; and 2) An Employee is subject to disciplinary action, up to and including Termination, if he or she is aware of a violation of federal, state, or local law that the Board has the authority to correct and he or she does not make a written report to his or her Immediate Supervisor.
- Consistent with the Board *Student Supervision and Welfare Policies* (SSWPs) [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.
- Consistent 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 eighteen (18) years of age or a physically or mentally disabled child under twenty-one (21) years of age has been abused (physically or mentally), neglected, or faces the threat of such; and 2) Each Employee shall make such report to the proper legal authorities immediately pursuant with state laws and those policies.
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this ECOC violation: 1) Must be reported to the Superintendent or his/her designee; and 2) Must be reported to the appropriate outside agency (e.g. law enforcement, social services, and/or the State Board/State Department) by the Superintendent or his/her designee where mandated.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

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 disbursal of funds in a manner prohibited by federal, state, or local criminal law.

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

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

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

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

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

Board Level: WLS 0123; 1220; 1240.01; 1310; 1520; 2110; 3120; 3120.04; 3120.07; 3120.08; 3121; 3140; 3210; 4120; 4120.04; 4120.05; 4121; 4140; 4210; 6105; 6111; 6112; 6116; 6210; 6423; 6440; 6460; 6510; 6610; 6625; 6660; 6670; 7455; 8320; 8600.04; 8900; 9130

See also related administrative guidelines

Agreement Level: 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

Handbook(s): SAAWLS Handbook Article 3 Section 6

NBCE Handbook Section 2

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

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

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

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: YES

Initial Classification: [MAJOR](#)

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

Commentary:

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

INAPPROPRIATE, ABUSIVE, OR OFFENSIVE CONDUCT (CRIMINAL)

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

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

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

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

Federal Level: 18 USC §111 et seq.; 18 USC §241 et seq.; 18 USC §592 et seq.; 18 USC §1513; 18 USC §2231 et seq.; 18 USC §2261; 20 USC §7912; 34 CFR §200.44; 42 USC §12645g

State Level: ORC §109.572; §111.99; §117.53; §124.341; §2151.87; §2307.44; §2744.01 et seq.; §2903.13 and §2903.14; §2903.16; §2903.21 and §2903.211; §2903.22; §2903.31 through §2903.341; §2905.03; §2905.11 and §2905.12; §2905.21 through §2905.24; §2905.32 and §2905.33; §2909.01 et seq.; §2915.01 et seq.; §2919.01 et seq.; §2921.24; §2921.45; §2927.02; §2927.03; §2927.12; §3316.19; §3319.02; §3319.08; §3319.081; §3319.088; §3319.101; §3319.16; §3319.20; §3319.291-292; §3319.303; §3319.31; §3319.313(F); §3319.39; §3319.391 and §3319.392; §3319.41; §3734.11; §3761.01 et seq.; §4112.01 et seq.; §4113.18; §4115.10; §4511.20; §4511.33; §4511.34; §4511.204; §4511.76; §5705.41; §5705.412; §5705.45
OAC 3301-20-01 et seq.; 3301-27-01; 3301-32-09; 3301-35-04; 3301-35-06; 3301-37-10; 3301-83-12; 3301-83-23

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

Board Level: WLS 0123; 1220; 1240.01; 1310; 1520; 3120; 3120.04; 3120.07; 3120.08; 3121; 3140; 3210; 3362; 3362.01; 4120; 4120.04; 4120.05; 4121; 4140; 4210; 4362; 4362.01; 5516; 5517; 5517.01; 5600; 5630; 6460; 7530.01; 8320; 8462; 8600.04; 9130
See also related administrative guidelines

Agreement Level: TAWLS Article 1 Section 2; Article 5 Section 13; Article 7 Section 18
OAPSE 279 Article 1 Section C; Article 12 Section F

Handbook(s): NONE

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

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

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

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: YES

Initial Classification: [MAJOR](#)

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

Commentary:

- Consistent 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 the State Board/State Department) by the Superintendent or his/her designee where mandated.
- Some examples of this ECOC violation may be incompatible with initial or continued employment by the District; for management guidelines, see [Other Criminal Violation \(Disqualifying\)](#).
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

THEFT, ABUSE, OR UNAUTHORIZED USE OF PROPERTY

Definition: This ECOC violation means any conduct: 1) That involves the stealing, wrongful appropriation, improper diversion, misuse, or destruction of property belonging to the Board, an Employee, a student, or other party; and 2) That may be a matter of interest to a law enforcement agency.

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

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

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

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

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

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

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

Board Level: WLS 0123; 1130; 1220; 1240.01; 1310; 1520; 2110; 3113; 3120; 3120.04; 3120.07; 3120.08; 3121; 3140; 3210; 3900; 4113; 4120; 4120.04; 4120.05; 4121; 4140; 4210; 5514; 6111; 6112; 6114; 6423; 6460; 6510; 6610; 6625; 6660; 6670; 7300; 7310; 7440; 7450; 7455; 7510; 7530; 7530.01; 7540; 7540.04; 8305; 8320; 8600.04; 8710; 8740; 8900; 9130; 9190

See also related administrative guidelines

Agreement Level: 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

Handbook(s): SAAWLS Handbook Article 3 Section 6

NBCE Handbook Section 2

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

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

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

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: YES

Initial Classification: [MAJOR](#)

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

Commentary:

- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [WLS 7540.04], related administrative guidelines, [Resource 4.02](#), and/or [Form 4.01](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this ECOC violation: 1) Must be reported to the Superintendent or his/her designee; and 2) Must be reported to the appropriate outside agency (e.g. law enforcement, social services, and/or the State Board/State Department) by the Superintendent or his/her designee where mandated.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

WEAPONS POLICY VIOLATION

Definition:	This ECOC violation means any conduct that violates one or more of the Board <i>Weapons Policies</i> (WPs); and 2) That may be a matter of interest to a law enforcement agency.
Examples:	<p>Include, but are not limited to, the following:</p> <ul style="list-style-type: none">• Possessing, storing, making, or using a Weapon, including a concealed Weapon, in a school safety zone [WLS 3217 and 4217].• Possessing, storing, making, or using a Weapon, including a concealed Weapon, in any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board (including, but not limited to, property leased, owned, or contracted for by the Board, school-sponsored events, or in Board-owned vehicles [WLS 3217 and 4217].
Related alignments include, but are not limited to, the following:	
Federal Level:	18 USC §175 et seq.; 18 USC §229 et seq.; 18 USC §831 et seq.; 18 USC §841 et seq.; <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; <i>Gun Free Schools Act</i> [20 USC §7151 and §7961]; 42 USC §12645g; 27 CFR §447.1 et seq.; 34 CFR §200.44
State Level:	<p>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</p> <p>OAC 3301-20-01 et seq.; 3301-27-01; 3301-83-20; 3301-83-23</p>
Licensure Code:	§1b; §1d-f; §4b; §4d
Board Level:	<p>WLS 0123; 1220; 1240.01; 1310; 1520; 3120; 3120.04; 3120.07; 3120.08; 3121; 3140; 3210; 3217; 4120; 4120.04; 4120.05; 4121; 4140; 4210; 4217; 5601; 5772; 6460; 7217; 8320; 8600.04; 9130</p> <p>See also related administrative guidelines</p>
Agreement Level:	<p>TAWLS Article 1 Section 2; Article 5 Section 13; Article 7 Section 1; Article 7 Section 18</p> <p>OAPSE 279 Article 1 Section C; Article 12 Section F</p>
Handbook(s):	NONE

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

WEAPONS POLICY VIOLATION (CONT'D)

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

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: YES

Initial Classification: [MAJOR](#)

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

Commentary:

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

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

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

WEAPONS POLICY VIOLATION (CONT'D)

disciplinary action, up to and including Termination, as permitted by Board policy and the Agreement.

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

WEAPONS POLICY VIOLATION (CONT'D)

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

OTHER CRIMINAL VIOLATION (NON-DISQUALIFYING)

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

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

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

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

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

State Level: Includes ORC §109.572; §124.36; §124.62, §2744.01 et seq.; §2903.041 through §2903.06, §2903.08 through §2903.09, §2909.01, §2909.03, §2909.21, §2909.29, §2911.10, §2911.12, §2911.21, §2911.32, §2917.04, §2917.11 through §2917.21, §2917.32, §2917.41, §2917.47, §2919.01 et seq., §2921.21, §2921.23, §2921.29, §2921.31 through §2921.331, §2921.35, §2921.51 and §2921.52, §2923.01 et seq., §2927.01, §2927.023, §2927.11, §2927.13, §2933.51, §3319.02, §3319.08, §3319.081, §3319.088, §3319.101, §3319.16, §3319.20, §3319.291-292, §3319.303, §3319.31, §3319.313(F), §3319.39, §3319.391 and §3319.392, §3716.01 et seq., §3737.62, §3751.01 et seq., §3767.14, §4117.23, and any state level statutes (criminal, but non-disqualifying) not otherwise specified

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

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

Board Level: Includes WLS 0123, 1220, 1240.01, 1310, 1520, 3120,

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

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

3120.04, 3120.07, 3120.08, 3121, 3140, 3210, 3362, 3362.01, 4120, 4120.04, 4120.05, 4121, 4140, 4210, 4362, 4362.01, 6460, 6510, 7530, 7540, 7540.01, 7540.04, 8320, 8600.04, 9130, and any Board level policies (criminal, but non-disqualifying) not otherwise specified

See also related administrative guidelines

Agreement Level:

Includes TAWLS Article 1 Section 2, Article 5 Section 13 and Article 7 Section 18, and any Agreement level provisions (criminal, but non-disqualifying) not otherwise specified

Includes OAPSE 279 Article 1 Section C, Article 12 Section F, and any Agreement level provisions (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 are not 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 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th Occurrence
Mostly Mitigating	Official Reprimand	Suspension	Termination	Not Applicable
Relatively Equal	Suspension	Termination	Termination	Not Applicable
Mostly Aggravating	Termination	Termination	Termination	Not Applicable

Commentary:

- For guidance on avoiding technology-related instances of this ECOC violation, consult the Board *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [WLS 7540.01], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [WLS 7540.04], related administrative guidelines, [Resource 4.02](#), and/or [Form 4.01](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this ECOC violation: 1) Must be reported to the Superintendent or his/her designee; and 2) Must be reported to the appropriate outside agency (e.g. law enforcement, social services, and/or the State Board/State Department) by the Superintendent or his/her designee where mandated.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

OTHER CRIMINAL VIOLATION (DISQUALIFYING)

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

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

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

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

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

State Level: Includes ORC §109.572, §124.34, §2744.01 et seq., §2903.01 through §2903.04, §2903.11 and §2903.12, §2903.15, §2903.21, §2903.34, §2903.37, §2905.01 and §2905.02, §2905.05, §2905.11, §2907.02 through §2907.07, §2907.21 through §2907.25, §2907.31 through §2907.34, §2909.02, §2909.22 through 2909.24, §2911.01, §2911.02, §2911.10, §2911.11, §2911.211, §2913.44, §2917.01 through §2917.03, §2917.31, §2917.33, §2919.12 and §2919.13, §2921.02, §2921.03 through §2921.05, §2921.11, §2921.34, §2921.41, §2923.122 and §2923.123, §2923.161, §2923.17, §2923.21, §2925.02 through §2925.06, §2925.13, §2925.22 through §2925.24, §2925.32, §2925.36 and §2925.37, §2927.24, §3301.074, §3311.82, §3314.41, §3319.02, §3319.08, §3319.081, §3319.088, §3319.101, §3319.16, §3319.20, §3319.291-292, §3319.303, §3319.31(C), §3319.313(F), §3319.39, §3319.391 and §3319.392, §3319.52, §3327.10, §3716.11, §3797.01 et seq. and any state level statutes (criminal and disqualifying) not otherwise specified

Includes OAC 3301-20-01 et seq., 3301-27-01, 3301-83-23, and any state level implementing regulations (criminal and disqualifying) not otherwise specified

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

Board Level: Includes WLS 0123, 1220, 1240.01, 1310, 1520, 3120, 3120.04, 3120.07, 3120.08, 3121, 3140, 3210, 3213, 3362, 3900, 4120, 4120.04, 4120.05, 4121, 4140, 4162, 4205, 4210, 4213, 4362,

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

OTHER CRIMINAL VIOLATION (DISQUALIFYING) (CONT'D)

6460, 7530, 7540, 7540.01, 7540.04, 8320, 8462, 8600.04, 9130, and any Board level policies (criminal and disqualifying) not otherwise specified

See also related administrative guidelines

Agreement Level:

Includes TAWLS Article 1 Section 2, Article 5 Section 13 and Article 7 Section 18, and any Agreement level provisions (criminal and disqualifying) not otherwise specified

Includes OAPSE 279 Article 1 Section C, Article 12 Section F, and any Agreement level provisions (criminal and disqualifying) not otherwise specified

Handbook(s):

Includes any handbook stipulations (criminal and disqualifying) not otherwise specified

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

Initial Responsibility: DISTRICT LEVEL

Mandatory Reporting: YES

Initial Classification: [EXTREME](#)

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

Commentary:

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

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

OTHER CRIMINAL VIOLATION (DISQUALIFYING) (CONT'D)

§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 *Computer Technology and Networks Policy* (CTNP) [WLS 7540], *Technology Privacy Policy* (TPP) [WLS 7540.01], *Employee Education Technology Acceptable Use and Safety Policy* (EETAUSP) [WLS 7540.04], related administrative guidelines, [Resource 4.02](#), and/or [Form 4.01](#).
- For additional information and examples, consult: 1) Your Supervisor; or 2) HR.
- All incidents potentially involving this ECOC violation: 1) Must be reported to the Superintendent or his/her designee; and 2) Must be reported to the appropriate outside agency (e.g. law enforcement, social services, and/or the State Board/State Department) by the Superintendent or his/her designee where mandated.
- For state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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4.0 ECOC VIOLATIONS (CONT'D)

POTENTIAL VIOLATIONS OF CRIMINAL LAW (CONT'D)

OTHER CRIMINAL VIOLATION (DISQUALIFYING) (CONT'D)

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5.0 PROCEDURES FOR INFORMAL ACTIONS AKNOWLEDGED ORAL WARNINGS

An Employee facing this action will receive the following:

Professional Staff Member

- An informal meeting with his or her Supervisor in a private location.
- The option of association representation, 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 union 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 specifying: 1) The incident(s) upon which the action was based; 2) The violated statute and/or policy; 3) The action taken to address the incident(s); 4) Expectations for correction, if any; 5) Notice that repeat offenses may result in more severe disciplinary action; 6) Disclosure of any and all remedies available; and 7) A disposition disclosure.

Support Staff Member

- An informal meeting with his or her Supervisor in a private location.
- The option of association representation, 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 if requested [OAPSE 279 Article 12 Section F(1b) and Article 12 Section F(6)]; however, the availability of the union 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 specifying: 1) The incident(s) upon which the action was based; 2) The violated statute and/or policy; 3) The action taken to address the incident(s); 4) Expectations for correction, if any; 5) Notice that repeat offenses may result in more severe disciplinary action; 6) Disclosure of any and all remedies available; and 7) A disposition disclosure.

Workflows for this type of Informal Action are as follows:

Professional Staff Member

- **Before action.** The 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 3.03](#) and [Form 3.05](#)). If requested by the Teacher not later than one (1) day following an excepted 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

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

conference or meeting (see Resource 3.02) [TAWLS Article 6 Section 10].

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 to deliver the action (see [Form 3.04](#) and [Form 3.05](#)).
- State his or her reason(s) for proceeding with the action, referencing any [aggravating and/or mitigating factors](#) considered prior to the decision [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/initialed 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 3 and Article 7 Section 18].
- Retain the executed action in the Supervisor File (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 3.03](#) and [Form 3.05](#)). 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. 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 to deliver the action (see [Form 3.04](#) and [Form 3.05](#)).
- State his or her reason(s) for proceeding with the action, referencing any [aggravating and/or mitigating factors](#) considered prior to the decision.
- Present the Employee with the documentation of the action (see [Form 5.01](#)).
- Review the documentation with the Employee.

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

- Request signed/initialed 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 [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 [OAPSE 279 Article 5 and Article 12 Section F(2)].
 - Retain the executed action in the Supervisor File (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 defined Grievance Procedure [ORC §4117.03(A)(5); TAWLS Article 3 and Article 7 Section 18] if the complaint falls within the definition of a Grievance.

NOTE: Disciplinary action taken by the Employer may be contested under the Grievance Procedure [TAWLS Article 7 Section 18].

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

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration and/or removal of action.** See [Section 8.0](#).

Support Staff Member

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.03(A)(5); OAPSE 279 Article 5 and Article 12 Section F(2)], if the complaint falls within the definition of a Grievance.

NOTE: Disciplinary action taken by the Employer may be contested under the Grievance Procedure [OAPSE 279 Article 5 and Article 12 Section F(2)].

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

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration and/or removal of action.** See [Section 8.0](#).

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

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

An Employee facing this action will receive the following:

Professional Staff Member

- An informal meeting with his or her Supervisor in a private location.
- The option of association representation, 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 union 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 specifying: 1) The incident(s) upon which the action was based; 2) The violated statute and/or policy; 3) The action taken to address the incident(s); 4) Expectations for correction, if any; 5) Notice that repeat offenses may result in more severe disciplinary action; 6) Disclosure of any and all remedies available; and 7) A disposition disclosure.

Support Staff Member

- An informal meeting with his or her Supervisor in a private location.
- The option of association representation, 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 if requested [OAPSE 279 Article 12 Section F(1b) and Article 12 Section F(6)]; however, the availability of the union 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 specifying: 1) The incident(s) upon which the action was based; 2) The violated statute and/or policy; 3) The action taken to address the incident(s); 4) Expectations for correction, if any; 5) Notice that repeat offenses may result in more severe disciplinary action; 6) Disclosure of any and all remedies available; and 7) A disposition disclosure.

Workflows for this type of Informal Action are as follows:

Professional Staff Member

- **Before action.** The 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 3.03](#) and [Form 3.05](#)). If requested by the Teacher not later than one (1) day following an excepted 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

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

conference or meeting (see Resource 3.02) [TAWLS Article 6 Section 10].

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 to deliver the action (see [Form 3.04](#) and [Form 3.05](#)).
- State his or her reason(s) for proceeding with the action, referencing any [aggravating and/or mitigating factors](#) considered prior to the decision [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/initialed 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 3 and Article 7 Section 18].
- Retain the executed action in the Supervisor File (see [Section 8.0](#)).

[Support Staff Member](#)

- **Before action.** The Supervisor will complete an informal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant 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 3.03](#) and [Form 3.05](#)). 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. 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 to deliver the action (see [Form 3.04](#) and [Form 3.05](#)).
- State his or her reason(s) for proceeding with the action, referencing any [aggravating and/or mitigating factors](#) considered prior to the decision.
- Present the Employee with the documentation of the action (see [Form 5.02](#)).
- Review the documentation with the Employee.

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

- Request signed/initialed 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 [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 [OAPSE 279 Article 5 and Article 12 Section F(2)].
 - Retain the executed action in the Supervisor File (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 defined Grievance Procedure [ORC §4117.03(A)(5); TAWLS Article 3 and Article 7 Section 18] if the complaint falls within the definition of a Grievance.

NOTE: Disciplinary action taken by the Employer may be contested under the Grievance Procedure [TAWLS Article 7 Section 18].

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

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration and/or removal of action.** See [Section 8.0](#).

Support Staff Member

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.03(A)(5); OAPSE 279 Article 5 and Article 12 Section F(2)], if the complaint falls within the definition of a Grievance.

NOTE: Disciplinary action taken by the Employer may be contested under the Grievance Procedure [OAPSE 279 Article 5 and Article 12 Section F(2)].

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

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration and/or removal of action.** See [Section 8.0](#).

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

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6.0 PROCEDURES FOR FORMAL ACTIONS OFFICIAL REPRIMANDS

An Employee facing this action will receive the following:

[Professional Staff Member](#)

- A formal meeting with the Superintendent or his/her designee in a private location.
- The option of association representation, 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 union 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] specifying: 1) The incident(s) upon which the action was based; 2) The violated statute and/or policy; 3) The action taken to address the incident(s); 4) Expectations for correction, if any; 5) Notice that repeat offenses may result in more severe disciplinary action; 6) Disclosure of any and all remedies available; and 7) A disposition disclosure.

[Support Staff Member](#)

- A formal meeting with the Superintendent or his/her designee in a private location.
- The option of association representation, 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 if requested [OAPSE 279 Article 12 Section F(1b) and Article 12 Section F(6)]; however, the availability of the union 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 specifying: 1) The incident(s) upon which the action was based; 2) The violated statute and/or policy; 3) The action taken to address the incident(s); 4) Expectations for correction, if any; 5) Notice that repeat offenses may result in more severe disciplinary action; 6) Disclosure of any and all remedies available; and 7) A disposition disclosure.

Workflows for this type of Formal Action are as follows:

[Professional Staff Member](#)

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

- **Before action.** The Superintendent or his/her designee will complete a formal inquiry of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action [TAWLS Article 7 Section 18]; and 2) Includes the Employee's response to the allegation(s) involved, if such a response is given.

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

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 3.03](#) and [Form 3.05](#)). If requested by the Teacher not later than one (1) day following an excepted 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 (see [Resource 3.02](#)) [TAWLS Article 6 Section 10].

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 to deliver the action (see [Form 3.04](#) and [Form 3.05](#)).
 - State his or her reason(s) for proceeding with the action, referencing any [aggravating and/or mitigating factors](#) considered prior to the decision [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/initialed 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 and Article 5 Section 2].
 - Retain the executed action in the Employment Record File (see [Section 8.0](#)).

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

[Support Staff Member](#)

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

- **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 3.03](#) and [Form 3.05](#)). 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;

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

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 to deliver the action (see [Form 3.04](#) and [Form 3.05](#)).
 - State his or her reason(s) for proceeding with the action, referencing any [aggravating and/or mitigating factors](#) considered prior to the decision.
 - 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/initialed 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 [OAPSE 279 Article 5 and Article 12 Section F(2)].
 - Retain the executed action in the Employment Record File (see [Section 8.0](#)).

For state level reporting and potential license 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 defined Grievance Procedure [ORC §4117.03(A)(5); TAWLS Article 3 and Article 7 Section 18] if the complaint falls within the definition of a Grievance.

NOTE: Disciplinary action taken by the Employer may be contested under the Grievance Procedure [TAWLS Article 7 Section 18].

There are no appeal provisions under state statute or Board policy; however, under the Agreement, appeal of placement of the action in the Employment Record File is permitted (see [Section 8.0](#)) [TAWLS Article 5 Section 2].

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration and/or removal of action.** See [Section 8.0](#).

Support Staff Member

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

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

- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.03(A)(5); OAPSE 279 Article 5 and Article 12 Section F(2)], if the complaint falls within the definition of a Grievance.

NOTE: Disciplinary action taken by the Employer may be contested under the Grievance Procedure [OAPSE 279 Article 5 and Article 12 Section F(2)].

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

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration and/or removal of action.** See [Section 8.0](#).

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6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) SUSPENSIONS

An Employee facing this action will receive the following:

Professional Staff Member

- The Due Process afforded by state statute, Board policy, and/or the Agreement [WLS 3140; TAWLS Article 1 Section 2, Article 5 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 union representative may not unreasonably delay the meeting(s).

Support Staff Member

- The Due Process afforded by state statute, Board policy, and/or the Agreement [ORC §3319.081(C); WLS 4140; 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 if requested [OAPSE 279 Article 12 Section F(1b) and Article 12 Section F(6)]; however, the availability of the union 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, Treasurer, or Board will complete an investigation of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action [TAWLS Article 7 Section 18]; and 2) Includes the Employee's response to the allegation(s) involved, if such a response is given.

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

Administrator

The employment contract of an Administrator may be suspended in accordance with law, for Good and Just Cause, including disclosing a question to a student on a state-mandated assessment [ORC §3319.151(A); WLS 1520]. In all such cases, the Board shall abide by Due Process, statutory procedures, and any applicable terms of the Administrator's employment contract [WLS 1520].

Such a disciplinary action shall be: 1) Documented; and 2) Hand-delivered or served by certified mail. The executed action will be retained in the Employment Record File (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 [ORC §3319.151(A); WLS 3140; 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]. In all such cases, the Board shall abide by Due Process, statutory procedures, and the applicable terms of any Agreement, as appropriate [WLS 3140].

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 3.03](#), [Form 3.04](#), and [Form 3.05](#)). If requested by the Teacher not later than one (1) day following an excepted 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 (see [Resource 3.02](#)) [TAWLS Article 6 Section 10].

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

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.

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

- **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); WLS 3121]. 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); WLS 1240.01].

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

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

[Support Staff Member](#)

If initiated at the building or site level, the case must be transferred to the District level. The Superintendent, Treasurer, or Board will complete an investigation of the incident(s) that: 1) 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, Board policy, and/or the Agreement 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 action may be taken in accordance with: 1) The procedures set forth in ORC; and 2) The applicable terms of any Agreement, as appropriate [WLS 4124 and 4140].

Such a disciplinary action shall be: 1) Documented; and 2) Served by certified mail [ORC §3319.081(C)]. The executed action will be retained in the Employment Record File (see [Section 8.0](#)).

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

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 3.03](#), [Form 3.04](#), and [Form 3.05](#)). 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)].

- **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); WLS 4121]. 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); WLS 1320 and 4121].

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

NOTE: 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)].

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

Post-action considerations include the following:

Professional Staff Member

- **Disciplinary Suspension.**
 - **Records management.** See [Section 8.0](#).
 - **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.03(A)(5); TAWLS Article 3 and Article 7 Section 18] if the complaint falls within the definition of a Grievance.

NOTE: Disciplinary action taken by the Employer may be contested under the Grievance Procedure [TAWLS Article 7 Section 18].

There are no appeal provisions under state statute or Board policy; however, under the

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

Agreement, appeal of placement of the action in the Employment Record File is permitted (see [Section 8.0](#)) [TAWLS Article 5 Section 2].

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration and/or removal 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 and/or removal of action.** See [Section 8.0](#).

[Support Staff Member](#)

- **Disciplinary Suspension.** Provisions under state statute, Board policy, and/or the Agreement include the following:
 - **Non-civil service.** Provisions under state statute, Board policy, and/or the Agreement include the following:
 - **Records management.** See [Section 8.0](#).
 - **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.03(A)(5); seq.; OAPSE 279 Article 5 and Article 12 Section F(2)], if the complaint falls within the definition of a Grievance.

NOTE: Suspension grievances shall be introduced directly to the second step of the Grievance Procedure [OAPSE 279 Article 12 Section F(2)].

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

 - **Withdrawal of action.** See [Section 8.0](#).
 - **Expiration and/or removal 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 and/or removal of action.** See [Section 8.0](#).

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6.0 PROCEDURES FOR FORMAL ACTIONS (CONT'D) TERMINATIONS

An Employee facing this action will receive the following:

Professional Staff Member

- The Due Process afforded by state statute, Board policy, and/or the Agreement [ORC §3319.16; WLS 3140; 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 union representative may not unreasonably delay the meeting(s).

Support Staff Member

- The Due Process afforded by state statute, Board policy, and/or the Agreement [ORC §3319.081(C); WLS 4140; 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 if requested [OAPSE 279 Article 12 Section F(1b) and Article 12 Section F(6)]; however, the availability of the union 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, Treasurer, or Board will complete an investigation of the incident(s) that: 1) Both establishes and verifies grounds for discipline that warrant this type of action [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, Board policy, and/or the Agreement include the following:

Superintendent

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

For the ORC §3319.16 procedure, see [Resource 6.01](#). The executed action will be retained in the Employment Record File (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: 1) Shall be in accordance with ORC §3319.16 [ORC §3313.22(E)]; and 2) Shall be for Good and Just Cause.

For the ORC §3319.16 procedure, see [Resource 6.01](#). The executed action will be retained in the Employment Record File (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); WLS 1520]. 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 [WLS 1520].

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

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

For the ORC §3319.16 procedure, see [Resource 6.01](#). The executed action will be retained in the Employment Record File (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 all such cases, the Board shall abide by Due Process, statutory procedures, and the applicable terms of any Agreement, as appropriate [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](#). For procedural differences in the Termination process for a Teacher in a municipal school district, see ORC §3311.82(B) through (E). The executed action will be retained in the Employment Record File (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 3.03](#), [Form 3.04](#), and [Form 3.05](#)). If requested by the Teacher not later than one (1) day following an excepted 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 (see [Resource 3.02](#)) [TAWLS Article 6 Section 10].

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 the State Department promptly [ORC §3319.16, §3319.311, §3319.313, and §3319.40(C); WLS 1240.01 and 3140]. For additional state level reporting and potential licensure action considerations, if any [WLS 3140], see [Section 9.0](#).

Support Staff Member

If initiated at the building or site level, the case must be transferred to the District level. The Superintendent, Treasurer, or Board will complete an investigation of the incident(s) that: 1) 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, Board policy, and/or the Agreement include the following:

- **Non-civil service.** The contracts as provided for in ORC §3319.081 may be terminated by a majority vote of the Board [ORC §3319.081(C); 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 4140]. The action may be taken in accordance with: 1) The procedures set forth in ORC; and 2) The applicable terms of any Agreement, as appropriate [WLS 4140; OAPSE 279 1.C].

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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 will be retained in the Employment Record File (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 3.03](#), [Form 3.04](#), and [Form 3.05](#)). 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)].

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

Post-action considerations include the following:

Professional Staff Member

- **Records management.** See [Section 8.0](#).
- **Contest.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.03(A)(5); TAWLS Article 3 and Article 7 Section 18] if the complaint falls within the definition of a Grievance. Appeal is permitted using the procedure defined in state statute (see [Resource 6.01](#)) [ORC §3319.16].
- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration and/or removal of action.** See [Section 8.0](#).

Support Staff Member

- **Records management.** See [Section 8.0](#).
- **Contest.** Provisions under state statute, Board policy, and/or the Agreement include the following:
 - **Non-civil service.** Grievance is permitted using the defined Grievance Procedure [ORC §4117.03(A)(5); OAPSE 279 Article 5 and Article 12 Section F(2)], if the complaint falls within the definition of a Grievance.

NOTE: Discharge grievances shall be introduced directly to the second step of the Grievance Procedure [OAPSE 279 Article 12 Section F(2)].

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

- **Withdrawal of action.** See [Section 8.0](#).
- **Expiration and/or removal of action.** See [Section 8.0](#).

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

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7.0 PROCEDURES FOR OTHER ACTIONS CONTRACT ISSUANCE

Professional Staff Member

Superintendent

The board of education in each school district, and the governing board of each service center, shall, at a regular or special meeting held not later than May 1st of the calendar year in which the term of the Superintendent expires, appoint a person possessed of the qualifications provided in ORC §3319.01 to act as Superintendent, for a term not longer than five (5) years beginning August 1st and ending on July 31st [ORC §3319.01; 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 ORC §3319.011 action [ORC §3319.011; WLS 1260], and he or she shall have the same rights in any such hearing as are granted to a Teacher in a hearing under ORC §3319.16 [ORC §3319.011].

If the Board determines that the Superintendent is incapacitated in such a manner that he is unable to perform the duties of the office, the Board may, by a majority vote, appoint a person to serve in his or her place *pro tempore* [ORC §3319.011]. The Board shall fix the compensation of the Superintendent *pro tempore* in accordance with ORC §3319.01 [ORC §3319.011; WLS 1260]. The Superintendent *pro tempore*: 1) Shall perform all of the duties and functions of the Superintendent [ORC §3319.011; WLS 1260]; 2) Shall serve until the Board, by majority vote, determines the Superintendent's incapacity is removed or until the expiration of the Superintendent's contract or term of office, whichever is sooner [ORC §3319.011; 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].

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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: 1) Shall employ principals for all high schools and for such other schools as the board designates; and 2) May appoint assistant principals for any school that they designate [ORC §3319.02(B); 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 Superintendent nominations [ORC §3319.02(C); WLS 1520].

The board of education or governing board shall execute a written employment contract with each assistant superintendent, Principal, assistant principal, and Other Administrator it employs or re-employs [ORC §3319.02(C); 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]. If the Superintendent so recommends, the term of the contract of a person employed by the District or service center as an Administrator or Other Administrator for three (3) years or more may be one (1) year, but all subsequent contracts granted such person shall be for a term of not less than two (2) years and not more than five (5) years [ORC §3319.02(C); 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 and/or 1619].

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)].
- 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].

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

Teacher

The board of education of each city, exempted village, local, and joint vocational school district and the governing board of each educational service center shall enter into written contracts for the employment and re-employment of all teachers [ORC §3319.08(A); 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].

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

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

NOTE: Supplemental contracts are for a period of one (1) 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 duties of teachers and shall specify the salaries and compensation to be paid for regular teaching duties and additional teaching duties, respectively, either or both of which may be increased, but not diminished during the term for which the contracts are made, except as provided in ORC §3319.12 [ORC §3307.21 and §3319.08(A); WLS 3120, 3120.08, 3419, 3430.02, 6510, and 9161; TAWLS Article 5 Section 8, Article 5 Section 10, Article 6 Section 16, 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].

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].
- Teachers employed as substitutes with assignments to one (1) specific teaching position shall, after sixty (60) days of service, be granted Sick Leave, visiting days, and other local privileges granted to regular teachers including a salary not less than the minimum salary on the current adopted salary schedule [ORC §3319.10; WLS 3120.04].
- Teachers employed as substitutes for one hundred-twenty (120) days or more or more during a school year and re-employed for or assigned to specific teaching positions for the succeeding year shall receive contracts as a regular teachers, if the substitutes meet the local educational requirements for the employment of regular teachers [ORC §3319.10].

Support Staff Member

- **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

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

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

If such employees are rehired, their subsequent contracts 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].

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7.0 PROCEDURES FOR OTHER ACTIONS (CONT'D) 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].

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

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

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

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

Treasurer

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

The Board shall consider an evaluation based upon those procedures in deciding whether to renew the Treasurer's contract [ORC §3313.22(D); 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 one (1) year term at the same salary plus any increments that the Board may authorize, unless the Board, on or before March 1st of the contract expiration year, either: 1) Re-employs the Treasurer for a succeeding term as provided in ORC §3313.22(C); or 2) Gives the Treasurer written notice of its intention not to re-employ the Treasurer [ORC §3313.22(A); WLS 1340.01].

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

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

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

Administrator

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

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

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

- **Workflow #1: Superintendent recommends re-employment.** In educational service centers and in city, exempted village, and local school districts, administrators and other administrators shall only be re-employed in accordance with nominations of the Superintendent ORC §3319.02(C); 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 of the year the employment contract expires [ORC §3319.02(C)]. Before taking action to renew or non-renew the contract of an Administrator or Other Administrator under ORC §3319.02 and prior to June 1st of the year in which his or her contract expires, the Board: 1) Shall notify each such Administrator or Other Administrator of the date that his or her contract expires; and 2) Shall notify each such Administrator or Other Administrator that he or she may request a meeting with the Board [ORC §3319.02(D)(4); WLS 1520].

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

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

If the Board fails to provide evaluations pursuant to ORC §3319.02(D)(2)(c), or if the Board fails to provide at the request of the Administrator or Other Administrator a meeting as prescribed in ORC §3319.02(D)(4), he or she shall automatically be re-employed at the same salary plus any increments that may be authorized by the Board for a period of one (1) year, except that if the Administrator or Other Administrator has been employed by the school district or service center as an Administrator or Other Administrator for three (3) years or more, the period of re-employment shall be for two (2) years [ORC §3319.02(D)(5); 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 license action considerations, if any, see [Section 9.0](#).

Teacher

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

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

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

For the ORC §3319.114 alternative Teacher evaluation framework, see [Resource 7.03](#).

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

For the ORC §3319.111 standard Evaluation Procedures, see [Resource 7.04](#). For the Board evaluation policy, see WLS 3220. For the District Evaluation Procedures for teachers, see TAWLS Article 5 Section 9, Article 7 Section 10, and Appendix.

Not later than September 30, 2016, the Board shall adopt a standards-based school counselor evaluation policy that conforms to the framework for the evaluation of school counselors developed under ORC §3319.113 [ORC §3319.113 (C)(1)]. The policy: 1) Shall become operative at the expiration of any Agreement covering school counselors employed by the Board that is in effect on September 29, 2015; and 2) Shall be included in any renewal or extension of such an Agreement [ORC §3319.113 (C)(1)].

For the District's Evaluation Procedures for counselors, see WLS 3223.

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

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

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

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

Eligible for [Continuing Service Status](#)

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

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

If Evaluation Procedures have not been complied with pursuant to ORC §3319.111, or if the Board does not give the Teacher written notice on or before the deadline of its intention not to re-employ the Teacher, the Teacher is deemed re-employed under an Extended Limited Contract for a term not to exceed one (1) year at the same salary plus any increment provided by the salary schedule [ORC §3319.11(C)(3)]. The Teacher is presumed to have accepted employment under the Extended Limited Contract for a term not to exceed one (1) year, unless such Teacher notifies the Board, in writing, to the contrary on or before June 15th, and an Extended Limited Contract for a term not to exceed one (1) year shall be executed accordingly [ORC §3319.11(C)(3); WLS 3223].

Upon any subsequent re-employment of the Teacher, only a Continuing Contract may be entered into [ORC §3319.11(C)(3)].
- **Workflow #1A-2: Board accepts Extended Limited Contract; notice is not provided.** If the Board takes affirmative action on the Superintendent's recommendation, made pursuant

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

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

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

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

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

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

A Teacher eligible for Continuing Contract Status employed under an Extended Limited Contract pursuant to ORC §3319.11(B) or (C), is, at the expiration of such Extended Limited Contract, deemed re-employed under a Continuing Contract at the same salary plus any increment granted by the salary schedule, unless Evaluation Procedures have been complied with pursuant to ORC §3319.111 and the employing board, acting on the Superintendent's recommendation that the Teacher not be re-employed, gives the Teacher written notice on or before June 1st of its intention not to re-employ such Teacher [ORC §3319.11(D); WLS 3223]. A Teacher who does not have Evaluation Procedures applied in compliance with ORC §3319.111 or who does not receive notice on or before the deadline of the intention of the Board not to re-employ such Teacher is presumed to have accepted employment under a Continuing Contract, unless such Teacher notifies the Board in writing to the contrary on or before June 15th, and a Continuing Contract shall be executed accordingly [ORC §3319.11(D)].

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

If Evaluation Procedures have not been complied with pursuant to ORC §3319.111, or the Board does not give the Teacher written notice on or before the deadline of its intention not to re-employ the

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

Teacher, the Teacher is deemed re-employed under an Extended Limited Contract for a term not to exceed one (1) year at the same salary plus any increment provided by the salary schedule [ORC §3319.11(B)(2)]. The Teacher is presumed to have accepted employment under the Extended Limited Contract for a term not to exceed one (1) year, unless such Teacher notifies the board in writing to the contrary on or before June 15th, and an Extended Limited Contract for a term not to exceed one (1) year shall be executed accordingly [ORC §3319.11(B)(2); WLS 3223].

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

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)]. Also, a failure of the parties to execute a written contract shall not void any automatic re-employment provisions of ORC §3319.11 [ORC §3319.11(F)].

Any Teacher 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).

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

Not eligible for [Continuing Service Status](#)

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

Any Teacher employed under a Limited Contract, and not eligible to be considered for a Continuing Contract, is, at the expiration of such Limited Contract, considered re-employed under the provisions of ORC §3319.11(E) at the same salary plus any increment provided by the salary schedule, unless Evaluation Procedures have been complied with pursuant to ORC §3319.111, and the employing board, acting upon the Superintendent's written recommendation that the Teacher not be re-employed, gives such Teacher written notice of its intention not to re-employ such Teacher on or before June 1st [ORC §3319.11(E); WLS 3223; 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 the deadline is presumed to have accepted such employment, unless such Teacher notifies the Board in writing to the contrary on or before June 15th, and a written contract for the succeeding school year shall be executed accordingly [ORC §3319.11(E)].

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

Any Teacher 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).

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

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

Substitute [Teacher](#)

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

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

[Support Staff Member](#)

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

For the District's evaluation guidelines, see the Agreement [OAPSE 279 Article 8 Section W] or handbook [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); WLS 4140]. The action may be taken in accordance with: 1) The procedures set forth in ORC; and 2) The applicable terms of any Agreement, as appropriate [WLS 4140].

In all school districts wherein the provisions of ORC Chapter 124 do not apply, each board of education shall cause notice to be given of its intention not to re-employ said non-teaching Employee, at the expiration of his or her contract [ORC §3319.083]. If such notice is not given on or before June 1st, said Employee shall be deemed re-employed [ORC §3319.083].

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

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)].

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

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

Professional Staff Member

Superintendent

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

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

Treasurer

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

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

Administrator

An Administrator or Other Administrator may resign: 1) In accordance with law; and 2) In accordance with any applicable terms of his or her contract. Additional and/or modified terms under Board policy and/or related administrative guidelines may apply.

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

Teacher

No Teacher shall terminate his or her contract after July 10th of any school year or during the school year, prior to the termination of the annual session, without the consent of the Board [ORC §3319.15; WLS 3140; TAWLS Article 5 Section 10]. Such Teacher may terminate his or her contract at any other time by giving written notice of five (5) days to the employing board [ORC §3319.15; WLS 3140].

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

NOTE: Additional and/or modified terms under Board policy [WLS 3140], related administrative guidelines, and/or the Agreement [TAWLS Article 5 Section 10] may apply.

Upon complaint by the employing board to the State Board and after investigation by it, the license of a Teacher terminating his or her contract in any other manner than provided in ORC §3319.15 may be suspended for not more than one (1) year (see [Section 9.0](#)) [ORC §3319.15; [WLS 3140; TAWLS Article 5 Section 10].

Whenever a Professional Staff Member in a position requiring a license resigns because of or in the course of an investigation wherein it is reasonably believed that such Employee has engaged in conduct unbecoming the teaching profession, the Superintendent shall immediately take steps to assure that a report of such conduct is made to the State Department in conformance with WLS 3140. For additional state level reporting and potential license action considerations, if any, see [Section 9.0](#).

Support Staff Member

- **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], unless an earlier date is permitted by the Board [WLS 4140].

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

NOTE: Additional terms under Board policy [WLS 4140], related administrative guidelines, and/or the Agreement may apply.

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

Whenever a Classified Employee in a position requiring a license resigns because of or in the course of an investigation wherein it is reasonably believed that such Employee has engaged in conduct unbecoming the teaching profession, the Superintendent shall immediately take steps to assure that a report of such conduct is made to the State Department in conformance with WLS 4140. For additional state level reporting and potential license action considerations, if any, see [Section 9.0](#).

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

Professional Staff Member

Superintendent

The compensation of the Superintendent may be increased or decreased during the term of the contract, provided such decrease is a part of a uniform plan affecting salaries of all employees of the District [ORC §3319.01; 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; however, if a board does not adopt such a policy, no such contract may be suspended by a board except pursuant to ORC §3319.17 [ORC §3319.171(A)].

An administrative personnel suspension policy shall include, but not be limited to, all of the following: 1) The reason(s) that a board may consider for suspending any contract of employment entered into under ORC §3319.02 (e.g., the financial conditions of the school district or educational service center); 2) Procedures for determining the order of suspension of contracts within the employment service areas affected; and 3) Provisions requiring a right of restoration for employees whose contracts of employment are suspended under the policy if and when any positions become vacant or are created for which any of them are or become qualified [ORC §3319.171(B); WLS 1520].

Any policy, procedures, and/or provisions adopted under ORC §3319.171(B)(2) shall be developed by the board of a district or service center with input from the Superintendent and all administrators and other administrators employed by that board under ORC §3319.02 [ORC §3319.171(C)].

For the administrative contract suspension policy, see WLS 1540.

Teacher

When, for any of the following reasons that apply to any city, exempted village, local, or joint vocational school district or any educational service center, the Board decides that it will be necessary to reduce the number of teachers it employs, it may make a reasonable reduction: 1) In the case of any school district or service center, return to duty of regular teachers after leaves of absence including suspension of schools, territorial changes affecting the school district or center, or financial reasons; 2) In the case of any city, exempted village, local, or joint vocational school district, decreased enrollment of pupils in the school district; 3) In the case of any governing board of a service center providing any particular service directly to pupils pursuant to one (1) or more inter-district contracts requiring such service, reduction in the total number of pupils the governing board is required to provide with the service under all inter-district contracts as a result of the termination or non-renewal of one (1) or more such contracts; or 4) In the case of any governing board providing any particular service that it does not provide directly to pupils pursuant

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

to one (1) or more inter-district contracts requiring such service, reduction in the total level of the service the governing board is required to provide under all inter-district contracts as a result of the termination or non-renewal of one (1) or more such contracts [ORC §3319.17(B); 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) Works a percentage of the time he or she otherwise must work under the contract; and 2) Receives a commensurate percentage of his or her full compensation under the contract [ORC §3319.17(C)].
- **Right of restoration.** The teachers whose continuing contracts are suspended by any school board pursuant ORC §3319.17 shall have the right of restoration to Continuing Service Status by that school board if and when: 1) Teaching positions become vacant; or 2) Teaching positions are created for which any of such teachers are, or become, qualified [ORC §3319.17(C)]. 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: Additional and/or modified terms under the Agreement [TAWLS Article 5 Section 7] may apply.

Support Staff Member

- **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].

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

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

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 school district or service center, if and when a non-teaching position for which the Employee is qualified becomes vacant or is created [ORC §3319.172]. 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: Additional and/or modified terms under the Agreement [OAPSE 279 Article 8 Section H] or handbook [NBCE Handbook Section 1] may apply.

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8.0 PROCEDURES FOR RECORDS MANAGEMENT SUPERVISOR FILES

The documentation involved with any Informal Action will be retained in an unofficial Supervisor File (or “Building Level File”) in “active” status. The Supervisor File will be considered to represent a subsidiary record of the Employment Record File [WLS 8320].

Such files: 1) Shall be maintained in the Supervisor’s office, separate from employment record files, and under his or her direct supervision; and 2) May be maintained for a reasonable timeframe. These 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 HR in “inactive” status, and the AMF will be considered to represent a subsidiary record of the Employment Record File [WLS 8320].

NOTE: Negotiated provisions include the following:

REQUIRED PRACTICES	
PROFESSIONAL STAFF MEMBER	SUPPORT STAFF MEMBER
CONDITIONAL PRACTICES	
PROFESSIONAL STAFF MEMBER	SUPPORT STAFF MEMBER
PROHIBITED PRACTICES	
PROFESSIONAL STAFF MEMBER	SUPPORT STAFF MEMBER

GENERAL PROVISIONS

- **Access, inspection, and copying (Employee).** There are no provisions under state statute, Board Policy, or the Agreement.

NOTE: Negotiated provisions include the following:

ACCESS, INSPECTION, AND COPYING (EMPLOYEE)	
PROFESSIONAL STAFF MEMBER	SUPPORT STAFF MEMBER

- **Access, inspection, and copying (external).** There are no provisions under state statute, Board Policy, or the Agreement.

NOTE: Negotiated provisions include the following:

ACCESS, INSPECTION, AND COPYING (EXTERNAL)	
PROFESSIONAL STAFF MEMBER	SUPPORT STAFF MEMBER

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

- **Dispute management (Employee).** There are no provisions under state statute, Board Policy, or the Agreement.

NOTE: Negotiated provisions include the following:

DISPUTE MANAGEMENT(EMPLOYEE)	
PROFESSIONAL STAFF MEMBER	SUPPORT STAFF MEMBER

ACTION-RELATED PROVISIONS

- **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)				
UNIT OR ENTITY:	TAWLS	OAPSE 279	SAAWLS Handbook	NBCE Handbook
Acknowledged Oral Warning	18	18	18	18
Written Warning	18	18	18	18

- 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 Supervisor File 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.
- **Expiration and/or removal of action.** There are no provisions for the expiration and/or removal of an Informal Action under state statute, Board Policy, or the Agreement. Considerations include the following:
 - The action: 1) Will expire only if no further incidents of the same or substantially similar nature have been documented; and 2) May be removed only after the following timeframes:

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

EXPIRATION AND/OR REMOVAL TIMEFRAMES (CALENDAR MONTHS)				
UNIT OR ENTITY:	TAWLS	OAPSE 279	SAAWLS Handbook	NBCE Handbook
Acknowledged Oral Warning	36	36	36	36
Written Warning	36	36	36	36

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

To process the expiration and/or removal of an action, the Supervisor:

- Must move all documentation associated with the action from the Supervisor File to the AMF.

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

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) EMPLOYMENT RECORD FILES

The documentation involved with any Formal Action will be retained in an official Employment Record File [TAWLS Article 5 Section 2] in "active" status. A single master Employment Record File, containing the materials either required or permitted under state statute and/or Board policy, will 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].

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

Only that information about the professional role of the Employee that is submitted by duly authorized school administrative personnel and/or the Board may be entered in the official record file [ORC §1347.05(H); WLS 8320; WLS 8320; TAWLS Article 5 Section 2]. Information obtained from personnel records by Board members shall be used only: 1) To aid Board members in fulfilling their legal responsibilities in making decisions on such matters as appointments, assignments, promotions, demotions, remuneration, discipline, and dismissals; 2) To aid the development and implementation of personnel policies; or 3) For such other uses necessary to enable Board members to carry out their legal responsibilities [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 a report of any investigation by that board of education, governing board, or chief administrator regarding whether an Employee has committed an act or offense for which the school district, service center superintendent, board president, chief administrator, governing authority president, or chairperson is required to report to the State Department under ORC §3319.313 be kept in the Employment Record File [ORC §3319.314; WLS 1240.01, 3140, and 4140]. If, after an investigation under ORC §3319.311(A), the State Department determines that the results of that investigation do not warrant initiating action under ORC §3319.31, the board of education, governing board, or chief administrator shall require investigation reports to be moved to a separate public file [ORC §3319.314; WLS 1240.01, 3140, and 4140].

Physical removal of the documentation associated with the action may be subject to the applicable open records and records maintenance provisions of the *Ohio Public Records Act* as determined by the District Records Commission in accordance with the applicable provisions of state statute [ORC §9.01, §149.011(G), §149.41, §149.43, §1347.01 et seq., §3314.401, and §3319.314; 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 HR in "inactive" status, and the AMF will be considered to represent a subsidiary record of the Employment Record File [WLS 8320].

NOTE: Negotiated provisions include the following:

REQUIRED PRACTICES	
PROFESSIONAL STAFF MEMBER	SUPPORT STAFF MEMBER
The Board shall create and maintain a personal information file for each bargaining unit member [TAWLS Article 5 Section 2]. This file shall be known as the Employment Record File [TAWLS Article 5 Section 2].	The Board and administration of the District shall comply with all applicable state and federal laws relating to employment record files [OAPSE 279 Article 8 Section K].
It is mandatory that the following items be deposited in the Employment Record File of each bargaining unit member: 1) The original copy of all evaluations and rebuttals thereto;	Documents containing statements of concern or recognition may be placed in an Employee's Employment Record File at any time; however, all documents must be filed with the knowledge of both parties [OAPSE 279 Article 8 Section I;

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) EMPLOYMENT RECORD FILES (CONT'D)

<p>2) Copies of all certificates held; 3) Official transcripts of undergraduate and graduate work completed; 4) Copies of requests for transfer, leaves of absence, maternity leaves, military leaves, and all replies to such requests from administrators; 5) Copies of letters of reprimand, letters of commendation, or letters of appreciation; 6) Copies of current contracts; and 7) The application for employment [TAWLS Article 5 Section 2]. Other items may be included in the Employment Record File by complying with TAWLS Article 5 Section 2 Paragraph 3 (see below) [TAWLS Article 5 Section 2].</p> <p>The bargaining unit member shall be made aware of the deposit of any item in his or her Employment Record File by the person making such deposit [TAWLS Article 5 Section 2]. Evidence of the knowledge of items contained in the Employment Record File of a bargaining unit member shall be determined by: 1) The bargaining unit member's signature on the item; or 2) A statement in the item that it is to become part of the Employment Record File [TAWLS Article 5 Section 2]. This written documentation or notification cannot be through email [TAWLS Article 5 Section 2].</p>	<p>NBCE Handbook Section 1].</p>
CONDITIONAL PRACTICES	
PROFESSIONAL STAFF MEMBER	SUPPORT STAFF MEMBER
<p>In the event that a bargaining unit member does not wish for an item to be deposited in his or her Employment Record File, an appeal, in writing, shall be made to the Superintendent or his/her designee [TAWLS Article 5 Section 2]. The Superintendent or his/her designee shall have final authority in the decision [TAWLS Article 5 Section 2].</p> <p>A bargaining unit member shall have the right to rebut any item deposited in the Employment Record File against his or her wishes [TAWLS Article 4 Section 4 and Article 5 Section 2].</p>	<p>The Board and administration of the District shall comply with all applicable state and federal laws relating to employment record files [OAPSE 279 Article 8 Section K].</p> <p>An Employee has the right to attach a rebuttal to any document placed in his or her Employment Record File [OAPSE 279 Article 8 Section I; NBCE Handbook Section 1].</p>
PROHIBITED PRACTICES	
PROFESSIONAL STAFF MEMBER	SUPPORT STAFF MEMBER
<p>No anonymous information shall be included in a bargaining unit member's Employment Record File [TAWLS Article 5 Section 2].</p>	<p>The Board and administration of the District shall comply with all applicable state and federal laws relating to employment record files [OAPSE 279 Article 8 Section K].</p>

GENERAL PROVISIONS

- Access, inspection, and copying (Employee).** Every state or local agency that maintains a PI System, upon the request and the proper identification of any person who is the subject of PI in the system: 1) Shall inform the person of the existence of any PI in the system of which the person is the subject; 2) Shall, except as provided in ORC §1347.08(C) and (E)(2), permit the person to inspect all (non-confidential material) PI in the system of which the person is the subject; and 3) Shall inform the person about the uses made of such PI, including the identities of system users [ORC §1347.08(A)].

If stipulated by Board policy or the Agreement: 1) Advance written notice is required for access or inspection; and 2) Said review must occur during either regular working hours or the hours permitted by the Agreement, if applicable. Any person wishing to exercise a right provided by ORC §1347.08 may be accompanied by another person of his or her choice [ORC §1347.08(B) and §1347.15].

An Employee wishing to access or inspect any non-confidential material in his or her own Employment Record File: 1) Shall review the record in the presence of the Superintendent or his/her designee; 2) Shall make no alterations or additions to the record nor remove any materials therefrom;

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) EMPLOYMENT RECORD FILES (CONT'D)

and 3) Shall sign a log attached to the file indicating the date and person reviewing, if so requested [ORC §149.43, §1347.05(G) and §1347.15(B)(4); WLS 8320].

If an individual who is authorized to inspect (non-confidential) PI that is maintained in a PI System requests the state or local agency that maintains the system to provide a copy of any PI that the individual is authorized to inspect, the agency shall provide a copy of the (non-confidential) PI to the individual [ORC §1347.08(D)] with (or without) prior notice as defined by Board policy [WLS 8320] or the Agreement, if applicable. Each state and local agency may establish reasonable fees for the service of copying, upon request, (non-confidential) PI that is maintained by the agency [ORC §1347.08(D)] unless otherwise restricted by the Agreement.

NOTE: Negotiated provisions include the following:

ACCESS, INSPECTION, AND COPYING (EMPLOYEE)	
PROFESSIONAL STAFF MEMBER	SUPPORT STAFF MEMBER
Any bargaining unit member for whom an Employment Record File is maintained shall, <u>upon request</u> , be permitted to examine his or her Employment Record File, with the exception of those documents or other communications regarding the initial employment of the bargaining unit member by the District [TAWLS Article 5 Section 2].	The Board and administration of the District shall comply with all applicable state and federal laws relating to employment record files [OAPSE 279 Article 8 Section K].

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

NOTE: Negotiated provisions include the following:

ACCESS, INSPECTION, AND COPYING (EXTERNAL)	
PROFESSIONAL STAFF MEMBER	SUPPORT STAFF MEMBER
Only upon Teacher request shall cameras/videos be installed in classrooms [TAWLS Article 7 Section 19]. If an Employee is the subject of a video public records request, the Employee will be notified in writing within twenty-four (24) hours [TAWLS Article 7 Section 19]. Included in this notification will be the date and time of the video requested [TAWLS Article 7 Section 19].	The Board and administration of the District shall comply with all applicable state and federal laws relating to employment record files [OAPSE 279 Article 8 Section K].

- **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 or her position

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) EMPLOYMENT RECORD FILES (CONT'D)

on the disputed information (the agency may limit the statement to not more than one hundred (100) words if the agency assists the disputant to write a clear summary of the dispute [ORC §1347.09 (A)(2)(a)]; or 2) Permit the disputant to include within the system a notation that the disputant protests that the information is inaccurate, irrelevant, outdated, or incomplete (the agency shall maintain a copy of the disputant's statement of the dispute, and may limit the statement to not more than one hundred (100) words if the agency assists the disputant to write a clear summary of the dispute [ORC §1347.09(A)(2)(b)]. The agency shall include the statement or notation in any subsequent transfer, report, or dissemination of the disputed information, and may include with the statement or notation of the disputant a statement by the agency that it has reasonable grounds to believe that the dispute is frivolous or irrelevant, and of the reasons for its belief [ORC §1347.09(A)(3)]; however, the presence of contradictory information in the disputant's file does not alone constitute reasonable grounds to believe that the dispute is frivolous or irrelevant [ORC §1347.09(B)].

Following any deletion of information that is found to be inaccurate or the accuracy of which can no longer be verified, or if a statement of dispute was filed by the disputant, the agency shall, at the written request of the disputant, furnish notification that the information has been deleted, or furnish a copy of the disputant's statement of the dispute, to any person specifically designated by the person [ORC §1347.09(C)]. The agency shall clearly and conspicuously disclose to the disputant that he has the right to make such a request to the agency [ORC §1347.09(C)].

NOTE: Negotiated provisions include the following:

DISPUTE MANAGEMENT (EMPLOYEE)	
PROFESSIONAL STAFF MEMBER	SUPPORT STAFF MEMBER
If any bargaining unit member disputes the accuracy, relevancy, timeliness, or completeness of information deposited in his or her Employment Record File, 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].	The Board and administration of the District shall comply with all applicable state and federal laws relating to employment record files [OAPSE 279 Article 8 Section K].

ACTION-RELATED PROVISIONS

- **Withdrawal of action.** There are no provisions for the withdrawal of a Formal Action under state statute, Board Policy, or the Agreement
- **Expiration and/or removal of action.** There are no provisions for the expiration and/or removal of a Formal Action under state statute or Board Policy. Agreement level considerations include the following:
 - The action: 1) Will expire only if no further incidents of the same or substantially similar nature have been documented [OAPSE 279 Article 8 Section K]; and 2) May be removed only after the following timeframes [TAWLS Article 5 Section 2]:

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8.0 PROCEDURES FOR RECORDS MANAGEMENT (CONT'D) EMPLOYMENT RECORD FILES (CONT'D)

EXPIRATION AND/OR REMOVAL TIMEFRAMES (CALENDAR MONTHS)				
UNIT OR ENTITY:	TAWLS	OAPSE 279	SAAWLS Handbook	NBCE Handbook
Official Reprimand	60	36		
Suspension				
Termination				

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

To request the removal of an action, the Employee:

- Must submit a written request to the Director of Human Resources [TAWLS Article 5 Section 2].

To process the expiration and/or removal of an action, the Director of Human Resources:

- Must move all documentation associated with the action [TAWLS Article 5 Section 2] from the Employment Record File to the AMF.

NOTE: Negotiated provisions include the following:

WITHDRAWAL STIPULATIONS	
PROFESSIONAL STAFF MEMBER	SUPPORT STAFF MEMBER
All documents of any nature pertaining to a bargaining unit member's performance shall be removed from the Employment Record File after a period of five (5) years, contingent upon a written request from the bargaining unit member, subject to restrictions in any applicable federal or state 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 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].

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9.0 STATE LEVEL REPORTS, INVESTIGATIONS & LICENSE ACTIONS REPORTING

The Superintendent of each school district and each educational service center or the president of the district or service center board [if ORC §3319.313(C)(1) applies], and the chief administrator of each chartered non-public school or the president or chairperson of the governing authority of the non-public school [if ORC §3319.313(C)(2) applies], shall promptly submit to the State Superintendent the information prescribed in ORC §3319.313(D) when any of the following conditions applies to an Employee who holds a license issued by the State Board [ORC §3319.313(B)]:

- The Superintendent, chief administrator, president, or chairperson knows that the Employee has pleaded guilty to, has been found guilty by a jury or court of, has been convicted of, has been found to be eligible for intervention in lieu of conviction for, or has agreed to participate in a pre-trial diversion program for an offense described in ORC §3319.31(B)(2), §3319.31(C), or §3319.39(B)(1) [ORC §3319.313(B)(1)].
- The district board of education, service center governing board, or non-public school chief administrator or governing authority has initiated Termination or non-renewal proceedings against, has terminated, or has not renewed the contract of the Employee because the board of education, governing board, or chief administrator has reasonably determined that the Employee has committed an act that is unbecoming to the teaching profession or an offense described in ORC §3319.31(B)(2), §3319.31(C), or §3319.39(B)(1) [ORC §3319.313(B)(2); OAC 3301-73-21].
- The Employee has resigned under threat of Termination or non-renewal as described in ORC §3319.313(B)(2) [ORC §3319.313(B)(3)].
- The Employee has resigned because of or in the course of an investigation by the board of education, governing board, or chief administrator regarding whether the Employee has committed an act that is unbecoming to the teaching profession or an offense described in ORC §3319.31(B)(2), §3319.31(C), or §3319.39(B)(1) [ORC §3319.313(B)(4); OAC 3301-73-21].

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

NOTE: Notwithstanding any provision to the contrary in ORC Chapter 4117, the mandatory reporting provisions of ORC §3319.313 and §3319.314 prevail over any conflicting provisions of an Agreement or contract for employment entered into after March 30, 2007 [ORC §3319.08 and §3319.315].

Additional guidelines include the following:

- **Presumption of innocence.** A determination made by the board of education, governing board, chief administrator, or governing authority as described in ORC §3319.313(B)(2) or a Termination, non-renewal, resignation, or other separation described in ORC §3319.313(B)(2) to (4) does not create a presumption of the commission or lack of the commission by the Employee of an act unbecoming to the teaching profession or an offense described in ORC §3319.31(B)(2), §3319.31(C), or §3319.39(B)(1) [ORC §3319.313(E); OAC 3301-73-21].
- **Civil immunity.** An individual who provides information to the State Superintendent in accordance with ORC §3319.313 in Good Faith shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the provision of that information [ORC §3319.313(G)].

INVESTIGATIONS

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

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

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

- Engaging in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or person's position [OAC 3301-73-21];
- A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any offense listed in ORC §3319.31 [ORC §3319.31(C)];
- A judicial finding of eligibility for intervention in lieu of conviction under ORC §2951.041, or agreeing to participate in a pre-trial diversion program under section ORC §2935.36, or a similar diversion program under rules of a court, for any offense listed in ORC §3319.31; or
- Failure to comply with ORC §3314.40, §3319.313, §3326.24, §3328.19, or §5126.253.

Additional guidelines include the following:

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

LICENSE ACTIONS

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

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

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

Additional guidelines include the following:

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

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10.0 PROCEDURES FOR ECOC REVIEW AND DISSEMINATION

The Superintendent or his/her designee will ensure that:

- Both the ECOC (see [Section 2.0](#)) and these guidelines are reviewed and/or revised at regular intervals in conjunction with the policies of the Board [WLS 0123, 0131, and 0132];
- The ECOC is provided to (or made accessible to) and explained to all employees on an annual basis (see [Form 10.01](#)) [ORC §3313.20 and §3313.47; WLS 0132, 1210 and 1230.01]; and
- The community is made aware of the ECOC (see [Form 10.02](#)).

Implementation Tip: Obtain acknowledgement of receipt

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

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10.0 PROCEDURES FOR ECOC REVIEW AND DISSEMINATION (CONT'D)

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GLOSSARY

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

TERM	DEFINITION
AAA	This term means the American Arbitration Association.
Acknowledged Oral Warning	<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>NOTE: There is no prescribed format for this action under state statute, Board policy, or the Agreement; however, the event must be documented.</p>
Administrator	This term means an assistant superintendent, Principal, or assistant principal [ORC §3319.02(A)(2)].
Agreement	<p>This term (or “Collective Bargaining Agreement”, or “CBA”, or “Master Agreement”, or “Negotiated Agreement”) means an agreement between a Public Employer and an Exclusive Representative entered into pursuant to ORC Chapter 4117 governing wages, hours, terms, and other conditions of employment covered by the Agreement [ORC §4117.10(A); WLS 0100; TAWLS Article 2 Section 1 and Article 2 Section 3; OAPSE 279 Article 2 Section B and Article 3].</p> <p>NOTE: Where no Agreement exists, or where an Agreement makes no specification about a matter, public employers and public employees are subject to all applicable state or local laws or ordinances pertaining to the wages, hours, terms, and other conditions of employment for public employees [ORC §4117.10(A)]. Law pertaining to any of the subjects referenced in ORC §4117.10(A) prevail over conflicting provisions of agreements [ORC §4117.10(A)].</p> <p>The Ohio Supreme Court has consistently held that under ORC §4117.10(A), where a law conflicts with a wage, hour, or term and condition of employment provision found in an Agreement entered into pursuant to ORC Chapter 4117, the Agreement prevails over the conflicting provisions of the law [OAG 91-065]. The exclusivity provision of ORC §4117.10(A) enables the parties to a collective bargaining agreement to “come to the table, each with a number of rights and obligations established by state and local law, which rights and obligations are placed on the table and either bartered away or retained to the satisfaction of both parties, unless those rights and obligations have been expressly excepted from the bargaining process [OAG 91-065].</p>
Alcohol	<p>This term means any fermented, distilled, or manufactured compound containing ethyl alcohol.</p> <p>Examples include, but are not limited to, the following: 1) Fermented beverages (e.g., beer, malt liquor, wine) or their derivatives (e.g., “fortified” wine); 2) Distilled spirits (e.g., whiskey, scotch, vodka, or “fortified” wine); and 3) Some OTC products (e.g., cough syrup).</p>
Alcohol Concentration	This term (or “Alcohol Content”) means the Alcohol in a volume of breath expressed in terms of grams of Alcohol per 210 liters of breath as indicated by an evidential breath test under 49 CFR Part 382 [49 CFR §382.107].
Apps and Web Services	This term means software (i.e., computer programs) that support the interaction of PCDs over a Network, or client-server applications in which the user interface runs in a web browser [WLS 0100]. Apps and Web Services are used: 1) To communicate or transfer information or data that allow students to perform actions or tasks that assist them in attaining educational achievement goals or objectives; 2) To enable staff to monitor and assess the progress of their students; 3) To allow staff to perform other tasks related to their employment; and 4) To facilitate communication to, from and among and between, staff,

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	students, and parents [WLS 0100].
Arbitration	This term means the process by which a Grievance is resolved when lower level mechanisms were unsuccessful [TAWLS Article 3].
Arbitrator	This term means the entity which conducts Arbitration when necessary [TAWLS Article 3; OAPSE 279 Article 5].
Assault Leave	<p>This term means paid leave for an Employee who is absent due to physical disability resulting from an assault while employed by a school board [ORC §3319.143].</p> <p>NOTE: Notwithstanding ORC §3319.141 (regarding Sick Leave), the board of education of a city, exempted village, local, or joint vocational school district may adopt a policy for such leave [ORC §3319.143]. A board of education electing to do so shall establish rules for the entitlement, crediting, and use of assault leave and file a copy of same with the State Board [ORC §3319.143].</p>
Association Leave	This term means any leave or release time granted or negotiated for the purpose of conducting union business. Such leave may be paid, unpaid, or reimbursed based on the terms of the applicable Agreement.
Bargaining Collectively	<p>This term means to perform the mutual obligation of the Public Employer, by its representative(s), and the representatives of its employees, to negotiate in Good Faith at reasonable times and places with respect to wages, hours, terms, and other conditions of employment and the continuation, modification, or deletion of an existing provision of an Agreement, with the intention of: 1) Reaching an Agreement; or 2) Resolving questions arising thereunder [29 USC §158(d); 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].</p> <p>NOTE: The execution of a written contract incorporating the terms of agreement is required; however, the obligation to Bargain Collectively: 1) Does not mean either party is compelled to agree to a proposal; and 2) Does not require concession making [29 USC §158; ORC §4117.01(G)].</p>
Board	This term (or “Board of Education”) means the Washington Local Board of Education [WLS 0100, 0111, 0121, and 0131].
Cause	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, up to and including Termination.
CDL Holder	This term means, for the purposes of the ADIPs, an Employee whose position requires a Commercial Driver’s License [WLS 4122.01 and 4162].
Certified Employee	This term (or “Certificated Employee”) means an Employee who holds a position for which a state certificate in education is required [WLS 0100].
Classified Employee	This term (or “Support Staff Member”, or “Non-Certificated Employee”, or “Non-Licensed Employee”, or “Non-Teaching Employee”) means an Employee who provides support to the District’s program and whose position does not require a professional license [WLS 0100].
Compulsory Leave	<p>This term means leave taken: 1) For jury duty; or 2) For a mandatory court appearance (e.g., a subpoena).</p> <p>NOTE: No Employer shall discharge, threaten to discharge, or take any disciplinary action that could lead to the discharge of any permanent Employee who is summoned to serve as a juror pursuant to ORC Chapter 2313 if: 1) The Employee gives reasonable notice to the Employer of the summons prior to the commencement of the Employee’s service as a juror; and 2) If the Employee is absent from employment because of the actual jury service [ORC §2313.19(A)]. No Employer shall require or request an Employee to use annual, vacation, or Sick Leave for time spent</p>

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	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)].
Computers	This term means Board-owned desktop computers, laptops, tablets, and other mobile computing devices.
Confidential Employee	This term means any Employee who works in the personnel offices of a Public Employer and deals with information to be used by the Public Employer when Bargaining Collectively; or any Employee who works in a close continuing relationship with public officers or representatives directly participating in collective bargaining on behalf of the Employer [ORC §4117.01(K)].
Confidential Personal Information	This term means personal information that is not a public record for the purposes of ORC §149.43 [ORC §1347.15(A)(1)].
Consent Agreement	<p>This term means a licensure action involving a formal settlement agreement between an educator and the State Board designed to address specific educator conduct and to establish an educator's efforts at rehabilitation.</p> <p>NOTE: Terms and conditions of these agreements vary depending on the conduct being addressed, but can include the suspension of an educator's license. This licensure action is a public record and remains a part of the educator's disciplinary file.</p>
Continuing Contract	<p>This term means: 1) A contract that remains in effect until a Teacher resigns, elects to retire, or is retired pursuant to former ORC §3307.37, or until it is terminated or suspended, granted only to a Teacher holding a professional, permanent, or life Teacher's certificate, a Teacher qualified under ORC §3319.08(D)(2), or a Teacher qualified under ORC §3319.08(D)(3) [ORC §3319.08(D)]; or 2) The contract of a non-teaching Employee who is continued in employment after the termination of the two (2) year contract provided in ORC §3319.081(A) [ORC §3319.081(B)].</p> <p>NOTE: ORC §3319.08(D) applies only to continuing contracts entered into on or after October 16, 2009; nothing in ORC §3319.08(D) shall be construed to void or otherwise affect a Continuing Contract entered into prior to that date [ORC §3319.08(E)]. Notwithstanding any provision to the contrary in ORC Chapter 4117, the requirements of ORC §3319.08(D)(3) prevail over any conflicting provisions of an Agreement entered into on or after October 26, 2009 [ORC §3319.08(E)].</p>
Continuing Service Status	<p>This term means employment under a Continuing Contract for a Teacher [ORC §3319.09(C)]. 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>NOTE: 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>
Controlled Substance	This term means, for the purposes of the ADIPs: 1) Any Illegal Drug [WLS 3122.01, 4122.01, and 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 3122.01, 4122.01, and 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,

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	<p>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 Holder 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, oxycodone, or hydro-codone); hallucinogens and psychedelics (e.g., Marijuana, LSD, and MDMA or “ecstasy”); depressants (e.g., barbiturates and benzodiazepines); stimulants (e.g., amphetamines, methamphetamines, cocaine, or its “crack” derivative); and anabolic steroids (e.g., dehydro-epiandrosterone or DHEA).</p> <p>NOTE: The term does not include any legally obtained prescription drug used for its intended purpose in its prescribed quantity, unless such use would impair the individual's ability to safely perform a Safety-Sensitive Function [WLS 3122.01, 4122.01, and 4162].</p>
Controlled Substance Abuse	<p>This term means, for the purposes of the ADIPs: 1) Excessive use of Alcohol; or 2) Use of an Illegal Drug; or 2) A prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity [WLS 3122.01, 4122.01, and 4162].</p>
Credentialed Evaluator	<p>This term means: 1) A person who holds an OTES evaluation credential established by the State Department [ORC §3319.111(D)]; or 2) A person who has completed OSCES evaluation training as required by the State Department [ORC §3319.113].</p> <p>For the OTES system, such persons include: 1) A person under contract with the Board pursuant to ORC §3319.01 or §3319.02 who holds a license designated for being a superintendent, assistant superintendent, or Principal issued under ORC §3319.22 [ORC §3319.111(D)(1)]; 2) A person under contract with the Board pursuant to ORC §3319.02 who holds a license designated for being a vocational director, administrative specialist, or supervisor in any educational area issued under ORC §3319.22 [ORC §3319.111(D)(2)]; 3) A person designated to conduct evaluations under an Agreement entered into by the Board and the representatives of teachers [ORC §3319.111(D)(3)]; or 4) A person employed by an entity contracted by the Board to conduct evaluations who holds a license designated for being a superintendent, assistant superintendent, Principal, vocational director, administrative specialist, or supervisor in any educational area issued under ORC § 3319.22 or is qualified to conduct evaluations [ORC §3319.111(D)(4)].</p>
Day	<p>This term means one (1) calendar day [ORC §4117.01(Q)], unless otherwise indicated within an Agreement for a specific procedure.</p> <p>NOTE: 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>
Denial of Application	<p>This term means a licensure action denying an educator’s licensure application. If an application is denied, the State Board may establish a minimum time period before an educator can apply for a license. The State Board may also order that an educator be permanently ineligible to apply for any license issued by the State Board. This licensure action is a public record and remains part of the educator’s disciplinary file.</p>
Disciplinary Interview	<p>This term means an interview by a Supervisor seeking information from an Employee that is likely to lead to discipline [OAPSE 279 Article 12 Section F(6)].</p>
District	<p>This term (or “WLS”) means Washington Local Schools [WLS 0100 and 0112].</p>

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Due Process	This term means the safeguards to which an Employee is entitled in order to protect his or her applicable rights [WLS 0100].
EAP	This term means an Employee Assistance Program.
Employee Organization	This term means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment [29 USC §152(5); ORC §4117.01(D)].
Employee Rights	<p>This term means the rights of public employees to: 1) Form, join, assist, or participate in, or refrain from forming, joining, assisting, or participating in, except as otherwise provided in ORC Chapter 4117, any Employee Organization of their own choosing [29 USC §157; ORC §4117.03(A)(1)]; 2) Engage in other concerted activities for collective bargaining or other mutual aid and protection [29 USC §157; ORC §4117.03(A)(2)]; 3) Representation by an Employee Organization [ORC §4117.03(A)(3).4]; 4) Bargain Collectively with their public employers to determine wages, hours, terms, and other conditions of employment, and the continuation, modification, or deletion of an existing provision of an Agreement, and enter into an Agreement [ORC §4117.03(A)(4); 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 in effect, and as long as the Exclusive Representative has the opportunity to be present [ORC §4117.03(A)(5)]; and 6) Bargain Collectively for healthcare [ORC §4117.03(E)].</p> <p>NOTE: Nothing in ORC Chapter 4117 prohibits a Public Employer from electing to engage in collective bargaining, to meet and confer, to hold discussions, or to engage in any other form of collective negotiations with public employees not subject to ORC §4117.01(C) [ORC §4117.03(C)].</p>
ESI	This term means Electronically Stored Information [Federal Rules of Civil Procedure 34 and 37 (28 USC App); OH Rules of Civil Procedure 34 and 37.
Evaluation Procedures	This term means: 1) The procedures required by the policy adopted by the Board pursuant to ORC §3319.111(A) [ORC §3319.02(D)(1)] for administrators or other administrators; 2) The procedures required by the policy adopted by the Board pursuant to ORC §3319.111(A) [ORC §3319.11(A)(1)] for teachers; or 3) The procedures required by the policy adopted by the Board pursuant to ORC §3319.113 for school counselors pursuant to ORC §3319.113(C)].
Exclusive Representative	This term means the Employee Organization certified or recognized by the SERB under ORC §4117.05 [ORC §4117.01(E)].
Extended Family	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].
Extended Limited Contract	This term means a Limited Contract, as described in ORC §3319.08, that a board of education or governing board enters into with a Teacher who is eligible for Continuing Service Status [ORC §3319.11(A)(3)].
Fiduciary Role	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.
FCMS	This term means Federal Mediation and Conciliation Services.
For Gain	For the purposes of the ECOC, this term means evidence of getting, or

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	attempting to get, something wanted, valued, or beneficial.
Formal Action	This term means a disciplinary action for which documentation is typically retained in the Employment Record File.
Good Faith	This term means having an honest intent to act without taking an unfair advantage or fulfilling a promise to act [The People's Law Dictionary, Publisher Fine Communications].
Grievance	<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>NOTE: If the Agreement provides for a final and binding arbitration of grievances: 1) The Public Employer, the Employee Organization, and the Public Employee are subject solely to that Grievance Procedure [ORC §4117.10(A)]; and 2) The 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>
Grievance Procedure	<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>NOTE: 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 an association representative, if applicable) and the Employee's Supervisor or the lowest-level administrator who has the authority to adjust the Grievance [WLS 9130; TAWLS Article 3; OAPSE 279 Article 5]. If not settled in this manner, and if the dispute, disagreement, or difference falls within the definition of a Grievance, a formal Grievance then may be initiated by the Employee using the designated procedure and form [TAWLS Article 3; OAPSE 279 Article 5].</p>
Grievant	<p>This term means an individual or entity authorized to file a Grievance [TAWLS Article 3; OAPSE 279 Article 5].</p> <p>NOTE: 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>A union representative will be permitted to attend all Grievance meetings [OAPSE 279 Article 5].</p>
IEP	This term means an Individualized Education Plan.
Illegal Drug	This term means, for the purposes of the ADIPs, drugs and controlled substances, the possession or use of which is unlawful pursuant to federal, state, and local laws and regulations [WLS 3122.01, 4122.01, and 4162].
Immediate Family	This term (or "Relative") means: 1) 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]; or 2) Other persons so defined in the Agreement [TAWLS Article 11 Section 2; OAPSE 279 Article 12 Section J(2)] or handbook [SAAWLS Handbook Article 6 Section 3; NBCE Handbook 4].
Immediate Supervisor	This term means the lowest-level Supervisor having line supervision authority over: 1) An Employee; or 2) A Grievant.
Informal Action	This term means a disciplinary action for which documentation is not typically retained in the Employment Record File.

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Information Resources	This term means any data or information in electronic, audio-visual, or physical form, or any hardware or software that makes possible the storage and use of data or information [WLS 0100]. This definition includes, but is not limited to, electronic mail, voice mail, Social Media, text messages, databases, CD-ROMs/DVDs, web sites, motion picture film, recorded magnetic media, photographs, digitized information, or microfilm, and also includes any equipment, computer facilities, or online services used in accessing, storing, transmitting or retrieving electronic communications [WLS 0100].
Intentionally	This term means evidence of a pre-existing plan, intent, design, or purpose.
Job Sharing	This term means a voluntary option available for teachers, subject to the prior approval of the Superintendent or his/her designee, to share a full-time position [TAWLS Article 5 Section 12].
Letter of Admonishment	This term means a licensure action that details an educator's misconduct and formally admonishing the educator that the behavior constitutes conduct unbecoming the teaching profession. This licensure action is a public record and remains a part of the educator's disciplinary record.
Licensed Employee	This term means a Certified Employee (under ORC §3319.22) or another person who is employed in a position for which a license is required in the state of Ohio, including a Treasurer or a business manager (under ORC §3301.074).
Licensure Code	This term (or "LCPCOE") means the <i>Licensure Code of Professional Conduct for Ohio Educators</i> [HB 190, 127 th General Assembly].
Limitation of License	This term means a licensure action whereby the State Board limits either: 1) The type of educational activities a licensee can perform; or 2) Where the licensee can perform them. This licensure action is a public record and remains a part of the educator's disciplinary file.
Limited Contract	This term means: 1) For a Superintendent, a contract for a term as authorized by ORC §3319.01 [ORC §3319.08(C)(1)]; 2) For an assistant Superintendent, Principal, assistant principal, or Other Administrator, a contract for a situational term authorized by ORC §3319.02 [ORC §3319.08(C)(2)]; or 3) For all other teachers who are not eligible for Continuing Service Status, a contract for a term not to exceed five (5) years [ORC §3319.08(C)(3) and §3319.11(A)(2)].
Maliciously	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.
Management Level Employee	<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: 1) Assist in the preparation for the conduct of collective negotiations; 2) Administer collectively negotiated agreements; or 3) Have a major role in personnel administration [ORC §4117.01(L)].</p> <p>NOTE: Assistant Superintendents, principals, and assistant principals whose employment is governed by ORC §3319.02 are management level employees [ORC §4117.01(L)].</p>
Management Rights	This term (or "Right to Manage") means an Employer is not required to bargain on subjects reserved to the management and the direction of the governmental unit, except as affect: 1) Wages, hours, terms, and conditions of employment; and 2) The continuation, modification, or deletion of an existing provision of an Agreement [ORC §4117.08(C), §4117.09 and §4117.10; WLS 0118; TAWLS Article 1 Section 2; OAPSE 279 Article 1 Section C].

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	<p>NOTE: Unless a Public Employer agrees otherwise in an Agreement, nothing in ORC §4117 impairs the right and responsibility of each Public Employer to: 1) Determine matters of inherent managerial policy including, but not limited to, areas of discretion or policy (e.g., the functions and programs of the Public Employer, standards of services, its overall budget, utilization of technology, and organizational structure); 2) Direct, supervise, evaluate, or hire employees; 3) Maintain and improve the efficiency and effectiveness of governmental operations; 4) Determine the overall methods, process, means, or personnel by which governmental operations are to be conducted; 5) Suspend, discipline, demote, or discharge for Just Cause, or lay off, transfer, assign, schedule, promote, or retain employees; 6) Determine the adequacy of the work force; 7) Determine its overall mission as a governmental unit; 8) Effectively manage the work force; or 9) Take actions to carry out its mission as a governmental unit [ORC §4117.08(C)].</p>
Mediation	<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>NOTE: Both parties must agree to Mediation [TAWLS Article 3].</p>
Mediator	<p>This term means the entity which conducts Mediation when necessary.</p> <p>NOTE: FCMS will be used [TAWLS Article 3; OAPSE 279 Article 4].</p>
MRO	<p>This term means a Medical Review Officer.</p>
NBCE Handbook	<p>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].</p>
Neglect of Duty	<p>This term means: 1) The failure to act with the prudence that a reasonable person would exercise under the same circumstances; or 2) The failure of an Employee to fulfill a work responsibility that is incumbent upon the Employee by virtue his or her office or position under federal law, state statute Board policy, job description, or Supervisor directive.</p> <p>NOTE: It is immaterial whether the neglect was done willfully, out of malice, out of ignorance, or due to an oversight when the result of the neglect was grave or its frequency was such as to endanger or threaten the welfare of staff, students, the staff member involved, or the legitimate interests of the District.</p>
Network	<p>This term means Board-owned devices, Internet, email, electronic subscriptions, research or productivity resources, and internal electronic resources.</p>
Network Users	<p>This term means staff members who use or otherwise access the network via wireless or hardwired connection.</p>
NLRB	<p>This term means the National Labor Relations Board.</p>
OAC	<p>This term means Ohio Administrative Code.</p>
OAPSE 279	<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>NOTE: Specifically excluded from the bargaining unit are those persons in the positions identified as management level employees, confidential employees, or other excepted employees in OAPSE 279 Article 1 Section A [ORC §4117.01].</p>

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Official Reprimand	<p>This term (or “Letter of Reprimand”) means a Formal Action that involves a statement of censure for misconduct of such concern that an official record of the incident(s) must be established. The action is used when the ECOC violation involved warrants a response more severe than a Written Warning, but less severe than a Suspension.</p> <p>NOTE: No formal disciplinary hearing is required; however: 1) Only the Superintendent or his/her designee may issue this action; and 2) The event must be documented.</p>
ORC	This term means Ohio Revised Code.
OSCES	This term means the Ohio School Counselor Evaluation System [ORC §3319.113].
OTC	This term means an over-the counter (non-prescription) medication or remedy.
OTES	This term means the Ohio Teacher Evaluation System [ORC §3319.111 and §3319.112].
Other Administrator	<p>This term means any of the following: 1) Except as provided in ORC §3319.02(A)(2), any Employee in a position for which the Board of Education requires a license designated by rule of the State Department for being an administrator issued under ORC §3319.22, including a professional pupil services Employee or administrative specialist or an equivalent of either one who is not employed as a school counselor and spends less than fifty percent (50%) of the time employed teaching or working with students [ORC §3319.02(A)(1)(a)]; 2) Any Non- Licensed Employee whose job duties enable such Employee to be considered as either a "Supervisor" or a "Management Level Employee," as defined in ORC §4117.01 [ORC §3319.02(A)(1)(b)]; or 3) A business manager appointed under ORC §3319.03 [ORC §3319.02(A)(1)(c)].</p>
Otherwise Qualified Treasurer	<p>This term means a person who does not possess a current valid Treasurer's license but demonstrates to the District board's satisfaction both that the person meets all qualifications for that license and that the person has applied to the State Board for issuance or renewal of the license but has not yet received the State Board 's decision regarding the issuance or renewal [ORC §3313.22(B)].</p>
PCD	This term (or “Personal Communication Device”) means a WCD not owned by the Board [WLS 0100].
Personal Leave	<p>This term means paid leave that is intended to be used for personal reasons.</p> <p>NOTE: The Board shall adopt rules entitling regular non-teaching employees, during each school year, to a minimum of three (3) days of such leave at their regular compensation [ORC §3319.142]. The rules shall govern the use and administration of such leave, but they need not specify when such leave may be taken, and leave days shall not be charged against Sick Leave earned under ORC §3319.141 [ORC §3319.142]. If no such policy exists, non-teaching employees receive three (3) days of unrestricted personal leave during the school year [ORC §3319.142].</p>
PI	<p>This term means Personal Information (i.e., that which describes anything about a person, indicates actions done by or to a person, or indicates that a person possesses certain characteristics) that: 1) Contains a name, identifying number, symbol, or other assigned identifier; and 2) Can be retrieved from a PI System [ORC §1347.01(E)].</p>
PI System	<p>This term means any collection or group of related records kept in an organized manner and maintained by a state or local agency from which PI is retrieved by: 1) A person's name; 2) Some identifying number; or 3) Some other identifier assigned to the person [ORC §1347.01(F)].</p>

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	NOTE: A PI System may include both records that are manually stored and records that are stored using electronic data processing equipment [ORC §1347.01(F)].
PII	This term means Personally Identifiable Information [WLS 8330].
Principal	This term means the educational leader and head administrator of one (1) school or more in the District [WLS 0100]. The term implies delegation of designated responsibilities to appropriate staff members [WLS 0100].
Probationary Period	This term means, where applicable: 1) A timeframe within an Agreement requiring that as a condition of employment, an Employee in a bargaining unit who is not a member of the Employee Organization pays a fair share fee to the Employee Organization, unless a qualifying exemption (e.g., religious objection) is declared [29 USC §169; ORC §4117.09(C); TAWLS Article 1 Section 4 and Article 6 Section 17; OAPSE 279 Article 1 Section B]; 2) A timeframe during which a Classified Employee not subject to ORC §124 may be released with reduced Due Process; 3) A timeframe before a Classified Employee's promotion is considered final; or 4) A timeframe during which a Classified Employee, when accepting a promotion or transfer to a new classification, may either elect to remain in the position, or return to his or her former position.
Professional Growth Leave	This term (or "Sabbatical Leave") means a leave of absence with part pay, for one (1) or two (2) semesters: 1) With the Board and Superintendent permission; and 2) Subject to the restrictions in ORC §3319.131 [ORC §3319.131].
Professional Leave	This term means leave granted for professional purposes as outlined within the Agreement.
Professional Staff Member	This term means an Employee who implements or supervises one (1) aspect or more of the District's program and whose position requires a professional credential from the State Department's Division of Teacher Education and Licensing [WLS 0100].
Public Employee	This term (or "Employee") means any person holding a position by appointment or employment in the service of a Public Employer, including any person working pursuant to a contract between a Public Employer and a private Employer and over whom the NLRB has declined jurisdiction on the basis that the involved employees are employees of a Public Employer, except: 1) Confidential employees; 2) Management level employees; 3) Supervisors; and 4) All others defined in ORC §4117.01(C) [ORC §4117.01(C)].
Public Employer	This term (or "Employer") means the state or any political subdivision of the state located entirely within the state, including, without limitation, any municipal corporation with a population of at least five thousand (5,000); a county or township with a population of at least five thousand (5,000) in the unincorporated area thereof; a school district; the governing authority of a community school established under ORC §3314; a college preparatory boarding school established under ORC §3328 or its operator; a state institution of higher learning; a public or special district; a state agency, authority, commission, or board; or another branch of public employment [ORC §4117.01(B)].
Reasonable Person Standard	This term means: 1) For policy violations, what would be done, or not done, by most people within the District and/or the community in a similar situation; or 2) For civil violations or criminal violations, what would be done, or not done, by a hypothetical person in society who exercises average care, skill, and judgment in conduct and who serves as a comparative standard for determining liability [West's Encyclopedia of American Law, 2 nd Edition. The Gale Group, Inc.].

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Revocation of License	This term means a licensure action that revokes an educator's license. If revoked, the State Board: 1) May establish a minimum period of time before an educator can apply for a new license; or 2) May order an educator to be permanently ineligible to apply for any license it issues. This licensure action is a public record and remains part of the educator's disciplinary file.
SAAWLS Handbook	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].
Safety-Sensitive Employee	<p>This term means, for the purposes of the ADIPs, any Employee who may perform a Safety-Sensitive Function.</p> <p>Examples include, but are not limited to, the following: 1) Any regular or substitute bus driver; 2) Any Employee who is required to be a CDL Holder as a condition of employment; 3) Any Employee who inspects, repairs, and/or maintains Board-owned vehicles; or 4) Any other Employee who may drive students in a Board-owned vehicle [WLS 3122.01 and 4122.01].</p>
Safety-Sensitive Function	This term means, for the purposes of the ADIPs any task associated with the operation and/or maintenance of a Board-owned vehicle or equipment or as defined by the District (e.g., driving a Board-owned vehicle) [WLS 3122.01, 4122.01, and 4162].
Seniority	This term means the system used to rank an Employee in comparison to other employees based on: 1) The amount of time that an Employee has worked within the school system ("System Seniority"), as defined in the Agreement [TAWLS Article 5 Section 5 and Article 5 Section 7; OAPSE 279 Article 8 Section]; or 2) The amount of time that an Employee has worked within a job classification ("Classification Seniority"), as defined in the Agreement [OAPSE 279 Article 8 Section B and Article 8 Section C].
SERB	This term means the State Employment Relations Board.
Sick Leave	This term means paid leave taken for personal illness, pregnancy, injury, exposure to contagious or communicable disease, and for absence due to illness, injury, or death in the Employee's Immediate Family [ORC §3319.141].
Social Media	<p>This term means, for the purposes of WLS 7540 and related Board policies, a category of online media and/or Internet-based applications that: 1) Facilitate communication (e.g., interactive or two-way conversation or dialogue) and Networking between individuals or groups; or 2) Encourage discussion, feedback, voting, comments, and sharing of information from all interested parties [WLS 7540].</p> <p>Examples include, but are not limited to, Facebook®, Twitter®, Instagram®, webmail, text messaging, chat, blogs, and instant messaging (IM) [WLS 7540].</p>
SPBR	This term means the State Personnel Board of Review .
State Board	This term (or "OSBE" or "SBE") means the Ohio State Board of Education.
State Department	This term (or "ODE") means the Ohio Department of Education.
State Superintendent	This term means the Ohio Superintendent of Public Instruction.
Superintendent	This term means the person possessed of the qualifications provided in ORC §3319.01 and appointed by the Board to act as the chief executive officer of the District [WLS 0100, 1100, 1210, 1220, and 1230; TAWLS Article 1 Section 3;

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	OAPSE 279 Article 1 Section D].
Supervisor	<p>This term means: 1) Any individual who has authority, in the interest of the Public Employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees; to responsibly direct them; to adjust their grievances, or to effectively recommend such action, if the exercise of that authority is not of a merely routine or clerical nature, but requires independent judgment [29 USC §152(11); ORC §4117.01(F)]; or 2) The non-bargaining unit Employee to whom a bargaining unit member reports.</p> <p>NOTE: Employees of school districts who are department chairpersons or consulting teachers shall not be deemed supervisors [ORC §4117.01(F)(1)]. Additionally, no Teacher as defined in ORC §3319.09 shall be designated as a Supervisor or a Management Level Employee, unless the Teacher: 1) Is employed under a contract governed by ORC §3319.01, §3319.011 or §3319.02; and 2) Is assigned to a position for which a license deemed to be for administrators under State Board rules is required pursuant to ORC §3319.22 [ORC §4117.01(F)(4)].</p>
Supervisory Role	This term means employment in a position as a Supervisor.
Suspension	<p>This term means a Formal Action that involves an Employee being involuntarily separated from service on a temporary basis: 1) Without pay (a “Disciplinary Suspension”) when the action(s) or behavior(s) involved warrant an action that is more severe than an Official Reprimand, but less severe than a Termination; or 2) With pay (an “Administrative Suspension”) for <u>non-disciplinary</u> purposes when the Employee may create a hazard situation during a pending investigation or is otherwise subject to a pending Termination. A Suspension for disciplinary purposes is the most severe type of disciplinary action that is still compatible with continued employment, and is meant to serve as a significant consequence for either a serious lapse of judgment, or for misconduct of such concern, that the District must ensure the Employee understands that a repeat incident is likely to result in Termination.</p> <p>NOTE: When used for disciplinary purposes, this action requires the Due Process outlined in state statute, Board policy, and/or the Agreement by Employee classification. The District-approved procedure must be followed, and only the Superintendent or his/her designee, the Treasurer, or the Board may take this type of action.</p>
Suspension of License	This term means a licensure action that suspends an educator’s license for a specified time period, not to exceed five (5) years. During the suspension period, an educator is prohibited from performing any educational activities or duties that require licensure through the State Department. After the suspension period, the license is reactivated if the educator can demonstrate compliance with any educational requirements and other conditions contained in the State Board’s order, and the license’s original expiration date did not occur during the suspension period. This licensure action is a public record and remains a part of the educator’s disciplinary file
TAWLS	<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>NOTE: Specifically excluded from the bargaining unit are those persons in the positions identified as management level employees, confidential employees, or other excepted employees in TAWLS Article 1 Section 1 [ORC §4117.01]. 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>

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Teacher	This term means a person licensed to teach who is employed in a public school of this state as an instructor, Principal, Supervisor, school superintendent, or any other educational position for which the State Board requires licensure under ORC §3319.22 to §3319.31, including a person having a license issued pursuant to ORC §3319.22 to §3319.31 and employed in an educational position, as determined by the State Board, under a program provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirement can be made under the provisions of such federal acts or regulations [ORC §3319.09(A) and §4117.09(D)].
Technology Resources	This term means computers, laptops, tablets, e-readers, cellular or mobile telephones, smartphones, web-enabled devices, video and/or audio recording equipment, SLR and DSLR cameras, projectors, software and operating systems that work on any device, copy machines, printers and scanners, information storage devices (including mobile/portable storage devices such as external hard drives, CDs/DVDs, USB thumb drives and memory chips), the computer Network, Internet connection, and online educational services and apps [WLS 0100].
Termination	<p>This term means a Formal Action that involves an Employee being involuntarily separated from service on a permanent basis when: 1) The issue of Employee remediation is either no longer valid or is otherwise irrelevant; or 2) The misconduct involved is incompatible with initial or continued employment by the District. This action may be sub-characterized as: 1) For Cause; or 2) For performance-related issues.</p> <p>NOTE: This action requires the Due Process outlined in state statute. Board policy, and/or the Agreement by Employee classification. The District-approved procedure must be followed, and only the Board may take this type of action.</p>
Treasurer	This term means the chief fiscal officer of the District appointed by the Board pursuant to ORC §3313.22 [WLS 0100 and 1310].
Unauthorized Strike	<p>This term means, but is not limited to, concerted action during the term or extended term of an Agreement or during the pendency of the settlement procedures set forth in ORC §4117.14, failing to report to duty, willful absence from one's position, stoppage of work, slowdown, or abstinence in whole or in part from the full, faithful, and proper performance of employment duties for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment [ORC §4117.01(I) and §4117.23].</p> <p>NOTE: An Unauthorized Strike includes any such action, absence, stoppage, slowdown, or abstinence when done partially or intermittently, whether during or after the expiration of the term or extended term of an Agreement or during or after the pendency of the settlement procedures set forth in ORC §4117.14 [ORC §4117.01(I)].</p>
Union President	This term means the president of TAWLS or OAPSE 279 as appropriate.
Unpaid Leave	This term means: 1) An unpaid leave of absence that may be granted by the Board upon the written request of a Teacher or a Classified Employee for a period of not more than two (2) years consecutively for educational, professional, or other purposes; or 2) An unpaid leave of absence that shall be granted by the Board upon the written request of a Teacher or a Classified Employee for a period of not more than two (2) years consecutively where illness or other disability is the reason for the request [ORC §3319.13].
Verbal Redirection	This term means any private conversation, counseling, or similar measure that is: 1) Non-disciplinary in nature; and 2) Undocumented.

ADMINISTRATIVE GUIDELINES: EMPLOYEE CODE OF CONDUCT (OH)



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GLOSSARY (CONT'D)

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



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