

### 3.181 INFORMATION CONCERNING IMPROPER CONDUCT BY LICENSED EMPLOYEE

- A. As used in this policy:
1. "Conduct unbecoming to the teaching profession" are as described in rules adopted by the state board of education.
  2. "Intervention in lieu of conviction" means intervention in lieu of conviction under R.C. 2951.041.
  3. "License" has the same meaning as in R.C. 3319.31.
  4. "Pre-trial diversion program" means a pre-trial diversion program under R.C. 2935.36 or a similar diversion program under rules of a court.
- B. The superintendent or the president of the Board of Education, if paragraph C. of this policy applies, shall promptly submit to the superintendent of public instruction the information prescribed in paragraph D. of this policy when any of the following conditions applies to an employee of the district who holds a license issued by the state board of education:
1. The superintendent or president 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 R.C. 3319.31(B)(2) or (C) or R.C. 3319.39(B)(1);
  2. The Board of Education has initiated termination or nonrenewal proceedings against, has terminated, or has not renewed the contract of the employee because it has reasonably determined that the employee has committed an act that is unbecoming to the teaching profession or an offense described in R.C. 3319.31(B)(2) or (C) or R.C. 3319.39(B)(1);
  3. The employee has resigned under threat of termination or nonrenewal as described in paragraph B.2. of this policy;
  4. The employee has resigned because of or in the course of an investigation by the Board of Education regarding whether the employee has committed an act that is unbecoming to the teaching profession or an offense described in R.C. 3319.31(B)(2) or (C) or R.C. 3319.39(B)(1).
- C. If the employee to whom any of the conditions prescribed in paragraph B. of this policy applies is the superintendent or treasurer, the president of the Board of Education shall make the report required under this section.
- D. If a report is required under this section, the superintendent or Board president shall submit to the superintendent of public instruction the name and social security number of the employee about whom the information is required and a factual statement regarding any of the conditions prescribed in paragraph B. of this policy that applies to the employee.
- E. No individual required to submit a report under paragraph B. of this policy shall knowingly fail to comply with its provisions.
- F. An individual who provides information to the superintendent, superintendent's designee or the superintendent of public instruction in accordance with this policy 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. However, no district employee shall:

1. Knowingly make a false report to the superintendent, or the superintendent's designee, alleging misconduct by another employee of the district; or
  2. Knowingly cause the superintendent, or the superintendent's designee, to make a false report of the alleged misconduct to the superintendent of public instruction or the state board of education.
- G. If the alleged misconduct involves a person who holds a license but the district superintendent is not required to submit a report to the superintendent of public instruction under R.C. 3319.313 and the superintendent, or the superintendent's designee, in good faith reports the alleged misconduct to the superintendent of public instruction or the state board, the district superintendent, or the superintendent's designee, 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 reporting of that information.

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