

Board Policy: Employee Misconduct Reporting

Policy Number: 3139.02 (Certified) and 4139.02 (Classified) - "Employee Misconduct Reporting"

Adoption Date: August 12, 2025

Reviewed/Revised: August 12, 2025

Purpose

The Board of Education is committed to maintaining a professional and ethical work environment in which employee misconduct is addressed promptly, consistently, and lawfully. The purpose of this policy is to establish a clear process for reporting, investigating, and responding to employee misconduct, in accordance with applicable state and federal laws.

This policy is guided by the following provisions of the **Ohio Revised Code (R.C.)**:

- **R.C. 3319.31** – Authorizes the State Board of Education to suspend, revoke, or limit a license for misconduct, including immoral, unethical, or unbecoming conduct.
- **R.C. 3319.313** – Requires school districts to report to the Ohio Department of Education and Workforce any instance where an employee resigns, is nonrenewed, or is terminated under circumstances involving misconduct.
- **R.C. 3319.39** – Governs the employment of individuals in positions requiring licensure, including background checks and the duty to report certain offenses.
- **R.C. 2151.421** – Mandates the reporting of suspected child abuse or neglect by school personnel.
- **R.C. 4113.52** – Protects employees from retaliation when reporting violations of law or policy in good faith (Whistleblower Protection Law).

These legal references, along with relevant federal laws such as Title VII, Title IX, and the Americans with Disabilities Act (ADA), inform the district's obligation to provide a safe, nondiscriminatory, and legally compliant workplace. This policy establishes internal reporting expectations to ensure timely and appropriate action, support staff accountability, and protect student and staff well-being.

Definition of Misconduct

For the purposes of this policy, misconduct includes but is not limited to:

- **Discrimination or harassment** based on race, color, national origin, sex (including sexual harassment), disability, religion, or age, as prohibited by state and federal laws (e.g., Title VII, Title IX, ADA, Section 504).
- **Sexual misconduct or abuse**
- **Physical abuse or threats**
- **Substance abuse or possession on school property**
- **Neglect or endangerment of students**
- **Theft, fraud, or misuse of district property**
- **Violations of professional boundaries**
- **Violations of state educator conduct codes**

- **Retaliation against whistleblowers**

This list is not exhaustive. Any behavior violating the law, board policy, or professional ethics may be subject to investigation.

Reporting Requirements

- 1. Initial Report to Immediate Supervisor**

Employees who suspect misconduct are required to report the concern to their immediate supervisor as soon as reasonably possible.

- 2. Filing a Formal Report**

If the concern is deemed appropriate for formal review, the employee must submit an official report through the Employee Misconduct Reporting Portal in Public School Works (PSW).

- 3. Complaint Involving the Immediate Supervisor**

If the concern involves the employee's immediate supervisor, the employee should bypass the supervisor and report directly through the PSW portal.

- 4. Complaint Involving the Superintendent**

If the concern involves the Superintendent, the employee must submit the report via email directly to the Board President.

Anonymous Reports Not Accepted

Anonymous reports will not be accepted. All reports must include the reporting employee's name and contact information to ensure proper follow-up and investigation.

Investigation and Action

- Reports submitted through PSW will be routed to the Superintendent, who is responsible for initiating an investigation and assigning appropriate corrective or disciplinary action in accordance with board policy, collective bargaining agreements, and state/federal law.
- Reports submitted to the Board President will be addressed by the Board of Education, which may refer the matter to legal counsel or an outside investigator if appropriate.

Retaliation Prohibited

Retaliation against any employee who files a report in good faith is strictly prohibited. Any act of retaliation should be reported immediately and will be subject to disciplinary action.

False or Frivolous Reporting

The Board recognizes the importance of encouraging the good-faith reporting of employee misconduct. However, any employee who knowingly files a false, misleading, or frivolous report of misconduct will be subject to disciplinary action, up to and including termination of employment. Making a false report undermines the integrity of the reporting process and may constitute a violation of Board policy and state law.

Staff Training

- Supervisors must receive annual training.
- All staff will receive a yearly reminder of reporting expectations and methods

CROSS REFERENCES:

- Policy 3139 – Staff Misconduct (if separated by certification)
- Policy 4362 – Anti-Harassment
- Policy 4211 – Whistleblower Protection
- Policy 8462 – Student Abuse and Neglect Reporting
- AG 4139 – Employee Misconduct Reporting Procedures

Employee Handbook Summary

Employee Misconduct Reporting Procedure

Employees must report misconduct to their immediate supervisor. If appropriate, the supervisor may instruct the employee to file an official report through Public School Works (PSW). If the complaint involves the supervisor, employees should report directly through PSW. If the complaint involves the Superintendent, employees must email the Board President. Anonymous reports are not accepted. Retaliation for good-faith reporting is strictly prohibited.

Email Template: Reporting Superintendent Misconduct to Board President

To: [Board President Email]

Subject: Employee Misconduct Report – Confidential

Dear [Board President's Name],

I am writing to report a concern regarding alleged misconduct involving the Superintendent. In accordance with Board Policy on Employee Misconduct Reporting, I am submitting this report directly to you for review and action.

Summary of Concern:

[Briefly describe the nature of the concern, relevant dates, individuals involved, and any supporting evidence.]

I am prepared to provide additional details or participate in an investigation if needed. Please let me know the next steps.

Sincerely,

Reporting Process Flowchart

EMPLOYEE HAS A MISCONDUCT CONCERN

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Does it involve the employee's immediate supervisor?

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No Yes

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Report concern Submit report directly
to immediate via PSW portal
supervisor |

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Does supervisor believe a formal report is needed?

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Yes No

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Submit PSW report Supervisor resolves or monitors

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Does the report involve the Superintendent?

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No Yes

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Superintendent Employee sends
investigates email report
and responds to Board President