

ACCESS Council

Governance & Policy Documents

7320 North Palmyra Road
Suite 127
Canfield, Ohio 44406
330-702-7860

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0000 - Agreement For Establishment of the
ACCESS Council of Governments

RESTATED AGREEMENT FOR ESTABLISHMENT OF THE ACCESS COUNCIL

This Restated Agreement for Establishment of the ACCESS Council dated _____, 201____, restates the Agreement for Establishment of the ACCESS Council made and entered into as of June 1, 2001, as amended to the date hereof (collectively, as the same may be further amended in accordance herewith, "Agreement"), by and between the members of the ACCESS Council ("Council"):

RECITALS

WHEREAS, Revised Code Chapter 167, as amended ("Council Statute") provides, in general, that the governing bodies of any two or more political subdivisions may enter into an agreement establishing a regional council of governments for the purposes of promoting cooperative arrangements and agreements among its members and between its members and government agencies or private persons or entities, performing functions and duties which its members can perform and addressing problems of mutual concern;

AGREEMENT

NOW, THEREFORE, pursuant to the Council Statute and in consideration of the services to be made available by the Council, it is agreed by and between the members of the Council listed in Exhibit A and any additional boards of education or other public institutions that may hereafter become members of the Council (collectively the "Members"):

Section 1. Formation; Name

The Members named in Exhibit A hereby establish a regional council of governments pursuant to and for the purposes authorized by the Council Statute. That regional council of governments, comprised of the Members determined from time to time in accordance with this Agreement, shall be named the "ACCESS Council".

Section 2. Fiscal Year

The fiscal year of the Council shall be the twelve-month period beginning July 1 and ending June 30 ("Fiscal Year"). In the event that the fiscal year for Ohio boards of education should be changed to a period other than the twelve-month period beginning July 1 and ending June 30, the Fiscal Year of the Council may be changed to conform to such change upon the approval of the Board of Directors of the Council.

Section 3. Assembly of Council; Representation and Voting on Assembly

Each Member shall have one representative on the legislative body of the Council, which shall be known as the ACCESS Council Assembly ("Assembly"). For Members that are boards of education, that representative shall be the Member's Superintendent and, for Members that are not boards of education, that representative shall be an executive of the Member appointed by the Member's governing body; provided, that any Member may, through appointment by its board of

education or other governing body, designate one or more alternate representatives, who shall be fully authorized to attend all Assembly meetings as the representative of such Member, and represent and vote for such Member in the Assembly on any matter coming before the Assembly, in the event of the vacancy, absence or other unavailability at such Assembly meeting of the Member's Superintendent (or other executive representative appointed by the Member's governing board). Voting rights on matters before the Assembly shall be determined pursuant to the Bylaws in effect from time to time pursuant to Section 4 of this Agreement and, to the extent permitted by law and by the Bylaws, pursuant to program agreements entered into by the Council pursuant to Section 5 below with respect to matters governed by a particular program agreement.

Section 4. Adoption of Bylaws

Within 30 days following approval of this Agreement by two-thirds of the Participating Districts in the Area Cooperative Computerized Educational Service System, the representatives to the Assembly shall meet for the purpose of adopting bylaws pursuant to Revised Code Section 167.04 (as amended from time to time, "Bylaws") . The affirmative vote of at least a majority of all representatives shall be required for the adoption of the Bylaws. The Bylaws shall include but not be limited to provisions that:

- (A) Establish the rules for voting on matters before the Assembly, including any rules that permit voting representation of non-Members that utilize particular programs of the Council, consistent with Ohio laws in effect at the time and the applicable program agreement approved pursuant to Section 5 hereof;
- (B) establish a governing board of the Council which shall be called the Board of Directors;
- (C) designate the officers of the Council and the method of selection thereof;
- (D) provide a method for the appointment of advisory committees for the programs of the Council;
- (E) appoint a fiscal officer for the Council and its programs who shall be called the Treasurer; and
- (F) regulate the conduct of the Council's business.

Consistent with the Council Statute, this Agreement and applicable Bylaw provisions, the Bylaws may be amended from time to time by the Assembly.

Section 5. Programs of the Council

The Council may establish such cooperative programs as the Assembly may approve. Each program shall be established by a written agreement between the Council and the Members of the Council whose governing bodies have determined to participate in the program and have approved the program agreement. Each program agreement shall be reviewed and approved by the Board of Directors prior to execution by any Member.

Each program agreement shall include, but not be limited to, provisions that:

- (A) direct the Board of Directors concerning the management of the program and define matters which must be submitted for decision to the Members participating in that program;
- (B) establish procedures for budgeting program costs and apportioning program costs among the participating Members;
- (C) establish one or more funds into which all contributions of money for program costs shall be deposited;
- (D) determine the method for including additional Members in the program or permitting other organizations to contract with the Council for services under a program, if determined to be necessary or desirable;
- (E) determine the duties of the Treasurer with respect to the fiscal management of the program; and
- (F) determine the disposition, upon termination of the program, of any supplies, equipment, facilities or moneys held in connection with the operation of the program.

Section 6. Withdrawal of a Member

Any Member wishing to withdraw from participation in the Council or any program of the Council shall notify the Board of Directors on or before October 1 of the Fiscal Year preceding the Fiscal Year in which the Member will withdraw. Any decision to withdraw from the Council or any program of the Council must be made by duly adopted resolution of the board of education of the Member, except as provided in Section 9 hereof. Upon withdrawal under this Section, the withdrawing Member may not become a Member again until it has fully complied with the procedures contained in Section 7 hereof.

The Board of Directors shall determine the disposition of any Peripheral Equipment purchased with Program funds and assigned to a Member which withdraws from the Council. That disposition may be to require its return to the Treasurer or to transfer ownership to the withdrawing Member with or without charge, as determined by the Board to be fair consideration under the circumstances.

Section 7. Inclusion of Additional Members

Any board of education in the State of Ohio, and any other public organization authorized under Revised Code Chapter 167 to be a member of a council of governments, may apply to become a Member of the Council by submitting an application in writing to the Board of Directors, accompanied by a duly adopted resolution of its governing body requesting inclusion in the Council. The Board of Directors shall review the application and make a recommendation to the Assembly concerning the admission of the applicant in the Council. The applicant shall be included in the Council and deemed a Member hereunder if its inclusion is approved by the

affirmative vote of at least two-thirds of the representatives in the Assembly and the applicant executes the Agreement, approves the Bylaws, and appropriates and remits to the Treasurer an initial monetary assessment for costs of the Council in an amount approved by the Assembly. The applicant shall thereafter be a Member and be assessed its portion of the Council's costs by the same method and using the same formula as any other Member, in accordance with the Bylaws.

Section 8. Amendments

This Agreement may be modified, amended or supplemented in any respect not prohibited by law upon the approval of the modification, amendment or supplement by the governing bodies of at least two-thirds of the Members and the amendment, modification or supplement shall thereupon become binding upon all Members.

Section 9. Term

It is the express intention of the Members that this Agreement shall continue for an indefinite term, but may be terminated as herein provided.

Section 10. Termination

In the event that the governing bodies of two-thirds of the Members, by duly adopted resolutions, determine that this Agreement shall be terminated, the Board of Directors shall meet within 30 days following its receipt of certified copies of those resolutions. At that meeting the Board of Directors shall determine the date upon which this Agreement and the activities and operations of the Council shall terminate and make recommendations to the Assembly with respect to any matter which must be resolved in connection with the termination of the Council and which is not addressed by this Agreement, the Bylaws or program agreement.

Upon termination of this Agreement, each program and program agreement shall terminate, unless the governing bodies of the Members and the Board of Directors determine that a program shall continue and make provision for its continued operation without the Council. After payment of all known obligations of the Council in connection with each terminated program, any surplus remaining in any funds of any terminated programs shall be distributed among the Members participating in the respective programs in the manner provided in the program agreements. After payment of all known obligations of the Council, other than those incurred in connection with any program, any surplus remaining in any funds of the Council in addition to program funds shall be distributed among the Members in the manner recommended by the Board of Directors and approved by the affirmative vote of two-thirds of the representatives in the Assembly. If no agreement can be reached concerning the disposition of any surplus remaining in the funds of the Council, that surplus shall be distributed among the Members in the same proportion to the total remaining as the amount of each Member's share of costs incurred and paid from those funds over the life of this Agreement bears to the total costs incurred and paid from those funds by all Members over the life of this Agreement.

No Member shall be required, by or under this Agreement or the Bylaws, by an amendment or otherwise, to pay any sum upon termination hereof, unless it shall have expressly agreed thereto.

Section 11. Effectiveness and Counterparts

This Agreement shall not be effective until signed by the representatives of two-thirds of the Members identified in Exhibit A of this Agreement as authorized by a duly adopted resolution of the governing body of each of those Members. This Agreement may be signed in separate counterparts on behalf of any one or more than one of the Members, without necessity for any one counterpart to be signed on behalf of all Members. Separately signed counterparts shall be filed with the Recording Secretary of the Council and shall constitute one Agreement.

Section 12. Notices

Any notice to a Member required to be in writing shall be deemed given if (i) left at the office of the representative of such Member (the Superintendent if a board of education or other executive appointed by the Member's governing board) to the Assembly, or (ii) deposited in the United State mail, postage prepaid, by first-class mail addressed to such representative, or (iii) sent via electronic mail on the ACCESS Computer Network to the e-mail address of such representative, with the sending time to be considered the official time of receipt.

IN WITNESS WHEREOF, the undersigned representatives and officers of the respective Members, pursuant to duly adopted resolutions, have on behalf of their respective Members signed this Agreement (in counterparts), on the date indicated below, effective as of the date first set forth above.

BOARD OF EDUCATION OF THE
[1] SCHOOL DISTRICT

By:
President, Board of Education

And By:
Superintendent

Date:

And By:
Treasurer

FISCAL OFFICER CERTIFICATE

The undersigned, Treasurer of the Board of Education of the [1] School District, Ohio (the Board), under the Agreement for Establishment of the ACCESS Council certifies that the moneys required to meet the obligations of the Board during the fiscal year ending June 30, 2008 under the Agreement have been lawfully appropriated by the Board for those purposes and are in the treasury of the Board or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44 of the Ohio Revised Code.

Treasurer of the Board of Education of the
[1] School District

Dated: _____, 200_

EXHIBIT A

MEMBERS OF THE ACCESS COUNCIL

Austintown School District	Mahoning County ESC
Beaver School District	Mahoning County JVSD
Boardman School District	Poland School District
Campbell School District	Salem School District
Canfield School District	Sebring School District
Columbiana County ESC	South Range School District
Columbiana County NSD	Springfield School District
Columbiana EV School District	Struthers School District
Crestview School District	United School District
East Liverpool School District	Wellsville School District
East Palestine School District	West Branch School District
Jackson-Milton School District	Western Reserve School District
Leetonia School District	Youngstown Community Schools
Lowellville School District	Youngstown School District

0100 - Bylaws Governing the Operation of the ACCESS Council

**AMENDED AND RESTATED
BYLAWS GOVERNING THE ACCESS COUNCIL**
(Effective _____, 200_)

WHEREAS, pursuant to Revised Code Chapter 167, as amended ("Council Statute") the board of education or other governing authority or board (each a "governing body") of each of the Members of the ACCESS Council ("Council") approved the Agreement For Establishment of the ACCESS Council made and entered into as of June 1, 2001 (as amended or supplemented from time to time, "Council Agreement"), and the authorized representatives of the Members met and adopted the Bylaws Governing the ACCESS Council (effective July 1, 2001) pursuant to Revised Code Section 167.04 and Section 4 of the Council Agreement, which original Bylaws were amended by the ACCESS Council Assembly on November 16, 2001 (as so amended, "Existing Bylaws"; and which, as amended and restated hereby and further supplemented or amended from time to time in accordance with Section 12 herein, are the "Bylaws"); and

WHEREAS, pursuant to Section 5 of the Council Agreement, Revised Code Sections 3301.075 (and the rules promulgated thereunder) and 3313.92, and the approval of the State Superintendent of Public Instruction ("State Superintendent"), the Council and the Members entered into the Agreement Regarding Area Cooperative Computerized Educational Service System as of June 1, 2001 ("Existing Computer Program Agreement", as the same may be amended, supplemented, replaced and superseded from time to time, "Computer Program Agreement"); and

WHEREAS, revised rules have been promulgated under Revised Code Section 3301.075 and, in order to comply with those revised rules and pursuant to Section 8 of the Agreement, Section 12 of the Existing Bylaws and Section 15 of the Existing Computer Program Agreement, and pursuant to the recommendation of the Board of Directors pursuant to Section 3(D)(7) of the Existing Bylaws, on November_, 2007, the Assembly:

(1) Approved certain amendments to Sections 3, 4 and 12 of the Council Agreement ("Council Agreement Amendments"), subject to the approvals of the governing bodies of at least two-thirds of the Members, and referred the Council Agreement Amendments to the Members for those approvals,

(2) Approved and authorized, on behalf of the Council, a proposed Amended and Restated Agreement Regarding Area Cooperative Computerized Educational Service System Program ("Restated Computer Program Agreement"), amending and restating in its entirety the Existing Computer Program Agreement, subject to the approvals of the governing bodies of at least two-thirds of the Members, and referred the Restated Computer Program Agreement to the Members for those approvals, subject to subsequent transmittal to and approval of the State Superintendent, and

(3) Approved and adopted these Amended and Restated Bylaws Governing the ACCESS Council subject to, and to go into effect only on the date on which the Recording Secretary shall have received (a) the Restated Computer Program Agreement, approved by the State Superintendent, and (b) certified copies of resolutions evidencing all required approvals of

August 2017

Council Members with respect to the Council Agreement Amendments and the Restated Computer Program Agreement ("Effective Date");

NOW, THEREFORE, from and after the Effective Date, the following provisions shall constitute the Bylaws of the ACCESS Council:

Section 1. Definitions

Any capitalized word or phrase used in these Bylaws and not otherwise defined herein, shall have the meaning given in the Council Agreement, as the Council Agreement may, from time to time, be amended, modified, or supplemented in accordance with Section 8 thereof.

Section 2. Assembly

The Assembly shall be the legislative body of the Council.

(A) Composition.

(1) Representatives of Members; Alternates. The Assembly shall include one representative of each of the Members. Representation of Members shall be determined in accordance with Section 3 of the Council Agreement. In the event that the Superintendent of any Member (if such Member is a board of education) or the executive designated by the Member's governing body (if such Member is not a board of education) is present at any meeting of the Assembly, the authority to vote and otherwise act as the representative of such Member shall be exercised solely by that official ("Designated Representative"). In the event of the vacancy, absence or other unavailability of the Designated Representative, any alternate representative of the Member appointed by the Member's board of education or other governing body pursuant to Section 3 of the Council Agreement, shall have the same authority to act on behalf of the Member (and of the Designated Representative) as was vested in its Designated Representative, including the full right to be counted towards a quorum and to represent, vote and be heard on any and all matters that come before the Assembly.

(2) Additional Program Representatives. If required by law or otherwise agreed to pursuant to any program agreement ("Program Agreement") duly adopted and executed on behalf of the Council pursuant to Section 5 of the Council Agreement, including without limitation the Computer Program Agreement, one or more additional representatives may be appointed or designated in accordance with the applicable Program Agreement as a non-Member representative on the Assembly for purposes of matters coming before the Assembly pertaining to the applicable Program Agreement (and the program governed thereby) (each a "Program Representative"). Program Representatives may attend all meetings of the Assembly and (a) shall be eligible to provide such representation as is permitted by the applicable Program Agreement or otherwise required by law, (b) shall be counted for purposes of determining whether a quorum is present to transact business (both with respect to the requisite number constituting a quorum and the presence of that number) with respect to any matter coming before the Assembly and pertaining to the applicable program and Program Agreement, and (c) shall be entitled to be heard on and vote with respect to any matter coming before the Assembly and

pertaining to the applicable program and Program Agreement. Except as described in the immediately preceding sentence, Program Representatives shall not be eligible to vote on any matter or to be counted for purposes of determining the presence of a quorum (either with respect to the requisite number constituting a quorum or the presence of that number).

(3) Ex-Officio Members. The person serving as Treasurer of the Council and the person who may be serving as Executive Director of the Council (as provided in Sections 4 and 5 of these Bylaws) each shall be an ex-officio member of the Assembly and shall attend all meetings of the Assembly but shall not count for purposes of determining the presence or absence of a quorum and shall not vote.

(4) Compensation. All representatives to the Assembly (exclusive of ex-officio members) shall serve without compensation.

(B) Meetings. The Assembly shall meet at least two times each year, on dates to be established by the Board of Directors, and the Assembly may hold such additional meetings as may be requested by the Chairperson or as may be requested, in writing to the Recording Secretary, by any six or more Designated Representatives to the Assembly. Written notice of each meeting shall be provided by the Recording Secretary or designee to each Assembly representative not less than 24 hours preceding the time for meeting, and shall state the date, time and place of the meeting and subject or subjects to be considered at the meeting. Any notice to an Assembly representative required to be in writing shall be deemed given if (i) left at the office of the Designated Representative of each Member and each Program Representative, or (ii) deposited in the United States mail, postage prepaid, by first class mail addressed to the Designated Representative of each Member and each Program Representative, or (iii) delivered through the ACCESS electronic mail system to the e-mail address of the Designated Representative of each Member and each Program Representative; provided there has been confirmation of the receipt of such electronic mail (which confirmation may be by electronic means). The requirements of and procedures for notice may be waived in writing by each representative and any representative shall be deemed conclusively to have waived such notice with respect to a meeting by his or her attendance, or the attendance of any alternate representative of that Member, at that meeting. Pursuant to Revised Code Section 121.22(F), the Assembly shall, by rule, establish a reasonable method whereby any person may determine the time, place and purpose of its meetings. All meetings of the Assembly shall be open to the public, subject to the exceptions in Revised Code Section 121.22(0). The Assembly may, but need not, adopt other rules.

The Chairperson of the Council (and in the Chairperson's absence the Vice-Chairperson of the Council), elected by the Assembly pursuant to Section 3 of these Bylaws, shall preside at Assembly meetings. The Recording Secretary elected by the Assembly pursuant to Section 3 of these Bylaws, shall keep a record of the Assembly's proceedings, including a journal of all minutes of all meetings of the Assembly. The Recording Secretary shall also be the officer responsible for all official documents, resolutions and actions of the Assembly and the Recording Secretary or designee shall distribute a copy of the minutes of each Assembly meeting to each Assembly member. If for any reason the office of Recording Secretary is vacant, the

Chairperson shall designate a member of the Board of Directors to serve as temporary Recording Secretary until a Recording Secretary is selected by the Board of Directors.

(C) Resolutions. A majority of all representatives to the Assembly eligible to vote on a matter (including applicable Program Representatives, but not including ex-officio members of the Assembly) shall constitute a quorum to transact business except as may be otherwise provided in the Council Agreement or these Bylaws. Each representative (including the Chairperson, Vice-Chairperson and Recording Secretary) shall have one vote; provided, however, that when a matter is to be voted upon which is of concern to only one or more but not all programs of the Council, only representatives of Members participating in those programs (and applicable Program Representatives) shall be eligible to vote on that matter and only those representatives eligible to vote shall be counted for purposes of determining whether a quorum is present. No Program Representative shall be permitted to vote, or be counted for purposes of determining whether a quorum is present, on any matter that is not within the scope of the applicable program. All legislative action of the Assembly shall be by resolution entered on its records. Except as otherwise provided in the Council Agreement, the affirmative vote of at least a majority of all of the representatives to the Assembly eligible to vote on a matter shall be required for the enactment of every resolution. Unless otherwise specifically stated in the resolution, all resolutions shall be effective immediately upon enactment, subject to any authorizations or certifications required by the Revised Code to be made by the Treasurer or Members.

(D) Powers and Duties of Assembly.

(1) Prior to November 30 in each Fiscal Year, the Assembly shall determine, upon recommendation from the Board of Directors, the total estimated costs of operating the Council and its programs for the next Fiscal Year, separately identifying the costs of each program of the Council, and the portion of total estimated costs of operating the Council and its programs to be allocated to each Member pursuant to Section 10 hereof.

(2) Prior to November 30 in each Fiscal Year, the Assembly shall consider, upon submission by the Board of Directors, and thereafter modify, if necessary, and approve the annual appropriations of the Council for the next Fiscal Year based upon the estimate of the costs of operating the Council and its programs, determined pursuant to the preceding paragraph.

(3) Prior to May 31 in each Fiscal Year, the Assembly shall select the members of the Board of Directors for the next Fiscal Year in accordance with Section 3 hereof.

(4) The following matters shall be submitted to the Assembly and are subject to final approval by the Assembly: the total costs of operating the Council and the annual appropriations of the Council for each Fiscal Year; selection of the Board of Directors; the apportionment among the Members of the costs of operating the Council; and such other matters as the Board of Directors or the Assembly may, from time to time, determine to be matters requiring approval by the Assembly.

Section 3. Board of Directors and Officers

The Board of Directors shall be the managerial body of the Council.

(A) Composition of:

(1) The Board of Directors shall be composed of:

- (a) the Superintendents of each educational service center which is a Member,
- (b) two School District Superintendents from each county in which the educational service center is a Member,
- (c) one School District Treasurer from each county in which the educational service center is a Member.

(2) The Members in each county shall meet in caucus at the final meeting of the Assembly in each fiscal year to select from among their Assembly Members the two School District Superintendents to represent their respective counties on the Board of Directors. Each School District Superintendent shall serve a two-year term. The Assembly Members from each county shall also select one School District Treasurer from a different School District than those from which the Assembly Members of the Board of Directors were selected. This Treasurer will serve as the county's third representative to the Board of Directors for a two-year term. Members in a county in which the educational service center is not a Member shall be assigned, by a majority vote of the Board of Directors, to caucus with and be represented on the Board of Directors by the representatives from a county in which the educational service center is a Member.

(3) In the event a vacancy occurs on the Board of Directors, a caucus shall be promptly held among the Assembly members from the county to which the vacancy relates for the purpose of selecting a representative to fill the vacancy. A majority vote is required to appoint a representative to fill the vacancy.

(B) **Officers.** At its final meeting in each fiscal year, the Board of Directors shall convene and organize for the ensuing year. At such meeting the Board of Directors shall, by majority vote of all members, elect from its membership a Chairperson, Vice-Chairperson and a Recording Secretary, each to serve a one-year term.

(1) **Chairperson.** The Chairperson or his/her designee shall preside at all meetings of the Board of Directors and the Assembly. The Chairperson's duties shall also include, but not be limited to: consulting with the Executive Director in preparing agendas for each meeting of the Board of Directors and Assembly, and performing such other duties as may be commissioned by the Board of Directors.

(2) **Vice-Chairperson.** In the absence of the Chairperson, the Vice-Chairperson shall preside at meetings of the Board of Directors and of the Assembly. The Vice-Chairperson

shall assist the Chairperson in the discharge of his/her duties. Should the Chairperson not be able to complete his/her term, the Vice-Chairperson shall assume the duties of Chairperson and an election to replace the Vice-Chairperson shall be held at the next meeting of the Board of Directors.

(3) Recording Secretary. The Recording Secretary or designee shall provide notice to all members of the Board of Directors of all meetings of the Board in accordance with subsection D of this Section 3. Minutes of all meetings of the Board shall be kept by the Recording Secretary and distributed to each member of the Board within thirty days following each Board meeting. The Recording Secretary shall provide Assembly members with notice of all Assembly meetings and shall keep and distribute minutes of all Assembly meetings in accordance with Section 3 herein. The Recording Secretary shall perform such other duties as the Chairperson may request. The Recording Secretary may designate another person to keep minutes of Board and Assembly meetings and provide such notices.

The Treasurer and Executive Director of the Council each shall be an ex-officio member of the Board of Directors and shall attend all meetings of the Board of Directors excepting, as determined by the Board of Directors, executive sessions, but shall not count for purposes of determining a quorum and shall not have a vote.

(C) Meetings of Board of Directors. A majority of all members of the Board of Directors shall constitute a quorum to transact business. Each member of the Board of Directors (including the Chairperson, Vice-Chairperson and Recording Secretary) shall have one vote. Ex-officio members of the Board of Directors may attend all meetings of the Board of Directors but shall not be counted for purposes of determining a quorum and shall not have a vote. All action of the Board of Directors shall be by resolution entered on its records. The affirmative vote of at least a majority of all members of the Board of Directors (not counting vacancies) shall be required for the enactment of every resolution. All resolutions shall be effective immediately upon enactment.

The Board of Directors shall generally meet once each calendar month, with its first meeting in each Fiscal Year to be held in July or August. The requirement for a monthly meeting may be waived by the Chairperson as long as the Board of Directors meets at least six times during the Fiscal Year. At its first meeting in each Fiscal Year, the Board of Directors shall set the dates for its regular meetings for such year. Additional meetings may be called by the Chairperson as necessary or may be called upon request to the Recording Secretary from any two or more members of the Board of Directors or from the Fiscal Agent of the Council. Notice of each such meeting shall state the date, time, and place of the meeting and subject or subjects to be considered at the meeting, and shall be provided by the Recording Secretary or designee to each member of the Board of Directors not less than 48 hours preceding the time for the meeting with the media notified 24 hours in advance. The requirements and procedures for notice may be waived, including electronic reproduction, by each member of the Board of Directors and any member of the Board of Directors shall be deemed conclusively to have waived such notice by his attendance at such meeting. Pursuant to Revised Code Section 121.22 (F), the Board of Directors shall, by rule, establish a reasonable method whereby any person may determine the time, place, and purpose of its meetings. All meetings of the Board of Directors shall be open to

the public, subject to the exception in Revised Code Section 121.22 (G) for executive sessions. The Board of Directors may, but need not, adopt other rules.

(D) Powers and Duties. The Board of Directors shall have the authority to do the following:

(1) Consider and approve Program Agreements for programs in which some or all Members may determine to participate.

(2) Act as the managerial body for all programs of the Council.

(3) Appoint one or more advisory committees, as provided in Section 6, if determined by the Board to be necessary or appropriate to assist the Board in the management of any program.

(4) Appoint the Treasurer and an Executive Director for the Council, consistent with Sections 4 and 5 hereof.

(5) Authorize the employment of employees of the Council as are determined to be needed for the operation and administration of the Council's programs and establish their salaries, benefits and work and disciplinary rules; provided that the compensation to be paid to any employee is within the budget approved by the Assembly or the Board of Directors in accordance with these Bylaws.

(6) Consider and approve any purchase, leases or other acquisitions of equipment, facilities or services for the Council and authorize the retention of the services of consultants or other independent contractors; provided that the cost thereof is within the budget approved by the Assembly or the Board of Directors in accordance with these Bylaws.

(7) Make recommendations to the Assembly concerning any matter relating to the Council and its programs, including but not limited to: (a) amendments to or modifications of the Council Agreement, the Bylaws and any Program Agreement, (b) appropriations of the Council, (c) each Member's share of the costs of operating the Council and its programs, (d) inclusion of additional Members in the Council, (e) disqualification of Members, and (t) the provision of services by the Council, consistent with the Council Agreement, the Bylaws and any applicable Program Agreement to other entities under contract with the Council.

(8) Determine fees and charges for special services or for supplies or equipment not included in each Member's share of the costs.

(9) Establish standards for equipment owned by Members (or other user entities) and to be connected to Council equipment to permit such Members (or other users) to utilize services provided by the Council ("Peripheral Equipment") and approve or disapprove requests from Members (or other user entities) for the acquisition of Peripheral Equipment.

(10) Direct the Treasurer concerning disbursements from the funds maintained by the Council.

(11) Amend the budget and appropriations of the Council, subject to certification by the Treasurer that the amended budget and appropriations are within the limits of the Council's resources.

(12) Make an annual report of the activities of the Council to the Members.

Section 4. Treasurer

The Treasurer shall be appointed by the Board of Directors and shall be a person who meets the qualifications under Ohio law for treasurers of boards of education and who is determined by the Board of Directors to have the skills and experience necessary to perform the duties of the Treasurer of the Council. The Board of Directors shall determine the compensation to be paid to the Treasurer, which shall be a cost of operating the Council and its programs to be approved by the Assembly pursuant to Section 10 and paid by the Members.

The Treasurer of the Council shall act as the fiscal agent for each program of the Council, unless otherwise designated by the corresponding Program Agreement. The Treasurer shall receive and disburse all funds of the Council, prepare all necessary fiscal reports for the Board of Directors and the Assembly, and undertake all other financial transactions necessary to the work of the Council.

The Treasurer shall obtain and keep in force a fidelity bond, in an amount determined by the Board of Directors and with a surety company approved by the Board of Directors, or, in lieu of a separate fidelity bond, the Board of Directors may direct the Treasurer to continue and keep in force any existing fidelity bond the Treasurer may have which the Board of Directors determines to be adequate. In either case, the Council shall be named as an insured on such bond and the amount thereof shall not be reduced without prior written consent of the Board of Directors.

Section 5. Executive Director

The Board of Directors may appoint a person to serve as Executive Director of the Council. The Executive Director shall oversee the implementation of the Board's policies and directives with respect to the operation of the Council and its programs and perform such duties as may be determined by the Board of Directors to be the responsibility of the Executive Director. The person appointed as Executive Director shall have the educational background and prior work experience determined by the Board of Directors to be necessary to discharge the duties of the Executive Director. The Board of Directors shall determine the compensation to be paid to the Executive Director, which shall be a cost of operating the Council and its programs to be approved by the Assembly pursuant to Section 10 and paid by the Members.

Section 6. Advisory Committees

One or more advisory committees may be appointed by the Board of Directors to assist the Board of Directors in the management of any program of the Council. The members of an

advisory committee shall be appointed by and shall serve at the pleasure of the Board of Directors and for such period of time as may be determined by the Board of Directors. The members of the advisory committees need not be the representatives of the Members in the Assembly; for example, advisory committees may be composed of treasurers, technology coordinators, business managers or other officials or employees of the Members and advisory committees may include employees of the Council or consultants and other persons who are not officers or employees of the Members of the Council. At least one member of the Board of Directors shall serve as liaison to each advisory committee. Each advisory committee shall perform the duties directed by the Board of Directors.

The Board of Directors shall appoint a chairperson and vice-chairperson for each advisory committee. The committee chairperson shall preside at all committee meetings and prepare the agenda for each meeting following consultation with the Board of Directors. In the absence of the committee chairperson, the committee vice-chairperson shall preside at committee meetings. The committee vice-chairperson shall succeed to the office of the committee chairperson, should it be vacated before the end of a term, and shall assist the committee chairperson in the discharge of that chairperson's duties.

Each advisory committee shall make recommendations to the Board of Directors concerning any matter referred to it by the Board of Directors.

Section 7. Employees and Consultants

The Council may employ persons and may contract for the services of independent contractors, consultants or experts as the Board of Directors deems necessary or appropriate for the proper operation and administration of the Council and its programs. Any staff employed by the Council shall be determined by the Board of Directors to have the educational background and work experience necessary to discharge the duties assigned to that person by the Board of Directors. The Board of Directors shall establish the salaries, benefits, and work and disciplinary rules for the Council's staff and shall direct the hiring and discharge of that staff. Each contract of employment shall be approved by the Board of Directors and shall be signed by the Chairperson or Vice-Chairperson of the Board of Directors and by the Treasurer. The Board of Directors of the Council may designate the Executive Director to be responsible for the supervision of the Council's staff. The salaries and benefits paid to any employees of the Council and any amounts paid under contract to independent contractors, consultants or experts shall be operating costs of the Council and shall be payable solely from moneys on deposit in funds of the Council designated by the Board of Directors to be used for the payment of such costs.

Section 8. Equipment and Facilities

The Council may purchase, lease, lease with an option to purchase, or otherwise provide for supplies, materials, equipment and facilities as it deems necessary and appropriate to carry out the programs of the Council. The Council shall comply with the laws of the State governing its Members with respect to the procedures for bidding and letting of contracts for the acquisition, repair or improvement of its facilities, equipment and supplies. All contracts or leases or

lease-purchase agreements or other arrangements entered into by the Council for supplies, materials, equipment or facilities of the Council shall be approved by the Board of Directors and shall be signed by the Treasurer, together with the Chairperson, the Vice-Chairperson or the Executive Director, or as otherwise authorized by the Board of Directors. In the absence or unavailability of the Treasurer, such contracts or leases may be signed by the Chairperson or Vice-Chairperson of the Council together with the Executive Director, or as otherwise authorized by the Board of Directors. In the event that it is necessary for a Member of the Council to enter into a contract, lease, lease-purchase agreement or other arrangement for the acquisition of any equipment or facilities (e.g., in order to facilitate tax-exempt financing thereof), the contract, lease, or lease-purchase arrangement shall be approved by the Board of Directors before the Member enters into such obligation on behalf of the Council and its Members.

Section 9. Council Funds

The Council's Funds shall be established and maintained by the Treasurer of the Council separate and apart from all other funds which may be under the custody of the Treasurer. A separate fund shall be established for each program of the Council. In addition, the Council shall establish a separate fund (herein referred to as the "Council Fund") for the payment of overhead costs of the Council not solely attributable to any one program. Those overhead costs may be allocated to the various programs of the Council and moneys may be transferred from the various program funds to the Council Fund in such manner as may be authorized by the Board of Directors, consistent with the budget approved by the Assembly pursuant to Section 10 of these Bylaws. The Council's Funds shall be subject to the laws of the State concerning the investment and management of public funds, particularly Revised Code Chapter 135, and shall be subject to audit and inspection by the Auditor of State. The Council's Funds shall be the responsibility of the Treasurer.

The Treasurer of the Council shall deposit in the Council Fund the contributions received from the Members or from other sources for operating costs of the Council. Any interest earned on moneys in the Council Fund shall be credited to the Council Fund. Disbursements may be made from the Council Fund by the Treasurer at the direction of the Board of Directors or the Assembly for any proper purpose of the Council, including but not limited to payment of operating costs, costs incurred in connection with the organization and meetings of the Council, costs and expenses of studies undertaken relating to new programs which may be of interest and benefit to Members of the Council, salaries of any staff employed by the Council (including the persons employed as the Treasurer and Executive Director), fees and expenses of consultants and attorneys, and payment of other operating expenses.

The Treasurer of the Council shall maintain records which separately identify by Member all contributions from the respective Members for payment of costs of operating the Council and its programs. The Treasurer shall maintain records which account for all disbursements from the Council's Funds. The Treasurer shall make monthly reports to the Board of Directors concerning all contributions to and disbursements from the Council's Funds during the preceding calendar month.

Section 10. Estimate of Council Costs; Payments by Members

Prior to November 30 in the Fiscal Year preceding the Fiscal Year for which the following estimates are made, the Board of Directors shall: (a) submit to the Assembly a written estimate of the costs of operating the Council and its programs for the next Fiscal Year of the Council, separately itemized for each program of the Council, and (b) provide the Assembly and each Member with an estimate of each Member's share of those costs, separately itemized for each program in which that Member participates. The costs of each shall be apportioned among the Members participating in the program as provided in the respective written Program Agreement. Any costs relating to the operation of the Council and not included in the program costs shall be apportioned among the Members in the manner determined by the Board of Directors. The estimates shall be presented in enough detail so that the Assembly can determine their sufficiency.

The Assembly shall consider the estimates and accept or modify the same and thereby authorize and approve the estimated budget and appropriations for the Council. It shall then instruct the Treasurer to deliver to the Members, on or before December 15, an estimated budget of the Council for the next Fiscal Year evidencing each Member's share of that budget. Each Member board of education shall include its share of that budget in its own budget.

The estimated budget and appropriations for the Council may thereafter be amended, if necessary or appropriate, by resolution of the Assembly or, if such amendments do not increase the payments to be made by the Members, by resolution of the Board of Directors.

Each Member shall, on or before July 15 of the Fiscal Year of the Council for which that estimate was made, appropriate (pursuant to Chapter 5705 of the Revised Code) its share of the Council costs included in that estimated budget. Any Members that are not boards of education shall include their respective share of the Council's budget in whatever budget and appropriation measures they follow (by law or otherwise). Each Member shall thereafter (a) remit to the Treasurer its share of the costs of the programs in which it participates in the manner provided in the respective written Program Agreements and (b) remit to the Treasurer its share of other costs of the Council in the amounts and at the times directed by the Treasurer.

Failure by a Member to appropriate and remit any of its share of the costs of operating the Council pursuant to these Bylaws within sixty days after the same shall become due shall be deemed a withdrawal by such Member from the Council unless the Member has petitioned the Board of Directors for an extension of time for payment and the Board of Directors has, by resolution, approved an extension to a date certain and the Member has remitted its share of the those costs to the Treasurer within the time extension(s) approved by the Board of Directors.

Under no circumstances shall the Treasurer, or any other officers or persons acting on behalf of the Council, have the power to incur obligations for costs of operating the Council and its programs in an amount which exceeds the total unspent amount appropriated for those costs and remitted to the Treasurer by the governing bodies of the Members (or in the process of collection

by the Treasurer from the Members or other sources), all pursuant to the Agreement, the Bylaws and the Program Agreements, except as may be permitted by law.

Section 11. Conduct of Meetings

All meetings provided for in these Bylaws shall be conducted in accordance with the latest edition of Robert's Rules of Order, Revised unless otherwise directed by these Bylaws or by resolution of the Assembly, the Board of Directors, or any advisory committee with respect to the meetings of each of those bodies. The Chairperson of the Council (and, in the case of an advisory committee, the committee chairperson) shall be the parliamentary procedure officer and his decisions with respect to matters of parliamentary procedure shall be final.

Section 12. Amendments

These Bylaws may be modified, amended or supplemented in any respect upon approval of the modification, amendment or supplement by at least two-thirds of the Members' representatives in the Assembly and the approved amendment, modification or supplement shall thereupon become binding upon the Council and on all Members.

0200 - Program Agreement for Operation of the ACCESS Information Technology Center

**AMENDED AND RESTATED AGREEMENT REGARDING
AREA COOPERATIVE COMPUTERIZED
EDUCATIONAL SERVICE SYSTEM PROGRAM**

This Agreement has been filed with, and approved by, the State Superintendent of Public Instruction in accordance with Ohio Revised Code Sections 3301.075 and 3313.92.

Date
By:

August 2017

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**AMENDED AND RESTATED AGREEMENT REGARDING
AREA COOPERATIVE COMPUTERIZED
EDUCATIONAL SERVICE SYSTEM PROGRAM**

This Amended and Restated Agreement Regarding Area Cooperative Computerized Educational Service System Program (this "Agreement"), amending, restating and superseding the prior agreements described below, is made and entered into as of _____, 200_ between and among ACCESS Council, a regional council of governments organized pursuant to Ohio Revised Code Chapter 167 ("Council") and the boards of education or other governing bodies of the public schools listed in Exhibit A incorporated herein by reference ("Participating Districts")

Recitals

WHEREAS, pursuant to Ohio Revised Code Section 3313.92, the Participating Districts may, subject to the approval of the Ohio Superintendent of Public Instruction ("State Superintendent"), enter into agreements for the cooperative acquisition, management and use of certain facilities and the cooperative participation in programs or services in connection with those facilities, including participation in the Ohio Education Computer Network ("OECN") established pursuant to Ohio Revised Code Section 3301.075 and the rules of the Ohio Department of Education ("ODE") promulgated pursuant thereto including those codified at Chapter 3301-3, Ohio Administrative Code, with respect to OECN user entities, data acquisition sites and information technology centers ("Department Rules"); and

WHEREAS, pursuant to Ohio Revised Code Section 3313.92, certain of the Participating Districts adopted a constitution, as amended December 18, 1984, and further amended in November, 1992, February 1997 and May 1998 ("Original Agreement") to provide a cooperative program for the establishment and operation of an economic computer system to serve administrative, instructional and other technological needs of the Participating Districts ("Computer Systems Program" or "Program"); and

WHEREAS, the Participating Districts determined to provide for the establishment of the Council for the purpose of fostering cooperation among its members ("Council Members" or "Members") in all areas of educational service subject to the requirements of Ohio Revised Code Sections 3301.075 and 3313.92, governing eligibility for participation in the OECN and the receipt of funds appropriated by the General Assembly of the State of Ohio for the OECN; and

WHEREAS, the Council Members approved and entered into the Agreement for Establishment of the ACCESS Council dated as of June 1, 2001 ("Council Agreement"), and the representatives of the Council Members (collectively, "Assembly") adopted the Bylaws Governing the ACCESS Council effective July 1, 2001 (as amended, "Bylaws") and, with the approval of the State Superintendent, determined to amend and restate the Original Agreement in its entirety by the authorization, execution and delivery of the Agreement Regarding Area Cooperative Computerized Educational Service System entered into as of June 1, 2001 ("Prior Agreement") to provide for the governance and operation of the Computer Systems Program (as

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used in the Prior Agreement) operated by the Council for the benefit of the Participating Districts and to fulfill the requirements of Ohio Revised Code Section 3301.075 in accordance with the Department Rules; and

WHEREAS, since the effective date of the Prior Agreement, ODE has adopted new Department Rules that apply to the Computer Systems Program and, in order to comply with those new Department Rules, the Board of Directors of the Council ("Board") has recommended to the Assembly, and the Assembly has approved the adoption, execution and delivery of this Agreement and certain related amendments to the Council Agreement and Bylaws, and the Fiscal Agent has approved this Agreement; and

WHEREAS, following approval of this Agreement by the boards of education or other governing boards or authorities (collectively, "governing bodies") of two-thirds of the Participating Districts, the execution of this Agreement by the Participating Districts, the Council and the Fiscal Agent, and the approval of this Agreement by the State Superintendent, this Agreement shall amend, restate, replace and supersede the Prior Agreement and copies shall be provided to all user entities, defined in the Department Rules ("User Entities") currently utilizing the services of the Computer Systems Program other than the Participating Districts, which User Entities are identified in Exhibit B hereto, including all current User Entities that are Non-Member Public Schools (defined in Section 12(B) hereof), as identified in Exhibit C hereto;

NOW, THEREFORE, it is agreed by and among the Participating Districts, the Council and the Fiscal Agent, that:

Section 1. Definitions. Capitalized words and phrases used in this Agreement, and not otherwise defined in this Agreement, shall have the meaning given in the Council Agreement or, if not defined in the Council Agreement, as given in the Bylaws.

Section 2. Fiscal Year. The fiscal year of the Computer Systems Program ("Fiscal Year") shall be the same as the fiscal year of the Council, currently the twelve-month period beginning July 1 and ending June 30. The Fiscal Year shall be changed if the fiscal year of the Council is changed as provided in the Council Agreement.

Section 3. Management of Program. The Computer Systems Program shall be managed and administered on behalf of the Participating Districts by the Council in accordance with the Council Agreement, the Bylaws and this Agreement. In addition, and in order to comply with the requirements of the OECN and Revised Code Sections 3301.075 and 3313.92, and thereby assure eligibility for receipt of funds from the OECN, the board of education or other governing body of one of the Participating Districts is required to serve as Fiscal Agent and, as evidenced by the signature hereto on its behalf, the Governing Board of the Mahoning County Educational Service Center, has agreed to continue to serve as Fiscal Agent for the Program under the terms of this Agreement, subject to the provisions of Section 13 of this Agreement. The Fiscal Agent and the Participating Districts shall coordinate the administration of the Program with the Council, as provided in this Agreement, toward the goal of operating the Program in a cost-effective manner without duplication of governing bodies, administrative staff,

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services or activities, to the extent permitted by law and by the Department Rules and other applicable policies and procedures of ODE.

(A) Board of Directors. The Board of Directors of the Council shall have, in addition to its powers and duties under the Council Agreement and Bylaws, the following specific powers and duties in connection with the Computer Systems Program, provided that the exercise of any of these powers shall be subject to the availability of funds lawfully appropriated and on deposit in the Program Fund (established in Section 4 of this Agreement) or in the process of collection for deposit in the Program Fund:

(1) It shall consider, approve and establish the programs, services and facilities to be offered by the Program to the Participating Districts and their teachers, staff and students, and the policies for their operation.

(2) It shall authorize any sale of services or products to persons and organizations that are not Participating Districts in compliance with the Department Rules for an information technology center ("IT Center"), including offering core services (as defined in the Department Rules) to all User Entities with valid permits, but subject to continuing compliance by all User Entities with the Department Rules and subject to the provisions of Section 12 of this Agreement.

(3) It shall authorize and approve any agreements between the Council or the Fiscal Agent and others relating to the Program.

(4) It shall monitor the performance of and assist the Fiscal Agent in the performance of its duties, and address issues raised by the Fiscal Agent.

(5) It shall be responsible to authorize expenditures to be made for the Program, but subject to the authority of the Assembly as set forth herein and in the Council Agreement and Bylaws.

(6) It may establish advisory committees, from time to time, in accordance with Section 4 of the Bylaws, to advise the Board of Directors with respect to the Program.

(7) It shall authorize the employment by the Council of an Executive Director who shall be responsible for the management of the Program, and of any additional staff necessary for the Program and it shall establish their job descriptions, salaries, benefits and disciplinary rules.

(8) It shall determine the fees and charges for special services, supplies or equipment not included in each Participating District's share of the costs of the Program.

(9) It shall authorize the acquisition of any data processing equipment for the Program and establish rules concerning the use and operation of that equipment.

(10) It shall make recommendations to the Assembly or the Participating Districts concerning any matter relating to the operation of the Program, including but not limited to: (a) amendments to or modifications of this Agreement, (b) appropriations for Program costs, (c) each Participating District's share of Program costs, (d) expansion or modification of facilities and services to be included in the Program, (e) methods for allocating the amount of time the data processing equipment may be used by each Participating District, (f) the admittance of additional school districts or educational service centers to the Program, and (g) disqualification of any Participating District from participation in the Program.

(11) The Board of Directors may, by affirmative vote of a majority of Board members and upon certification to the Board by the Treasurer of the Council that the proposal is within the limits of the Program's resources, amend appropriations for the Program.

(B) Assembly. The Assembly of the Council established pursuant to Section 3 of the Council Agreement and Section 2 of the Bylaws shall be the chief legislative body with overall responsibility for the governance and determination of all matters arising under this Agreement or with respect to the Computer Systems Program. For purposes of considering any such matters, in addition to the representatives of the Participating Districts, the Assembly shall include one Program Representative (as that term is used in the Bylaws) who shall represent all Non-Member Public Schools. At the same time as the caucuses referred to in Section 3(A)(2) of the Bylaws, any attendees from Non-Member Public Schools at that Assembly meeting shall meet in caucus to select one representative (and any alternate representatives) to be their Program Representative on the Assembly for the immediately following Fiscal Year. The qualification of that Program Representative shall be in the sole and absolute discretion of the Non-Member Public Schools. The Assembly shall have, in addition to its powers and duties under the Council Agreement and Bylaws, the following specific powers and duties in connection with the Computer Systems Program:

(1) It shall determine, upon recommendation from the Board of Directors as described in Section 9 hereof, the total estimated costs of the Program for each Fiscal Year, the percentage of the total estimated Program costs to be allocated to each Participating District, the amounts to be charged to all other User Entities, and the annual appropriations for the Program for each Fiscal Year based upon those estimated Program costs.

(2) It shall determine, upon recommendation from the Board of Directors, such other matters as the Board of Directors may from time to time determine to be matters requiring approval by the Assembly.

Section 4. Program Fund and Accounts. There is hereby established the Computer Systems Program Fund ("Program Fund") as a separate fund for the payment of costs of the Computer Systems Program. The Program Fund shall consist of the Ohio Education Network Account ("Network Account"), in the custody of the Treasurer of the Fiscal Agent, and the Computer Systems Program Account of the Council ("Council Account"), in the custody of the Treasurer of the Council.

The Treasurer of the Fiscal Agent shall establish and maintain the Network Account, separate and apart from all other funds and accounts of the Fiscal Agent. The Treasurer of the Fiscal Agent shall deposit in the Network Account all money received from ODE for the OECN. The Fiscal Agent may establish such subaccounts within the Network Account as the Fiscal Agent deems necessary or appropriate. Investment income earned on money and investments held for the credit of the Network Account shall be credited to the Network Account. Money and investments held to the credit of the Network Account shall be disbursed by the Treasurer of the Fiscal Agent as provided in or pursuant to this Agreement for payment of Program costs.

The Treasurer of the Council shall establish and maintain the Council Account separate and apart from all other funds of the Council, and shall deposit in the Council Account all money received from the Fiscal Agent, the Participating Districts and any other source for payment of costs of the Computer Systems Program. The Council may establish such subaccounts within the Council Account as the Treasurer of the Council deems necessary or appropriate. Investment income earned on money and investments held for the credit of the Council Account shall be credited to the Council Account. Money and investments held to the credit of the Council Account shall be disbursed by the Treasurer of the Council as provided in or pursuant to this Agreement for Program costs.

The Program Fund, consisting of the Council Account and the Network Account described above, shall be subject to the laws of the State concerning the investment and management of public funds, particularly Revised Code Chapter 135, and shall be subject to audit and inspection by the Auditor of State. The Treasurer of the Fiscal Agent and the Treasurer of the Council shall obtain and keep in force a fidelity bond, in an amount determined by the Board of Directors and with a surety company approved by the Board of Directors. In lieu of a separate fidelity bond for the respective duties of the Treasurer of the Fiscal Agent and the Treasurer of the Council in connection with the Computer Systems Program, the Board of Directors may determine that an existing fidelity bond otherwise maintained by either or both Treasurers is sufficient. The Council shall be an obligee for such fidelity bond or bonds and the amount thereof shall not be reduced without prior written consent of the Board of Directors.

Section 5. Duties of Fiscal Agent; Disbursements from Network Account. Upon and subject to directions from the Assembly and the Board of Directors, the Fiscal Agent for the Computer Systems Program shall: (a) apply for the necessary permits for such of the Program's central data processing equipment for which permits are required by the Department Rules or other applicable laws or rules; (b) submit to ODE requests for financial assistance for the Program; (c) receive money from the ODE for the Program and deposit, invest and disburse that money as provided in this Agreement; (d) hold title to the central data processing equipment on behalf of the Participating Districts; and (e) take such other actions as may be necessary or appropriate to facilitate the participation of the Program in the OECN, or as otherwise may be requested by the Board of Directors. Under no circumstances shall the Fiscal Agent incur any obligations for costs or expenses in connection with the performance of those duties that exceed the total unspent amount appropriated under this Agreement for the Program costs to be incurred by the Fiscal Agent and on deposit in, or in the process of collection for deposit into, the account held by the Fiscal Agent for payment of those costs and expenses.

The Treasurer of the Fiscal Agent shall disburse money in the Network Account for payment of costs of the Computer Systems Program in accordance with this Agreement. Disbursements shall be made by the Treasurer of the Fiscal Agent to the Treasurer of the Council in consideration of, and as payment for, the services to be provided and expenses to be incurred by the Council in connection with the administration and operation of the Computer Systems Program. The Council shall provide the Fiscal Agent with such documentation concerning those services and expenses as the Fiscal Agent may reasonably request. Additional disbursements may be made by the Treasurer of the Fiscal Agent from the Network Account for payment of any other Program costs approved by the Board of Directors, upon the direction of the Board of Directors. Those disbursements may, in the case of the acquisition of equipment or other permanent improvements, be made directly to the equipment vendors or other third parties or may be made to the Treasurer of the Council, as directed by the Board of Directors and consistent with applicable laws.

The Fiscal Agent shall, on behalf of the Participating Districts and pursuant to the directives of the Board of Directors, accept title to any new or replacement central data processing equipment of the Computer Systems Program or any other permanent improvements determined by the Board of Directors to be necessary or useful to the operation of the Computer Systems Program and required to be held in the name of the Fiscal Agent. The cost of the purchase, lease or lease with an option to purchase, of such equipment shall be payable solely from moneys appropriated for those costs on deposit in, or in the process of collection for deposit in, the appropriate accounts of the Program Fund. In the event that any such improvement is subject to State statutory competitive bidding procedures, the Board of Directors shall be responsible for causing any required advertisements for bids, bidding documents or contracts to be prepared. Any contract for such improvements shall be executed by the Fiscal Agent and the Council on behalf of the Participating Districts in accordance with the recommendations and determinations of the Board of Directors.

In consideration for its services, the Fiscal Agent shall be paid a fee by the Council on behalf of the Participating Districts in an amount approved by the Board of Directors. That fee shall be paid from the Program Fund account designated by the Board of Directors consistent with ODE rules.

The Fiscal Agent and its officials and employees shall not be liable to the Council or any Participating District or other organization for actions taken in accordance with this Agreement or any direction from the Board of Directors, and the Council and each Participating District releases the Fiscal Agent and its officials and employees from, and agrees that the Fiscal Agent and its officials and employees shall not be liable for, any liabilities, obligations, claims, damages, penalties, causes of action, costs or expenses relating to the operation and activities of the Computer Systems Program. In case any action, suit, proceeding or claim is brought against the Fiscal Agent or its officials or employees in connection with the Computer Systems Program, the Council and each Participating District will cooperate with the Fiscal Agent and its officials and employees in the defense thereof, and any amounts to be paid in settlement thereof, including attorneys' fees and costs and expenses, shall be apportioned among the Participating Districts to the extent permitted by law.

Section 6. Duties of Council; Disbursements from Council Account. The Council, under direction of the Assembly and the Board of Directors, shall perform the following services and incur the following expenses on behalf of the Participating Districts (including the Fiscal Agent) in connection with the Computer Systems Program, subject to the availability of funds lawfully appropriated and on deposit in, or in the process of collection for deposit in, the appropriate account of the Program Fund:

(a) It shall employ an Executive Director for the Program and other staff necessary for the Program and be responsible for payment of their compensation and benefits.

(b) It shall make arrangements for one or more sites to house the Program staff and such of the data processing equipment as may be determined by the Board of Directors or Executive Director to be located at those sites, and it shall enter into any leases or other agreements for the use of facilities for those sites.

(c) It shall make arrangements for the maintenance of the data processing equipment and the sites housing that equipment and the Program staff and shall enter into all contracts for the maintenance, insurance and repair thereof.

(d) It shall purchase all software, supplies, materials or other items necessary to operate the central data processing equipment.

(e) It may acquire on behalf of the Participating Districts, by purchase, lease or lease with an option to purchase, equipment, improvements or supplies for use by the Participating Districts in connection with the Program.

(f) In the event that any improvements to be acquired in connection with the Program are subject to State statutory competitive bidding procedures, it shall cause any required advertisements for bids, bidding documents or contracts to be prepared.

(g) It shall provide any and all administrative, clerical and technical assistance and advice and staff necessary to assist the Fiscal Agent in carrying out its duties under this Agreement.

All costs and expenses incurred by the Council in connection with the foregoing shall be Program costs payable from the Program Fund, provided that such costs and expenses are within the limits of the total unspent amount appropriated for Program costs of the Computer Systems Program and on deposit in, or in the process of collection for deposit in, the appropriate accounts in the Program Fund. The Treasurer of the Council shall be responsible for maintaining financial records relating to all services and expenses provided or incurred by the Council in connection with the Computer Systems Program and those records shall be subject to inspection by the Board of Directors and the Fiscal Agent.

Section 7. Program Facilities.

(A) Sites. The Board of Directors of the Council shall make arrangements for one or more sites to house data processing equipment and the staff for the Program. Costs of operating and maintaining those sites, including the costs of maintaining fire and extended coverage and public liability insurance on such sites and providing heat, electricity, custodial service and restrooms for such sites, shall be operating costs of the Program payable from the Program Fund. If sufficient money to pay those costs is not received from State or other financial assistance programs, those costs shall be assessed to the Participating Districts pursuant to this Agreement. In the event that a Participating District provides space in its facilities to serve as a site for the Program, the Participating District may enter into any contracts necessary for the maintenance and insuring of those facilities and may receive compensation from the Program (payable from the Program Fund) for the proportion of those costs attributable to the facilities comprising the site for the Program, as determined and approved by the Board of Directors.

(B) Central Equipment. Title to the existing central data processing equipment shall be held in the name of the Fiscal Agent on behalf of the Participating Districts, and its operation, maintenance, repair, replacement and disposition shall be subject to the directives of the Board of Directors, within the provisions of this Agreement and applicable State laws. The quantity, characteristics, capability and type of any new or replacement central data processing equipment shall be determined by the Board of Directors. At the time it is determined to be necessary to acquire and install additional or replacement central data processing equipment, the Board of Directors shall include the costs for such acquisition and installation in its estimate of Program costs prepared pursuant to this Agreement. If sufficient moneys to pay the costs for the acquisition and installation of any such equipment is not received from State or other financial assistance program, those costs shall be allocated and assessed to the Participating Districts in accordance with this Agreement. Under no circumstances, however, shall the Board of Directors or the Fiscal Agent have the power to approve the purchase of equipment in an amount, less any State or federal reimbursement, which exceeds the total unspent amount appropriated for costs of that equipment and remitted to the Fiscal Agent or the Council by the Participating Districts and all other User Entities pursuant to this Agreement, except as may be permitted by law.

(C) Peripheral Equipment. Peripheral data processing equipment for use by the Participating Districts at their facilities may be acquired by the Council on behalf of the Participating Districts. Title to peripheral equipment may be held in the name of the Council or in the name of the Participating District for which such equipment was acquired, as determined by the Board of Directors. All equipment which is used by a Participating District in connection with the Computer Systems Program shall conform to any standards that may be established by the Board of Directors to assure proper operation of the Computer Systems Program for the benefit of all Participating Districts.

The Executive Director of the Council or other official designated by the Board of Directors (including on a temporary or interim basis) shall serve as the "Executive Director" of the Program. The Executive Director shall assign the Program's peripheral equipment to Participating Districts in accordance with the policies and procedures approved by the Board of

Directors. The Executive Director shall have the discretion to change the assignment of any peripheral equipment at any time, consistent with the Board of Director's policies. Participating Districts may purchase such other equipment as needed for future applications, provided that if the Board of Directors establishes standards for peripheral equipment, the Participating District must obtain written approval from the Board of Directors that the equipment proposed to be purchased conforms to the standards established by the Board of Directors and the uses of the peripheral equipment proposed by the Participating District conforms to the purposes of this Program.

Except as otherwise provided in this Agreement , the Participating District to which peripheral equipment is assigned is responsible for operating and paying the costs of operating such peripheral equipment during the time assigned, including providing a site for such peripheral equipment and obtaining the necessary permit therefor, as prescribed in the Department Rules, hiring personnel to staff such peripheral equipment and paying the salaries and benefits of such personnel, who shall be employees of the board of education of that Participating District. The Participating District shall not be reimbursed by the Program or any other Participating District for any such costs.

(D) Software and Other Supplies and Materials. The Board of Directors may determine that specific programs, forms, supplies, materials or other incidentals necessary for the operation of the Program shall be purchased by the Council, on behalf of the Participating Districts, for use by the Participating Districts. Forms, supplies, materials or other incidentals which have not been directed by the Board of Directors to be purchased through the Council may be purchased directly by a Participating District, provided that such forms, supplies, materials or other incidentals are compatible with the equipment and services of the Computer Systems Program. Software programs may be purchased directly by a Participating District, provided that the Participating District has previously obtained written approval from the Board of Directors that the software program proposed to be purchased conforms to the policies for the operation of the Computer Systems Program.

Section 8. Insurance. To the extent commercially practicable, the Council shall make arrangements for obtaining and maintaining fire and extended coverage insurance on the equipment and facilities of the Computer Systems Program and otherwise shall take commercially practicable steps, including the funding of operating and replacement reserves within the Council Account of the Program Fund, to provide a source for the repair and replacement of such equipment and facilities. The Council may purchase policies of insurance directly or may reimburse a Participating District (including the Fiscal Agent) for the costs of insurance riders covering such equipment or facilities under insurance policies otherwise maintained by the Participating Districts with respect to their facilities generally.

In the event of damage to or destruction of the equipment or facilities of the Program, upon a determination by the Board of Directors that the proceeds of insurance and other available funds of the Program are sufficient therefor, the Council shall promptly cause repair or replacement to be made of such equipment or facilities and deposit the balance, if any, to the appropriate Account of the Program Fund. In the event that the insurance proceeds and the balance in the Program Fund are insufficient to pay the cost of replacing the equipment or

facilities damaged or destroyed and the Assembly fails to make other funds available therefor, then the aggregate of the insurance proceeds and the balance in the Program Fund remaining after payment of all liabilities of the Program shall be distributed to all Participating Districts in the same proportion as that described in Section 17 hereof for surplus remaining upon termination of the Agreement.

In the event a claim shall be paid by an insurance company upon the loss of or damage to peripheral equipment occurring at the facilities of a Participating District, the Council shall pay the deductible amount of any insurance policy insuring the peripheral equipment lost, damaged or destroyed, provided that the Participating District exercised reasonable care and diligence in the use of such peripheral equipment such that the loss of or damage to the peripheral equipment was not caused, in whole or in part, by the negligence of the Participating District. If the Participating District is so negligent, it shall assume full payment of all uninsured costs for the repair or replacement of the damaged or destroyed peripheral equipment. For purposes of this Agreement, such payment shall be deemed to be a Program cost paid by such Participating District but shall not be assessed to other Participating Districts pursuant to this Agreement.

In the event a claim shall be paid by an insurance company upon the loss of or damage to the central equipment or the facilities housing that equipment or the Program staff, the deductible amount of any insurance policy insuring that equipment or those facilities damaged or destroyed shall be deemed a Program cost and assessed to the Participating Districts pursuant to this Agreement.

Section 9. Estimate of Program Costs: Payments Participating Districts. On or before November 30 in the Fiscal Year preceding the Fiscal Year for which the following estimates are made, the Board of Directors shall: (a) submit to all Assembly representatives a written estimate of the costs of the Program for the next Fiscal Year, separately itemizing Public Obligations (as defined in Section 133.01 of the Revised Code), capital costs and operating costs, and (b) provide each Participating District with an estimate of each Participating District's share of such Program costs, and of any Program costs expected to be paid by other User Entities. The estimates shall be presented in enough detail so that the Assembly and the Participating Districts can determine their sufficiency.

The Assembly shall consider the estimates and accept or modify the same and thereby authorize and approve the estimated budget and appropriations for the Program. The Board of Directors shall thereafter deliver to the Participating Districts, on or before December 15, an estimated budget of the Computer Systems Program for the next Fiscal Year evidencing each Participating District's share of such budget. Each Participating District shall include its share of the budget in its own tax budget submitted to the County Budget Commission.

The estimated budget and appropriations for the Program may thereafter be amended, if necessary or appropriate, by resolution of the Assembly or, if such amendments do not increase the payments to be made by any Participating District for Program costs, by resolution of the Board of Directors.

On or before July 15 of each Fiscal Year, each Participating District shall appropriate (pursuant to Chapter 5705 of the Revised Code) its share of the Program costs of the Computer Systems Program and remit such share to the Treasurer of the Council on or before the dates and in the amounts established by the Board of Directors of the Council.

If the aggregate of the contributions of the Participating Districts, the financial assistance received from the State or other sources and other amounts available to the Council shall prove to be insufficient to make payments on any Public Obligations for which the Council is obligated to make payments or to pay Program costs for any Fiscal Year, as determined by the Board of Directors, the Board of Directors shall promptly notify in writing each Participating District of such additional Program costs and the amounts of such deficiencies and of each Participating District's share of such additional costs. Each Participating District shall appropriate (pursuant to Chapter 5705 of the Revised Code) the amount stated in such notice and remit the same to the Treasurer of the Council within the time set forth in the written notice.

Failure by a Participating District to appropriate and remit any of its share of the Program costs pursuant to this Agreement within 60 days after the same shall become due shall be deemed a withdrawal by such Participating District from the Program, unless the Participating District has petitioned the Board of Directors for an extension of time for payment and the Board of Directors has, by resolution, approved such an extension to a date certain.

Under no circumstances shall the Board of Directors or the Fiscal Agent or the Council have the power to incur obligations for Program costs in an amount, less any state or federal reimbursement, which exceeds the total unspent amount appropriated for Program costs of the Computer Systems Program and on deposit in, or in the process of collection for deposit in, the Program Fund, except as may be permitted by law.

Section 10. Applications for Financial Assistance and Reimbursement of Program Costs. Upon the direction of the Board of Directors, the Fiscal Agent shall apply to the appropriate division or divisions of the government of the State for Ohio Education Computer Network funds or other funds or financial assistance for Program costs to which the Computer Systems Program may be entitled and which are required to be requested through a board of education of a Participating District or to the government of the United States of America for reimbursement of any portion of Program costs to which the Council may be entitled. The Fiscal Agent is hereby designated the recipient of any such grants or other financial assistance. Any funds received by the Fiscal Agent shall be deposited in the Network Account and disbursed for costs of the Program in accordance with this Agreement. To the extent permitted by applicable laws or policies of any other financial assistance program, the Council may apply to governmental or private agencies or organizations for funds or other financial assistance for Program costs. Any funds received by the Council from such sources shall be deposited in the Council Account and disbursed for costs of the Program in accordance with this Agreement.

Section 11. Withdrawal of g Participating District. Any Participating District wishing to withdraw from participation in the Computer Systems Program shall notify the Board of Directors on or before October 1 of the Fiscal Year preceding the Fiscal Year in which the Participating District will withdraw. Any decision to withdraw from the Computer Systems

Program must be made by duly adopted resolution of the board of education of the Participating District, except as provided in Section 9 hereof. Upon withdrawal under this Section, the withdrawing district may not become a Participating District again until it has fully complied with the procedures contained in Section 12(A) hereof.

The Board of Directors shall determine the disposition of any Peripheral Equipment purchased with Program funds and assigned to a Participating District which withdraws from the Computer Systems Program. That disposition may be to require its return to the Fiscal Agent or to transfer ownership to the withdrawing District with or without charge, as determined by the Board to be fair consideration under the circumstances.

Section 12. Additional Participants, Activities and Services.

(A) Additional Participating Districts. Any school district or educational service center within the State of Ohio may apply to the Board of Directors to become a member of the Council and a Participating District that may receive services from the Computer Systems Program on the same basis as all other Participating Districts. Such application shall be submitted in writing, accompanied by a duly adopted resolution of the applicant's governing body requesting inclusion in the Computer Systems Program and, if the applicant is not a member of the Council, requesting membership in the Council. The authorizing resolution of the applicant's governing body also must authorize and approve the execution by the applicant of the Council Agreement and this Agreement. Following receipt of such application and resolution, the Board of Directors shall determine whether and when the applicant should be included in the Computer Systems Program, subject to the approval of the State Superintendent of Public Instruction and any other approvals that may be required by law or under the terms of any financial assistance program. The applicant shall be a Participating District in the Computer Systems Program if: such inclusion in the Program is approved by the Board of Directors and the State Superintendent of Public Instruction; the applicant executes and delivers this Agreement and the Council Agreement; and the applicant appropriates and remits to the Treasurer of the Council an initial monetary assessment for Program costs in an amount determined by the Board of Directors. The applicant shall thereafter be a Participating District under this Agreement and, as such, be assessed its portion of the Program costs by the same method and using the same formula as any other Participating District, in accordance with this Agreement. In the event that any condition for membership in the Council and the Program is not fulfilled, any school district or educational service center shall have the opportunity to contract for services and be represented on the Assembly in the same manner as any other Non-Member Public School pursuant to subsection (B) of this Section.

(B) Non-Member Public Schools. Any school district, educational service center or public community school organized under Chapter 3314, Ohio Revised Code (collectively, "Public Schools"), that is not a member of the Council (collectively, "Non-Member Public Schools"), may apply to the Board of Directors to receive services from the Computer Systems Program. Such application shall be submitted in writing, identifying the applicant as a Non-Member Public School, and shall be accompanied by (i) a duly adopted resolution of the applicant's governing body requesting identified services of the Computer Systems Program, and (ii) evidence, satisfactory to the Board of Directors in its reasonable discretion, establishing (a)

that the applicant is a Non-Member Public School and (b) that the applicant has all permits required for participation in the OECN under the Department Rules and that all such permits are valid and current. Following receipt of such application, resolution and other evidence, the Board of Directors shall determine whether, when and to what extent the applicant should be included in the Computer Systems Program, subject to any additional approvals that may be required by law or by the terms of any financial assistance program. Upon such determination, receipt of any approvals or permits required by law, the signing of an acknowledgment in substantially the form attached as Exhibit D to this Agreement (acknowledging and approving, among other things, the terms and conditions of the Council Agreement, the Bylaws and this Agreement), and the execution and delivery of a contract (pursuant to subsection (C) of this Section 12) for the provision of the services or products to be provided, any such Non-Member Public School shall be entitled to receive core services (as defined in the Department Rules) from the Council on the same basis as all other Non-Member Public Schools and such other services or products as are specifically approved by the Board of Directors, and on such basis as is so approved. All of the Non-Member Public Schools served by the Computer Systems Program on the effective date of this Agreement ("Existing Non-Member Public Schools") are identified in Exhibit C hereto. Each Existing Non-Member Public School shall sign and deliver an acknowledgment, in substantially the form attached as Exhibit D, to the Executive Director.

(C) Contracted Services. Any Public School and any other organization or persons within or without the State of Ohio may contract with the Council to receive services or products of the Computer Systems Program from the Council provided that the Board of Directors determines, prior to entering into any such contract, that: (i) the Program will receive fair value for the services or products being provided, (ii) performance of the contract is required by law or will not impair the ability of the Council or the Fiscal Agent or the Participating Districts to perform their respective obligations under this Agreement and will not disrupt or diminish the services or products provided to the Participating Districts, and (iii) payments received by the Council for the services or products being provided under the contract shall be deposited in the Council Account of the Program Fund and applied to the payment of costs of the Program.

Section 13. Change of Fiscal Agent. The Fiscal Agent under this Agreement may request to be relieved of its duties as Fiscal Agent by delivering to the Council, not less than 90 days prior to the date on which it seeks to terminate its duties under this Agreement, a certified copy of a resolution duly adopted by its governing board requesting to be relieved of its duties as Fiscal Agent. The Board of Directors of the Council may request that the Fiscal Agent be changed by delivering to the Fiscal Agent, not less than 90 days prior to the date on which it seeks to change the Fiscal Agent, a certified copy of a resolution duly adopted by the Board of Directors requesting such change. In the event that the Board of Directors requests that the Fiscal Agent be changed, or in the event that the Fiscal Agent requests to be relieved of its duties, a new Fiscal Agent shall be appointed by the Board of Directors with the consent of the board of education or other governing board of the Participating District designated as the new Fiscal Agent. The costs resulting from a change of Fiscal Agent, including any title and transfer fees, shall be Program costs payable from the Program Fund.

Section 14. Conduct of Meetings. All meetings provided for in this Agreement shall be conducted in accordance with the Council Agreement and Bylaws.

Section 15. Amendments. This Agreement may be modified, amended or supplemented in any respect upon approval of such modification, amendment or supplement by the Board of Directors, the State Superintendent of Public Instruction and at least two thirds of the Participating Districts; provided, that no change shall be made to the Agreement with respect to any provisions pertaining to Non-Member Public Schools without the approval of the Assembly. Following such approval, the amendment, modification or supplement shall thereupon become binding upon all Participating Districts, Non-Member Public Schools and other User Entities.

Section 16. Assignability. No interest of a Participating District herein shall be assigned unless such assignment is authorized by law and consented to by the governing bodies of all the Participating Districts.

Section 17. Term and Termination. It is the express intention of the Participating Districts that this Agreement shall continue for an indefinite term, but may be terminated as herein provided.

In the event that the governing bodies of at least two-thirds of the Participating Districts, by duly adopted resolutions, determine that this Agreement shall be terminated, the Board of Directors shall meet within 30 days following its receipt of certified copies of those resolutions. At that meeting the Board of Directors shall determine the date upon which this Agreement shall terminate and make recommendations to the Assembly with respect to any matter which must be resolved in connection with the termination of this Agreement and which is not addressed by this Agreement or by the Council Agreement or Bylaws; provided, however, that this Agreement shall not be terminated if any Public Obligations issued to finance facilities or equipment remain outstanding after such termination.

Upon termination of this Agreement, the Program shall terminate and, after payment of all known obligations arising under this Agreement including complying with any legal requirements applicable to any amounts on deposit in the Program Fund, any surplus remaining in the Program Fund shall be distributed among the Participating Districts in the manner recommended by the Board of Directors and approved by the affirmative vote of two-thirds of the representatives in the Assembly eligible to vote on such matters. If no agreement can be reached concerning the disposition of any surplus remaining, that surplus shall be distributed among the Participating Districts in the same proportion to the total remaining as the amount of each Participating District's share of costs incurred and paid from those funds over the life of this Agreement bears to the total costs incurred and paid from those funds by all Participating Districts over the life of this Agreement. No Participating District shall be required, by or under the Agreement, by amendment or otherwise, to pay any sum upon termination hereof, unless it shall have expressly agreed thereto.

Section 18. Effectiveness and Counterparts of the Agreement. This Agreement shall replace the Prior Agreement effective as of the later of (i) April 1, 2008 and (ii) the date by

August 2017

which this Agreement shall have been (A) approved by the governing bodies of the Fiscal Agent and at least two-thirds (2/3) of the Participating Districts, (B) executed by the Council, the Fiscal Agent, and the necessary Participating Districts, and (C) approved by the State Superintendent. This Agreement may be signed in separate counterparts on behalf of any one, or more than one, of the Participating Districts (including the Fiscal Agent) and on behalf of the Council, without necessity for counterparts to be signed on behalf of all. Separately signed counterparts shall be filed with the Recording Secretary of the Council and shall together constitute one Agreement.

Section 19. Notices; Reports; Miscellaneous. Any notice to a Participating District required to be in writing shall be deemed given if given to the Assembly representative of such Participating District in accordance with the Council Agreement and Bylaws. A copy of any such notice shall be given by similar means to the Program Representative.

Monthly, the Treasurer of the Council shall submit a written report to the Board of Directors showing for the prior month the costs of the Computer Systems Program, the receipts of the Computer Systems Program, and the condition of the accounts maintained pursuant to this Agreement and such other data as the Treasurer may deem appropriate or the Board of Directors may request. The Treasurer of the Fiscal Agent shall cooperate with the Council in providing information concerning the Network Account to be reflected in that report.

Any references herein to the State Superintendent of Public Instruction, the Auditor of State or to other offices established by statute, shall include reference to such office regardless of subsequent statutory change of name or title and shall include reference to any board, department, other public body, or officer as shall succeed to the relevant functions by reason of any statutory change.

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IN WITNESS WHEREOF, the Council, the Fiscal Agent and the other Participating Districts, pursuant to the resolutions heretofore duly adopted by their governing bodies, have signed the foregoing Amended and Restated Agreement Regarding Area Cooperative Computerized Educational Service System Program on the date indicated below their respective signatures, but effective as of the date provided in Section 18.

ACCESS COUNCIL

GOVERNING BOARD OF MAHONING
COUNTY EDUCATIONAL SERVICE
CENTER,
as Fiscal Agent

By:
Chairperson

By:
President of the Governing Board

And By:
Superintendent

And By:
Treasurer

And By:
Treasurer

And By:
Executive Director

Date:

Date:

IN WITNESS WHEREOF, the Council, the Fiscal Agent and the other Participating Districts, pursuant to the resolutions heretofore duly adopted by their governing bodies, have signed the foregoing Amended and Restated Agreement Regarding Area Cooperative Computerized Educational Service System Program on the date indicated below their respective signatures, but effective as of the date provided in Section 18.

BOARD OF EDUCATION OF THE [1]
SCHOOL DISTRICT

By:

President, Board of Education

And By:

Superintendent

And By:

Treasurer

Date:

August 2017

IN WITNESS WHEREOF, the Council, the Fiscal Agent and the other Participating Districts, pursuant to the resolutions heretofore duly adopted by their governing bodies, have signed the foregoing Amended and Restated Agreement Regarding Area Cooperative Computerized Educational Service System Program on the date indicated below their respective signatures, but effective as of the date provided in Section 18.

GOVERNING BOARD OF THE MAHONING COUNTY
EDUCATIONAL SERVICE CENTER

By:

President, Governing Board

And By:

Superintendent

And By:

Treasurer

Date:

August 2017

IN WITNESS WHEREOF, the Council, the Fiscal Agent and the other Participating Districts, pursuant to the resolutions heretofore duly adopted by their governing bodies, have signed the foregoing Amended and Restated Agreement Regarding Area Cooperative Computerized Educational Service System Program on the date indicated below their respective signatures, but effective as of the date provided in Section 18.

GOVERNING BOARD OF THE COLUMBIANA
COUNTY EDUCATIONAL SERVICE CENTER

By:

President, Governing Board

And By:

Superintendent

And By:

Treasurer

Date:

August 2017

IN WITNESS WHEREOF, the Council, the Fiscal Agent and the other Participating Districts, pursuant to the resolutions heretofore duly adopted by their governing bodies, have signed the foregoing Amended and Restated Agreement Regarding Area Cooperative Computerized Educational Service System Program on the date indicated below their respective signatures, but effective as of the date provided in Section 18.

YOUNGSTOWN COMMUNITY SCHOOL, INC.

By:

President, Governing Authority

And By:

Superintendent

And By:

Treasurer

Date:

August 2017

FISCAL OFFICER CERTIFICATE

The undersigned, Treasurer of the Board of Education of the [1] School District, Ohio (the Board), certifies that the moneys required to meet the obligations of the Board during the current Fiscal Year under the attached Amended and Restated Agreement Regarding Area Cooperative Computerized Educational Service System Program have been lawfully appropriated by the Board for those purposes and are in the treasury of the Board or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41, and 5705.44 of the Revised Code.

Treasurer of the Board of Education of the
[1] School District

Dated: _____, 200_

FISCAL OFFICER CERTIFICATE

The undersigned, Treasurer of the Governing Board of the Mahoning County Educational Service Center (the Board), certifies that the moneys required to meet the obligations of the Board during the current fiscal year under the attached Amended and Restated Agreement Regarding Area Cooperative Computerized Educational Service System Program, whether as a Participating District or as Fiscal Agent, have been lawfully appropriated by the Board for those purposes and are in the treasury of the Board or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44 of the Revised Code.

the

Service Center

Treasurer of the Governing Board of
of the Mahoning County
Mahoning County Educational

Dated: _____, 200_

FISCAL OFFICER CERTIFICATE

The undersigned, Treasurer of the Governing Board of the Columbiana County Educational Service Center (the Board), certifies that the moneys required to meet the obligations of the Board during the current fiscal year under the attached Amended and Restated Agreement Regarding Area Cooperative Computerized Educational Service System Program, have been lawfully appropriated by the Board for those purposes and are in the treasury of the Board or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44 of the Revised Code.

the
Service Center

Treasurer of the Governing Board of
Columbiana County Educational

Dated: _____, 200_

FISCAL OFFICER CERTIFICATE

The undersigned, Treasurer of the Youngstown Community School, Inc. (YCS), certifies that the moneys required to meet the obligations of YCS during the current fiscal year under the attached Amended and Restated Agreement Regarding Area Cooperative Computerized Educational Service System Program have been lawfully appropriated by the Governing Authority of YCS for those purposes and are in the treasury of YCS or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances.

School, Inc.

Treasurer, Youngstown Community

Dated: _____, 200_

FISCAL OFFICER CERTIFICATE

The undersigned, Treasurer of ACCESS Council (the Council), certifies that the moneys required to meet the obligations of the Council during the current fiscal year under the attached Amended and Restated Agreement Regarding Area Cooperative Computerized Educational Service System Program have been lawfully appropriated by the Council for those purposes and are in the treasury of the Council or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44 of the Revised Code.

Treasurer of ACCESS Council

Dated: _____, 200_

EXHIBIT A

PARTICIPATING DISTRICTS OF THE COMPUTER SYSTEMS PROGRAM

Austintown School District	Mahoning County ESC
Beaver School District	Mahoning County JVSD
Boardman School District	Poland School District
Campbell School District	Salem School District
Canfield School District	Sebring School District
Columbiana County ESC	South Range School District
Columbiana County NSD	Springfield School District
Columbiana EV School District	Struthers School District
Crestview School District	United School District
East Liverpool School District	Wellsville School District
East Palestine School District	West Branch School District
Jackson-Milton School District	Western Reserve School District
Leetonia School District	Youngstown Community Schools
Lowellville School District	Youngstown School District

EXHIBITB

OTHER USER ENTITIES CURRENTLY UTILIZING SERVICES OF THE COMPUTER SYSTEMS PROGRAM

Mahoning Valley Opportunity School
BIOMED
The Unlimited Classroom
Mahoning Valley Opportunity Center
SSTR5
Cardinal Mooney High School
Holy Family School
St. Paul School
Ursuline High School
Youngstown - Mahoning Public Libraries

EXHIBIT C

NON-MEMBER PUBLIC SCHOOLS CURRENTLY AMONG OTHER USER ENTITIES

Mahoning Valley Opportunity School
The Unlimited Classroom
Mahoning Valley Opportunity Center
Cardinal Mooney High School
Holy Family School
St. Paul School
Ursuline High School

EXHIBIT D

FORM OF NON-MEMBER PUBLIC SCHOOL ACKNOWLEDGMENT

The undersigned officers of _____, a community public school ("Community School") duly organized under Ohio Revised Code Chapter 3314, hereby certify that the Community School is an authorized "user entity" under the Department Rules referred to in the foregoing Amended and Restated Agreement Regarding Area Cooperative Computerized Educational Service System Program (Program Agreement), that the Community School has all permits required under applicable Department Rules to receive services as a Non-Member Public School under the Program Agreement and all such permits are valid and current, and that the Governing Authority of the Community School has appropriated the moneys required to meet the obligations of the Community School during the current fiscal year under the Program Agreement, and such moneys are in the funds of the Community School or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. The Community School hereby acknowledges and accepts the terms of the Program Agreement and the Council Agreement and Bylaws referred to therein.

By:
President, Governing Authority

And By:

Superintendent

And By:

Treasurer

ACCESS Council

1000 - ADMINISTRATION

- 1100 Council Organization
- 1110 Assessment of Council Goals
- 1130 Conflict of Interest
- 1200 Administrator Ethics
- 1210 Board Executive Director Relationship
- 1220 Employment of the Executive Director
- 1230 Executive Director
 - 1230.01 Development of Handbooks and Organizational Chart
- 1231 Outside Activities of Administrators
- 1240 Evaluation of the Executive Director
 - 1240.01 Non-Reemployment of the Executive Director
- 1260 Incapacity of the Executive Director
- 1400 Job Descriptions
- 1411 Whistleblower Protection
- 1415 Severance Pay
- 1422 Nondiscrimination and Equal Employment Opportunity
 - 1422.02 Nondiscrimination Based on Genetic Information of the Employee
- 1432 Sick Leave
- 1460 Physical Examination
- 1461 Unrequested Leaves of Absence/Fitness for Duty
- 1481 Use of Employee's Personal Property at the Workplace
- 1619.01 Privacy Protections of Self-Funded Group Health Plans
- 1619.02 Privacy Protections of Fully Insured Group Health Plans
- 1623 Section 504/ADA Prohibition Against Disability Discrimination in Employment
- 1662 Anti-Harassment
- 1700 Retire-Rehire

1100 - ORGANIZATION

The ACCESS Council of Governments ("ACCESS Council" or "Council" hereafter) is organized to meet the objectives set by the Board of Directors and ensure clear lines of authority and responsibility.

The Executive Director shall be the chief executive officer of the Council. The Executive Director shall define and establish those positions required to implement the programs established by the Council. In each case, the Board of Directors will approve the broad purpose and function of the position in accordance with State law and regulations. Responsibility for functions and roles shall be assigned by the Executive Director through the administrative staff to the operational personnel.

It shall be the responsibility of the Executive Director to define and determine the need for and operational requirements sufficient to ensure the efficient operation of the Council. Maintenance of an efficient, skilled operational staff is essential to the effective performance of the system.

On occasion, the Executive Director may find it necessary to recommend to the Board of Directors the employment of specialists or consultants to research, maintain, develop or support programs implemented by the Council in areas requiring specialized knowledge. These positions will be considered and approved by the Board of Directors on the merits of their potential contribution to the Council and the specific conditions of the stated contract or agreement.

1110 -ASSESSMENT OF COUNCIL GOALS

One of the major functions of the Board of Directors is to work with the administration to establish goals for the Council to accomplish its mission and to provide the resources necessary for accomplishment of these defined goals. Due to the importance the Board of Directors places on accomplishing goals, it has established the following policy for effective assessment of the Council's progress toward goal realization.

In conjunction with its annual evaluation of the Executive Director, the Board of Directors also shall provide time for the Board of Directors and the administration to assess the progress of the Council during the previous year toward the achievement of current goals. The Executive Director's evaluation and progress assessment of goals shall take place at a time of the year when the conditions are most favorable to assure this policy operates as intended.

1130 - CONFLICT OF INTEREST

1. The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by Council employees is essential to ensure the proper performance of Council business as well as to earn and keep public confidence in the Council.

2. To accomplish this, the Board of Directors has adopted the following guidelines to assure that conflicts of interest do not occur. These are not intended to be all inclusive, nor to substitute for good judgment on the part of all employees.
 1. No employee shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the Council.
 2. Employees shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment with the Council.

Included, by way of illustration rather than limitation are the following:

- a. the use, sale, or improper divulging of any privileged information about a client gained in the course of the employee's employment or through his/her access to Council records or those of its customers.
 - b. the requirement of clients to purchase any private goods or services provided by an employee or any business or professional practitioner with whom any employee has a financial relationship, as a condition of receiving promotions, approvals, or recommendations .
3. Employees shall not make use of materials, equipment, or facilities of the Council in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients.
- B.** Exceptions to this policy shall be approved by the Executive Director **before** entering into any private relationship.
- C.** Employees may not participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No employee may solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts involved with Federal grant funds.

Employees shall comply with all conditions and federal regulations concerning the application, award, and maintenance of federal grants as outlined in federal law and regulations.

Violation of this policy shall result in discipline, which may include termination from employment.

1200 - ETHICS

The proper performance of school business and administration of an effective educational program requires the services of individuals of integrity, high ideals, and human understanding. To maintain and promote these essentials, the Board of Directors expects all staff to maintain high standards in their working relationships, provide professional leadership in ACCESS and community, and in the performance of their duties, to:

- A. recognize basic dignities of all individuals with whom they interact in the performance of duties;
- B. represent accurately their qualifications;
- C. exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;
- D. seek and apply the knowledge and skills appropriate to assigned responsibilities;
- E. keep in confidence confidential information as required by law or provided in Council policy;
- F. ensure that their actions or those of another on their behalf are not made with specific intent of advancing private economic interests;
- G. avoid accepting anything of value offered by another for the purpose of influencing judgment as required by Ohio Ethics Law and as provided in Council policy;
- H. refrain from using his/her position or public property, or permitting another person to use an employee's position or public property for partisan political or religious purposes. (This will in no way limit constitutionally or legally protected rights as a citizen.)

1210 - BOARD- EXECUTIVE DIRECTOR RELATIONSHIP

The Board of Directors believes that, in general, it is the primary duty of the Board of Directors to establish policies and goals for the Council and that the primary duty of the Executive Director is to administer such policies and work toward achievement of Council objectives and goals. Policy should not be originated or changed without the input of the Executive Director. The Executive Director should be given latitude to determine the best method of implementing the policies of the Board.

The Executive Director, as the chief executive officer of the Council, is the primary professional advisor to the Board. S/He is responsible for the development, supervision, and operation of the program and facilities.

The Board of Directors shall retain oversight supervision of such procedures.

The Board of Directors is responsible for determining the success of the Executive Director in meeting the goals established by the Board of Directors through annual evaluations of the Executive Director's performance. The Board of Directors, in formulating its position with regard to the performance of the Executive Director, shall rely, whenever possible, on the objective outcomes of its evaluations rather than on subjective opinions.

1230 - DEVELOPMENT OF HANDBOOKS AND ORGANIZATIONAL CHART

The Executive Director may issue such administrative and employee handbooks as/he may consider necessary for the effective administration of the Council and distribute them to employees and customers of the Council.

As long as the provisions of the handbooks are not inconsistent with Board of Directors policies, or with Federal/State law, they will be considered to be an extension of the policy manual and binding upon all employees.

A current copy of each handbook shall be made a part of the Board of Directors reference materials maintained in the Council office.

The Executive Director shall maintain a current organizational chart to which immediate reference can be made by the Board of Directors or any employee of the Board of Directors.

1231 - OUTSIDE ACTIVITIES

Staff members should avoid situations in which their personal interests, activities, and associations conflict with the interests of the Council. If such situations threaten an employee's effectiveness, , the Executive Director and/or Board of Directors shall evaluate the impact of such interest, activity, or upon the employee's responsibilities.

Staff may not dedicate work time to an outside interest or activity. Staff may not use council property or council time to solicit or accept customers for private enterprise(s).

Staff may not engage in business transactions on behalf of private enterprises in which s/he may profit by virtue of his/her official position or authority or benefit financially from confidential information that the employee has obtained or may obtain by reason of his/her position or authority.

Staff may not campaign on council property during working hours on behalf of any political issue, or candidate for local, State, or National office. The constitutional right to express political and other opinions as citizens outside of work is reserved to all employees.

Staff should refrain from expressions that disrupt the efficient operation of the ACCESS.

1240 - EVALUATION OF THE EXECUTIVE DIRECTOR

The Board of Directors believes it is essential that it evaluate the Executive Director's performance periodically in order to assist both the Board of Directors and the Executive Director in the proper discharge of their responsibilities and to enable the Board of Directors to provide the Council with the best possible leadership.

The Board of Directors shall annually evaluate the performance of the Executive Director. Such evaluation shall include an assessment of:

- A. the progress toward the goals of the Council;
- B. the working relationship between the Board of Directors and the Executive Director;
- C. the Board of Directors' own effectiveness in providing direction to the Executive Director.

Such assessments will be based on defined quality expectations developed by the Board of Directors for each criteria being assessed.

The Board of Directors and the Executive Director, jointly, shall, at the outset of each evaluation, determine the method by which the evaluation shall be conducted.

Such method may include, but is not limited to:

- A. the Executive Director's own self-analysis of the current status of the Council;
- B. the active participation of each Board of Directors member;
- C. a recommendation from an Board of Directors sub-Council committee;
- D. a compilation of assessments on a prepared standard form by individual Board of Directors members, which shall then be reviewed jointly by the Board of Directors and Executive Director;
- E. evaluation interviews between the Board of Directors and Executive Director during which no other business is discussed;
- F. the Executive Director's assessment of Board of Directors efficiency and effectiveness.

As an outcome of the evaluation of the Executive Director's performance, the Board of Directors should be prepared to judge the advisability of retention of the Executive Director and be prepared to:

- A. determine the Executive Director's salary;
- B. identify strengths and weaknesses in the operation of the Council and determine means by which weaknesses can be reduced and strengths are maintained;
- C. establish specific objectives, the achievement of which will advance the Council toward its goals.

1400 -JOB DESCRIPTIONS

The Board of Directors recognizes that it is essential for Council and employee accountability for each staff member to be fully aware of the duties and responsibilities of his/her position. Job descriptions document and describe the essential functions for all positions and thereby promote organizational effectiveness and efficiency. Therefore, the Executive Director shall maintain a comprehensive, coordinated set of job descriptions for staff positions.

The job description for the position of Executive Director who reports directly to the Board of Directors, shall be defined as policy of the Board of Directors.

All other job descriptions shall be defined as guidelines of the Executive Director and will be originated and maintained in accordance with the provisions specified in the policies of the Board of Directors.

Employees will be evaluated, at least in part, against their job descriptions.

Job descriptions shall be brief, factual, and, wherever possible, generically descriptive of similar jobs.

During the hiring process, the current job description for the position for which the individual is interviewing shall be reviewed with the candidate. The emphasis during the review shall be placed upon the essential functions of the position.

Upon employment by the Board, the staff member shall receive a copy of the current job description for the position for which s/he has been employed. The employee's immediate supervisor shall review this job description with the staff member as part of the employment orientation process.

The Board further recognizes that the Executive Director may find it necessary to revise job descriptions.

During the revision of a job description, the Executive Director may seek input from individuals who hold that position; however, their input may or may not be reflected when the revision of said job description is completed.

Following the revision of a job description, staff members who hold the positions for which the essential functions are described in that revised job description shall be provided access to the updated version and the opportunity to discuss the revisions therein with their immediate supervisor.

1411 -WHISTLEBLOWER PROTECTION

The Board of Directors expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative guidelines.

The Board encourages staff to report possible violations of these Board expectations to their immediate supervisors.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that may violate Federal or State law, or Board policy, to call this conduct to the attention of his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior or actions are in question, the employee may report to the Executive Director. If the reported conduct relates to the Executive Director, the report may be filed directly with the Board of Directors Chairperson.

After such a report is made, the immediate supervisor will ask that employee's report be put in writing. Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported. Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

In the case of reporting suspected fraud or fraudulent activity, an employee may file a report using the Auditor of State's system for reporting of fraud. This reporting mechanism may be used either in addition to or instead of filing a written report with the employee's supervisor or other Council authority.

The Executive Director shall develop administrative guidelines necessary for implementation of this policy, including the development of forms upon which such reports may be made.

1415 - SEVERANCE PAY

After ten (10) years of service in the School Employees Retirement System (SERS) with a political subdivision of the State or the State or combination thereof and a minimum of five (5) years of service as an ACCESS employee (with the exception of employees hired on or before July 1, 2016, whose years of service with the Mahoning County ESC shall be applied to the minimum number of years of service as an ACCESS employee for purposes of this section), employees who retire in accordance with SERS shall be eligible for severance pay.

Severance pay shall be determined by dividing the employee's annual salary by his/her annual work days per contract year to determine the employee's average daily rate of pay. The daily rate of pay shall be multiplied by one-fourth (1/4) of his/her accumulated unused sick leave to a maximum of fifty-three (53) severance days.

Employees may choose to take severance pay any time between the date of acceptance of retirement from SERS and the succeeding January 31st upon presentation of a copy of the first retirement check to the Treasurer.

1422 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The Council does not discriminate on the basis of race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, military status, ancestry, genetic information (collectively, "Protected Classes"), or any other legally protected category, in its programs and activities, including employment opportunities.

Council Compliance Officers

The Council designates the following individuals to serve as the Council's "Compliance Officer" (also known as "Civil Rights Coordinator") (hereinafter referred to as the "CO").

Associate Director, Treasurer or
Designee

(330) 702-7860

7320 North Palmyra Road

Canfield, Ohio 44406

The CO is responsible for coordinating the Council's efforts to comply with applicable Federal and State laws and regulations, including the Council's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The CO shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. Any sections of the Council's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure must contain a statement of nondiscrimination similar to that in the Council's statement above. A copy of each of the acts and regulations on which this notice is based may be found in the CO's office.

Reports and Complaints of Unlawful Discrimination and Retaliation

Employees are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other Council-level official so that the Council may address the conduct. Any administrator, supervisor, or other Council-level employee or official who receives such a complaint shall file it with the CO within two (2) days.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The CO will be available during regular work hours to discuss concerns related to unlawful discrimination/retaliation. The CO shall accept complaints of unlawful discrimination/retaliation

directly from any member of the Council community or a visitor to the Council, or receive complaints that are initially filed with an administrator. Upon receipt of a complaint, either directly or through an administrator, the CO will begin either an informal or formal process of investigation (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the CO will prepare recommendations for the Executive Director or oversee the preparation of such recommendations by a designee. All members of the Council community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Council employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to the CO within two (2) business days. Additionally, any Council employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Council employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the employee within two (2) business days to advise him/her of the Council's intent to investigate the wrongdoing.

Investigation and Complaint Procedure

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights, the Ohio Civil Rights Commission ("OCRC") or Equal Employment Opportunity Commission ("EEOC").

Informal Complaint Procedure

The goal of the informal complaint procedure is to quickly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who believes s/he has been unlawfully discriminated or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is available only in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Employees who believe that they have been unlawfully discriminated/retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution

through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Council employee or any other adult member of the Council community against a student will be formally investigated . As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/retaliated against and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. The CO is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination, such as sexual harassment discrimination, the CO may advise against the use of the informal complaint process. An individual who believes s/he has been unlawfully discriminated/retaliated against may make an informal complaint, either orally or in writing: (1) directly to the CO; and/or (2) to the Executive Director or other Council-level employee. A complaint against the CO should be made to the Executive Director. A complaint against the Executive Director should be made to the Council Chairperson, who may designate an investigator.

All informal complaints must be reported to the CO (except as provided above, in the event the complaint is against the CO or the Executive Director) who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution. The Council's informal complaint procedure is designed to provide employees who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy [1422](#) - Non-Discrimination as a reminder to the individuals in the building or office where the individual whose behavior is being questioned works.
- C. If both parties agree, the CO may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutually agreeable resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as

stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the CO in accordance with the Council's records retention policy. (See Policy [8310](#)) There will be no retaliation against any employee for utilizing the informal complaint procedure.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process shall be implemented.

An individual who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant"), may file a formal complaint, either orally or in writing, with the CO, Executive Director, or other Council-level employee. A complaint against the CO should be made to the Executive Director. A complaint against the Executive Director should be made to the Council Chairperson, who may designate an investigator.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs the Executive Director, or other Council-level employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO or designated investigator should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct and/or discipline for the person who engaged in the misconduct, up to and including termination. In making such a determination, the CO should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO or designated investigator still may take whatever actions s/he deems appropriate in consultation with the Executive Director (or Council, if the complaint is against the Executive Director).

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation. Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy [1422](#) - Non-Discrimination. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or the designee shall prepare and deliver a written report to the Executive Director or Council Chairperson that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Council policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The CO or designated investigator's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO or designated investigator may consult with the Council's legal counsel before finalizing the report to the Executive Director. Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Executive Director or Council Chairperson must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Executive Director's final decision will be delivered to both the Complainant and the Respondent.

If the Executive Director requests additional investigation, the Executive Director must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Executive Director must issue a final written decision as described above.

If the Executive Director determines the Complainant was subjected to unlawful discrimination/retaliation, she/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific

situation, and may include discipline for the offender up to and including termination. No retaliation for filing or pursuing a complaint is permitted by any Council employee.

The decision of the Executive Director shall be final.

The Council reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee alleging the unlawful discrimination/retaliation wishes to pursue the complaint. The Council also reserves the right to have the formal complaint investigation conducted by a designated investigator in accordance with this policy or in such other manner as deemed appropriate by the Council or its designee.

The Complainant may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Council will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Council's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that he/she learns and/or provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the CO in accordance with the Council's records retention policy.

Sanctions and Monitoring

The Council shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the termination of employment. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Executive Director or Council Chairperson shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Council may consider whether the alleged conduct nevertheless warrants discipline or other interventions, in accordance with other Council policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Council becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed by the Council and/or Executive Director shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation, or participates as a witness in an investigation is prohibited. Specifically, the Council will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Education and Training

In support of this policy, the Council promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Executive Director or designee shall provide appropriate information to all members of the Council community related to the implementation of this policy and shall provide training for Council staff where appropriate. All training, as well as all information provided regarding the Council's policy and discrimination in general, will be age and content appropriate.

1422.02 - NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

The Governing Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of his/her genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

In accordance with the Genetic Information Nondiscrimination Act (GINA), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with this Act, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the Council's application process.

The Council recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows or the Internet. The Council prohibits, however, its employees from searching such sources with

the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information.

"Genetic information," as defined by GINA, means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

If the Council either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment or a medical provider it shall be treated as a confidential medical record in accordance with law.

The Executive Director shall appoint a compliance officer who shall be responsible for overseeing the Council's compliance with Federal regulations and promptly dealing with any inquiries or complaints. S/He shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all Council requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II, including the Governing Board, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition).

"Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

The Council offers health services, including a wellness program. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to his/her health services providers, but only genetic information in aggregate form will be provided to the Board.

1432 - SICK LEAVE

Sick leave will be granted for absence of the employee due to personal illness, injury, pregnancy, exposure to contagious disease, which could be communicated to other employees and for absence due to illness, injury or death in the employee's immediate family.

Immediate family is defined to mean the employee's spouse, child, parent, grandchild, parent-in-law, brother, sister, daughter-in-law, son-in-law, grandparents, grandparents-in-law, brother-in-law, sister-in-law, or any other relative living in the employee's household or of whom the employee serves as the sole and primary caretaker.

Full-time employees shall be credited with one and one-fourth (1¼) days of sick leave for each month of service or fifteen (15) days for each completed year. Employees who render regular part-time, per diem, or hourly service shall be entitled to sick leave for the time actually worked at the same rate as that granted like full-time employees, calculated in the same manner as the ratio of sick leave granted to hours of service.

At the discretion of the Board, the employee may petition the Council for up to and including an additional 12 weeks of unpaid leave, once all accumulated sick leave has been exhausted.

Employees who have not yet been credited with any accrued sick leave will be advanced five (5) sick leave days per contract year. Should an employee leave or be terminated from employment with the Board, the amount of advancement not yet earned shall be deducted from the employee's final pay.

In the case of an absence due to injury or illness of more than three (3) days, a signed statement by the attending physician may be requested to verify the period of absence. If the absence is for ten (10) or more days, the attending physician shall certify the employee's ability to return to work. The employee's supervisor may, upon evidence of frequent or unusual absence, request a physician's statement certifying all subsequent absences.

Fraudulent use of leave for illness or injury may result in loss of salary, based upon the employee's per-diem/hourly rate, and may also result in discipline up to and including termination of employment.

Sick leave shall be used in full-day, half-day, or quarter-day increments.

1481 - USE OF EMPLOYEE'S PERSONAL PROPERTY AT THE WORKPLACE

From time-to-time, Council employees may wish to bring personal property to the workplace either for reasons associated with administrative responsibilities or for use during off-duty time. This practice is permitted provided it is understood that the Council is not responsible for any loss, damage, or misuse of said property. This provision applies, without limitation, to trespassers, invitees, visitors, and independent contractors.

Employees who bring personal property onto Council premises for work-related purposes must notify the Executive Director prior to bringing such property onto Council premises. Except in extraordinary circumstances, the Council will provide all employees with the equipment and tools necessary to perform their assigned duties.

Council employees are permitted to possess personal communication devices (e.g., cellular telephones) at work in accordance with Policy 7530.01.

Other individuals may wish to bring personal property onto Council premises. The limitation of liabilities set forth in the previous paragraphs applies to all personal property, regardless of any benefit the Council receives from its use.

1619.01 - PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS

The Council provides coverage to eligible employees under self-funded group health plans. The Council has established the following self-funded group health plans: Medical, Prescription Drug, Dental, and Vision.

The Council acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Council hereby appoints Associate Director to serve as the Privacy Official of the group health plans. The Council delegates authority to the Privacy Official to develop, propose to the Council, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. In the event that the HIPAA Privacy Rule is subsequently amended, the Privacy Official is directed to recommend to the Council necessary amendments to the policies and procedures.

The Council also acknowledges that the HIPAA Security Rule requires the group health plan(s) to implement various security measures with respect to electronic Protected Health Information. The Council hereby appoints Executive Director to serve as the Security Official of the group health plans. The Council delegates authority to the Security Official to develop, propose to the Council, and implement policies and procedures for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. In the event that the HIPAA Security Rule is subsequently amended, the Security Official is authorized to recommend to the Council necessary amendments to the policies and procedures.

The Council further delegates authority to the Privacy Official and/or the Security Official to undertake such other actions as provided by the administrative guidelines in effect from time to time. The Privacy Official and/or Security Official shall report his/her progress to the Council upon request. The Council reserves the right to revoke any or all delegations set forth in this policy at any time and for any reason.

Since the Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties (CMP) for violations of the HIPAA Privacy Rule and the HIPAA Security rule, the Council agrees to indemnify and hold harmless the Privacy Official and Security Official for

any CMP imposed upon the Privacy Official or Security Official in connection with the performance of his/her duties for the group health plans. Notwithstanding the foregoing language, the Council shall not indemnify the Privacy Official or Security Official in the event the CMP was imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official.

1623 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The Council prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Council will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Council further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Council will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds

or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Council will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the Council's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Compliance Officer(s)

The Council designates the following individual(s) to serve as the Council's 504 Compliance Officer(s)/ADA Coordinator(s) (hereinafter referred to as the "Council Compliance Officer").

Associate Director, Treasurer or
Designee
(330) 702-7860
7320 N. Palmyra Road
Suite 127
Canfield, OH 44406

The name, title, and contact information of this individual will be published annually.

Council

The Council Compliance Officer is responsible for coordinating the Council's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the Council Compliance Officer.

The Council Compliance Officer will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Council's adopted internal complaint procedure, and will attempt to resolve such complaints. The Council will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below.

Training

The Council Compliance Officer will also oversee the training of employees in the Council so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Council's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Council will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the Council's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the Council will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Council is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Council's policy on nondiscrimination in employment practices and the identity of the Council's Compliance Officer will be posted throughout the Council, and published in the Council's recruitment statements or general information publications.

Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with a Council Compliance Officer within the time limits specified below. The Council's Compliance Officer is available to assist individuals in filing a complaint.

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

- A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the Council Compliance Officer.
- B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the Council Compliance Officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the Council Compliance Officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) calendar days of the circumstances or event

giving rise to the complaint, unless the time for filing is extended by the Council Compliance Officer for good cause.

- C. The Council Compliance Officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The Council Compliance Officer will provide the complainant with a written disposition of the complaint within ten (10) work days. If no decision is rendered within ten (10) work days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Executive Director. The Council Compliance Officer shall maintain the Council's files and records relating to the complaint.

- D. The Executive Director will, within ten (10) workdays of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

The Executive Director will render his/her decision within ten (10) workdays of the hearing.

- E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.

- F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

OCR Complaint

At any time, if an employee believes that/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education
Office for Civil Rights
Cleveland Office
1350 Euclid Avenue

Suite 325
Cleveland, Ohio 44115
(216) 522-4970
FAX: (216) 522-2573
TDD: (216) 522-4944
E-mail: OCR.Cleveland@ed.gov
Web: <http://www.ed.gov/ocr>

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation, is prohibited. Specifically, the Council will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

1662 - ANTI-HARASSMENT

General Policy Statement

It is the policy of the Council to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all Council operations, programs, and activities. All administrators, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on Council property, or at another location if such conduct occurs during an activity sponsored by the Council.

The Board of Directors will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, ancestry, or genetic information (collectively, "Protected Classes") that are protected by Federal civil rights laws (hereinafter referred to as "unlawful harassment"), and encourages those within the community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board of Directors will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board of Directors will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "Council's community" means administrators, professional and classified staff, as well as Council members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board of Directors.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on ACCESS property, vendors doing business with, or seeking to do business with, the Council, and other individuals who come in contact with members of the community at Council events/activities (whether on or off Council property).

Other Violations of the Anti-Harassment Policy

The Board of Directors will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Definitions

Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflicts physical hurt or psychological distress on one (1) or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation
- D. stalking
- E. cyberstalking
- F. cyberbullying
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment
- J. public humiliation; or
- K. destruction of property

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct based on one or more protected classes directed against a Council employee that:

- A. places a Council employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with an employee's work performance; or

- C. has the effect of substantially disrupting the orderly operation of the Council.

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment.
- C. Such conduct has the purpose or effect of interfering with the individual's work; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
- J. Inappropriate boundary invasions by a Council employee into an employee's personal space and personal life.
- K. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be unwelcome, and sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Reports and Complaints of Harassing Conduct

Members of the Council community, which includes all staff, and third parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other Council official so that the Board of Directors may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other Council official who receives such a complaint shall file it with the Council's Anti-Harassment Compliance Officer at his/her first convenience.

Members of the Council community or third parties who believe they have been unlawfully harassed by another member of the Council community or a third party are entitled to utilize the Board of Directors's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extracurricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

Anti-Harassment Compliance Officers

The Board of Directors designates the following individuals to serve as "Anti-Harassment Compliance Officer" for the Council. They are hereinafter referred to as the "Compliance Officer".

Associate Director, Treasurer or Designee
(330) 702-7860
7320 N. Palmyra Road
Suite 127
Canfield, OH 44406

The name, title, and contact information of this individual will be published annually.

The Compliance Officer will be available during regular work hours to discuss concerns related to unlawful harassment, to assist other members of the Council community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The Compliance Officer shall accept complaints of unlawful harassment directly from any member of the Council community or a visitor to the Council, or receive complaints that are initially filed with a Council administrator. Upon receipt of a complaint either directly or through a Council administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the person alleging the harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. A complaint against the Compliance Officer should be made to the Executive Director. A complaint against the Executive Director should be made to the Council Chairperson, who may designate an investigator.

In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Executive Director or will oversee the preparation of such recommendations by a designee. All members of the Council community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.

Any Council employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Council employees and/or local law enforcement officials, as necessary, to stop the harassment.

Investigation and Complaint Procedure

Any employee or other member of the Council community or third party (e.g., visitor to the Council) who believes that s/he has been subjected to unlawful harassment or retaliation may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment or retaliation and a process for rendering a decision regarding whether the claim of legally prohibited harassment or retaliation, was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights, the Ohio Civil Rights Commission ("OCRC") or Equal Employment Opportunity Commission ("EEOC").

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for other member of the Council community, or third party who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint and will only be utilized where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

Employees, other members of the Council community, or third parties who believe that they have been unlawfully harassed or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of harassment involving a Council employee or any other member of the Council community will be formally investigated. Similarly, any allegations of sexual violence will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to an employee, or Council administrator; (2) directly to the Compliance Officer; and/or (3) to the Executive Director or other Council-level employee. A complaint against the CO should be made to the Executive Director. A complaint against the Executive Director should be made to the Council Chairperson, who may designate an investigator.

All informal complaints must be reported to the Compliance Officer, except as provided above, who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The Council's informal complaint procedure is designed to provide employees, other members of the Council community, or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the building or office where the individual whose behavior is being questioned works.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the Compliance Officers in accordance with the Council's records retention policy. (See Policy [8310](#))

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process shall be implemented.

An individual who believes s/he has been subjected to offensive conduct/harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing, with the Compliance Officer, Executive Director, or other Council employee. A complaint against the CO should be made to the Executive Director. A complaint against the Executive Director should be made to the Council Chairperson, who may designate an investigator.

Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs the Executive Director, or other Council employee, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process, the Compliance Officer or designated investigator should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer or designated investigator shall ask for such details in an oral interview. Thereafter, the Compliance Officer or designated investigator will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer/designated investigator will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deem appropriate in consultation with the Executive Director.

Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation.

Simultaneously, the Compliance Officer/designated investigator will inform the individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant administrative guidelines, including the Council's Anti-Harassment Policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Executive Director/Council Chairperson that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Council policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment. The Compliance Officer's or designee's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer/designee may consult with the Council's legal counsel before finalizing the report to the Executive Director.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Executive Director/Council Chairperson must either issue a final decision regarding whether the complaint of harassment has been substantiated or request further investigation . A copy of the final decision will be delivered to both the Complainant and the Respondent.

If the Executive Director/Council Chairperson requests additional investigation, he or she must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, a final written decision will be issued as described above.

The decision of the Executive Director/Council Chairperson shall be final. The Council Chairperson may designate another individual to investigate complaints, conduct hearings and prepare reports pursuant to this policy and will do so only in the event that a formal complaint is filed against the Executive Director.

The Council reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the Council community or third party alleging the unlawful harassment/retaliation pursues the complaint. The Council also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Council or its designee.

Privacy/Confidentiality

The Council will employ all reasonable efforts to protect the rights of the Complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Council's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the Council community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a

harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the Council's records retention policy.

Sanctions and Monitoring

The Council shall vigorously enforce its prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Executive Director shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Council may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Council policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Council becomes aware that a prior remedial action has been taken against a member of the Council community, all subsequent sanctions imposed by the Council and/or Executive Director shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

Retaliation

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is strictly prohibited.

Education and Training

In support of this Anti-Harassment Policy, the Council promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Executive Director or designee shall provide appropriate information to all members of the Council community related to the implementation of this policy and shall provide training for Council staff where appropriate. All training, as well as all information provided regarding the Council's policy and harassment in general, will be age and content appropriate.

1700 - Retire/Rehire

I. Overview of Requirements and Process

Ohio law requires that a Board of Directors complete certain steps prior to approving an employee's request to retire and be rehired. Sections 3307.353 (STRS) and 3309.345 (SERS) of the Revised Code both require that when a Board intends to rehire a recently retired employee in the same position he or she previously held, the Board must provide public notice and conduct a public meeting about the retire/rehire.

The Board must adhere to a rigid timeline during this process. The public notice must be published in a newspaper of general circulation at least sixty (60) days prior to the Board taking final action on the rehire contract. The notice must include the time, date and location of the public meeting to be held regarding the issue of the individual's retire/rehire. Additionally, the Board must conduct the public meeting at any time between 15-30 days before taking final action.

Additionally, R.C. §3307.35(0) and R.C. §3309.341(B)(2) mandate that a Board notify SERS whenever an employee retires and is rehired. The notification must be provided no later than the end of the month in which the employment commences.

II. Documents for Retire/Rehire

- Release and Waiver Agreement
- Resolution to Initiate Retire/Rehire Procedures
- Retire/Rehire Public Notice
- Resolution to Re-employ
- Retire Rehire Employment Contract

III. Steps Taken for Retire/Rehire

1. Set Timeframe. Establish the timeframe for each employee (timeline will be the same for a group of employees that will be rehired at the same time).
 - a. Begin with date of board meeting in which the Board will vote to rehire the employee(s).
 - b. Count back on a calendar 70-90 days (enough time to accommodate the 60 day public notice, with a few days to spare) to set your timeframe.
 - c. Count back 15-30 days from the final board meeting, and find another board meeting that falls within the window at which you may conduct the required public hearing. NOTE: if no meeting is currently scheduled, you may need to reschedule a regular meeting or add a special meeting to the calendar.
2. Approve Notice and Public Meeting. Board must approve the public notice and date for public meeting (the Board may also need to approve reschedule of meeting or addition of special meeting).
3. Circulate Public Notice. Prepare and submit public notice to newspaper.
 - a. Alternative channels for posting the notice are acceptable - however newspaper circulation is typically the cheapest and most effective.
 - b. Make sure that the notice runs for at least 60 days.
4. Prepare Board Agenda. Prepare the Board agenda for the public meeting.
5. Conduct the public meeting. The meeting must take place 15-30 days prior to date of final vote on rehire).
6. Approve Rehire. At the final meeting, the Board will approve a resolution to reemploy the individual(s).

ACCESS Council

2000 - PROGRAM

- 2105 Mission of the Council
- 2110 Statement of Philosophy
- 2111 Member Involvement in the Council
- 2120 Council Improvement
- 2131 Outcome Goals
- 2132 Process Goals
- 2210 Program Development
- 2240 Controversial Issues
- 2250 Innovative Programs
- 2520 Selection of Materials and Equipment
- 2531 Copyrighted Works
- 2605 Program Accountability and Evaluation

2105 - MISSION OF THE COUNCIL

The mission of the Council is to provide programs of the highest quality of interest to its member educational entities that are more cost-effectively implemented and managed through the efficiencies of a larger user base.

ACCESS will be a quality service provider for school districts of highly dependable computer services, promoting and supporting the resources vital to the educational success of each and every student.

2110 - STATEMENT OF PHILOSOPHY

Core Values: Our Purpose Statement

The Council is responsible for the provision of comprehensive educational computer services to participating school districts located in Columbiana and Mahoning Counties. The Council serves as a link between the school districts and the Ohio Department of Education, enabling the districts to meet State administrative mandates. In addition, the Council shall provide leadership to educators in the application of electronic technology to instructional functions.

The Board of Directors of the Council is committed to the goal of utilizing federal, state and local I funding in a manner resulting in services to school systems collectively that would not be feasible for them individually.

Our Objectives

- A. To apply modern technology through the aid of computers and other electronic equipment to basic administrative and instructional functions of member districts.
- B. To develop and maintain a cooperative, cohesive relationship with member districts which is necessary to develop and expand joint programs, subject to the approval of the Ohio Department of Education, in both administrative and instructional areas.
- C. To align the objectives of ACCESS's continuous improvement plan with the needs and plans of our member districts.

2111 - MEMBER INVOLVEMENT IN THE COUNCIL

The Board of Directors believes that durable and effective programs are more likely to occur when there is an effective partnership between the Council and its members. Such a partnership means a mutual belief in and commitment to shared goals, a collaboration on means for accomplishing those goals, cooperation on developing and implementing solutions to problems that may be encountered, and continuing communication regarding the progress in accomplishing the goals.

The Executive Director shall implement administrative guidelines by which a Council/member partnership can be established and maintained. Such guidelines should encompass member participation, through meetings and other forms of communication, in:

- A. establishing the measurable outcomes desired for each program of the Council;
- B. developing and implementing appropriate strategies for meeting the stated objectives and desired outcomes for each program of the Council;
- C. providing an environment which encourages and augments, the services provided by the Council;
- D. establishing and supporting a consistent and shared approach in the governance of the Council and its programs;
- E. providing for the proper staffing, funding, and long-term vision for the Council.

Relations with Members

The Board of Directors feels that it is the members who have the ultimate responsibility for the success of the Council and its programs. The Board of Directors, through its designated administrators and staff, will provide leadership and responsibility over the daily operations of the Council and its programs. However, this cannot substitute for the active participation of the members in the growth and development of the Council. It is the responsibility of members to ensure that the Council is responsive to the needs of the membership as a whole, and it is the responsibility of the Council to ensure that its programs and services are responsive to the needs of each of its members.

2120 - COUNCIL IMPROVEMENT

The Board of Directors supports the concept of Council improvement as established by the State Board of Education and will seek to create and/or maintain effective programs as defined by State and Council guidelines.

In addition to adopting a Mission Statement and Philosophy for the Council, the Council shall create, as needed, policies which support the Continuous Improvement Process. The Executive Director shall ensure that the following objectives can be achieved:

- A. An Council-wide, continuous-improvement plan which provides for user-level decision making regarding program assessment, determination of performance standards, budgetary review, staff development, and the monitoring and assessment of program outcomes.
- B. Collaboration at both the customer and Council levels with users, who can support and facilitate program improvement in the Council.

2131 - OUTCOME GOALS

Refer to the Continuous Improvement Plan (CIP) for the measurable goals.

2132 - PROCESS GOALS

In order to achieve the goals for members, the Board of Directors will establish policies which will authorize and encourage:

- A. efficient and effective use of educational resources;
- B. continued professional growth of staff members.
- C. operational and personnel directives and guidance regarding Council functions and goals.

2210 - PROGRAM DEVELOPMENT

The Board of Directors recognizes its responsibility for the quality of the programs of the Council. To this end, the program shall be developed and evaluated, in accordance with the Council's Constitution and Bylaws.

2250 - INNOVATIVE PROGRAMS

The Board of Directors wishes to promote the continued improvement of the programs of the Council through all appropriate means. The Board of Directors will encourage members of the staff and of its customers who wish to pursue a promising program for Council improvement.

An innovative program design shall address the steps below when appropriate to the project:

- A. Rationale
- B. Specific objectives
- C. Supportive research
- D. Budgeting
- E. In-service requirements
- F. Assessment of the learning
- G. Plans for broader implementation
- H. Methods for program evaluation

Each innovative program shall be consistent with the Council's objectives and long range plans. Programs designed for the disabled must comply with federal and state guidelines.

2520 - SELECTION OF MATERIALS AND EQUIPMENT

The Board of Directors shall provide materials and equipment, within budgetary constraints, to implement the Council's goals and objectives and to meet customers' needs. The primary

objective of such materials and equipment shall be to enrich, support, and implement the programs of the Council.

The Executive Director shall periodically, provide for a systematic review, by the Board of Directors, of the Council's resources in order to ensure that they are appropriate for the current needs. Any revisions that occur should be a result of the continuous improvement process.

2531 - COPYRIGHTED WORKS

According to the Federal Copyright Act, Title 17 of the U.S. Code, persons involved in illegal reproduction of software can be subject to civil damages of as much as \$50,000, and criminal penalties, including fines and imprisonment, of up to five (5) years..

Ohio statutes cover misappropriation of publicly-owned computer hardware and software. Violations may result in prosecution under the Ohio Criminal Code and/or result in a Civil lawsuit. The following Ohio statutes apply:

- A. R.C. 2913.02 - basic theft statute
- B. R.C. 2901.01(J)(1), R.C. 2921.01(A) - theft of property by public official, includes public employee
- C. R.C. 2921.41 - theft in office statute
- D. R.C. 2909.05(8)(2)-vandalism
- E. R.C. 2909.04(A)- disruption of public services
- F. R.C. 2913.04(8) - theft of computer systems and networks services, includes unauthorized use of property
- G. R.C. 2913.42 - record tampering

It is the policy of ACCESS to adhere to all federal and Ohio laws and regulations. As a condition of employment, ACCESS employees are expected to do the same.

2605 - PROGRAM ACCOUNTABILITY AND EVALUATION

The Board of Directors believes that effective programs include proper evaluation of the results produced from the resources provided. As the governing body of the Council, the Board of Directors or the Board of Directors has the responsibility for assessing how well goals are being accomplished.

The Board of Directors shall fulfill this responsibility by establishing a means for the continued evaluation of results which shall be systematic and specific.

The following elements will be included in its accountability program:

- A. Clear statements of expectations and purposes for each program coupled with specifications of how their successful achievement will be determined.
- B. Provisions for staff, resources, and support necessary to achieve each program's purposes.

- C. Evaluation of each program to assess the extent to which each program's purposes and objectives are being achieved.
- D. Recommendations for revisions and modifications needed to better fulfill expectations and purposes.

The Executive Director may maintain a calendar of assessment activities and shall make periodic evaluation reports to the Board of Directors. Findings of the assessment program may be used to evaluate the progress of programs:

- A. the effectiveness of staff members;
- B. the effectiveness of the program/delivery system.

The Executive Director may recommend improvements in the Council program based on evaluations.

The Board of Directors reserves the right to employ experts from outside the Council to serve in the evaluation process.

The Board of Directors will make available to its members the progress of the Council toward the goals of the Council.

ACCESS Council

6000 - FINANCES

- 6105 Authorization To Use Facsimile Signature
- 6107 Authorization to Accept and Distribute Electronic Records and to Use Electronic Signatures
- 6110 Grant Funds
- 6145 Borrowing
- 6151 Bad Checks
- 6152 Fees, Fines, and Charges
- 6210 Fiscal Planning
- 6231 Appropriations and Spending Plan
- 6232 Appropriations Implementation
- 6233 Amenities for Participants at Meetings and/or Other Occasions
- 6320 Purchases
- 6423 Credit Cards
- 6460 Vendor Relations
- 6470 Payment of Claims
- 6510 Payroll Authorization/Procedures
- 6520 Payroll Deductions
- 6550 Travel Payment & Reimbursement
- 6680 Recognition
- 6681 Cash Management of Grants
- 6682 Federal Funds Cost Principles
- 6683 Time and Effort Reporting
- 6684 Procurement- Federal Grants and Awards

6105 - AUTHORIZATION TO USE FACSIMILE SIGNATURE

The Board authorizes the Treasurer to prepare and utilize a facsimile signature, in lieu of their manual signature, and to affix such facsimile signature to any of the following instruments: checks; drafts; warrants; vouchers; or other instruments for the payment of money and necessary or desirable in connection with the withdrawal of Board funds for and on its behalf. The individuals specified above may affix their manual or facsimile signature to the instruments identified so long as they continue to act as such officers/employees. The use of facsimile signatures is expressly approved by the Board. Checks, drafts, warrants, vouchers, or other instruments for the payment of money may be drawn or relate to the accounts of the ACCESS with the various financial institutions (depositories/banks) with which the ACCESS conducts business.

The Board directs that the financial institutions (depositories/banks), with which the ACCESS does business, are authorized and requested to accept, honor, cash, pay or transfer, without limit as to the amount or without further inquiry, checks bearing the authorized signature(s) as provided by the immediately preceding paragraph whether tendered in payment of an individual obligation or deposited in the account of the ACCESS. The Treasurer is directed to provide written notice of the adoption of any facsimile signature to the depository from which funds are to be withdrawn, which notice shall include a description of the device to be used, a specimen of such facsimile signature, and a copy of this policy. Prior to use of the facsimile signature, the written approval of such depository must be obtained.

Facsimile signature is defined to include, but is not limited to, the reproduction of any authorized signature by a copper plate or by a photographic, photostatic, or mechanical device. Facsimile signature does not authorize the use of a rubber stamp signature for any of the instruments detailed above.

In order to protect the Board and its employees from loss, damage or expense occasioned by the unauthorized use of a facsimile signature, the Board directs the Treasurer to procure for the the Council and for the individuals identified above a surety bond in such amount as approved by its legal advisor.

The actual facsimile signature should be maintained under the care, custody and control of the Treasurer's Department and, as further precaution, all checks must be entered into the check register so that all numbers can be accounted for.

The Executive Director, Treasurer and Board President are authorized, on behalf of the Board, to sign employment contracts, duly acted upon by the Board, by facsimile signature.

R.C. 9.10, 9.11, 9.12, 9.14, 133.27

6107 -AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS AND TO USE ELECTRONIC SIGNATURES

Unless a provision of law enacted after September 14, 2000, specifically prohibits the use of an electronic record for the specified purpose, the Board of Directors authorizes the acceptance and distribution/transmission of electronic records and electronic signatures to and from Council staff and other persons, as well as between Council staff members. The Board further authorizes Council staff to create, generate, send, communicate, receive, store, process, use, and rely upon electronic records and electronic signatures.

The Executive Director is authorized to develop administrative guidelines concerning the acceptance and distribution/transmission of electronic records and electronic signatures. After giving due consideration to security, the Executive Director may specify the following:

- A. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored, and the systems established for those purposes.
- B. If electronic records must be signed by electronic means, the type of electronic signature that is required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met, by any third party used by a person filing a document to facilitate the process.
- C. Control processes and procedures as appropriate to provide for adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.
- D. Any other required attributes for electronic records that are specified for nonelectronic records or reasonably necessary under the circumstances.

All Council staff shall comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all Council staff and other persons who use electronic signatures when completing transactions with the Board shall do so in compliance with State law.

Ohio Revised Code Chapter 1306

110 - FEDERAL FUNDS

The Executive Director shall review new federal education legislation and prepare proposals for programs s/he deems would be of aid to the Council. The Executive Director shall approve each such proposal prior to its submission, and the Board of Directors shall approve all grants resulting from such proposals.

The Board of Directors regards available federal funds of aid to the Council and communities as a public trust. It forbids the use of federal monies for partisan political activities and for any use that would not be in accord with federal guidelines on discrimination. The Treasurer shall ensure that each draw of federal monies is as close as administratively feasible to the related program expenditures. The Board of Directors maintains policies on cash management of grant and monitoring of subrecipients, time and effort reporting, and federal program procurement procedures as outlined in Board policies.

Compliance Supplement for Single Audits of State and Local Governments

6145- BORROWING

Funds shall be borrowed from the responsible organization offering the most favorable terms, as approved by the Board of Directors.

6151 - INSUFFICIENT FUNDS CHECKS

When the Council receives a check that, when deposited, is returned marked "insufficient funds", an ACCESS designee shall provide an opportunity for the debtor to make proper payment, or to arrange for a satisfactory payment schedule. If payment in full is not received within ninety (90) working days, the payment schedule is not adhered to, or the monies do not appear to be collectable, the Board of Directors authorizes the Treasurer to remove the fee or charge from the Accounts Receivable and to take appropriate action against the debtor.

6152 - FEES, FINES, AND CHARGES

The Board of Directors may levy certain charges to customers to facilitate the programs of the Council.

Any fees, fines, and/or other charges collected by members of the staff shall be turned in to the Treasurer within one (1) business day after collection.

6210 - FISCAL PLANNING

The Executive Director and Treasurer shall collect and assemble the information necessary to discharge its responsibility for the fiscal management of the Council and to plan for the financial needs of each program. The Council will strive toward maintaining both short and long range projections of financial requirements.

Accordingly, the Board of Directors directs the Executive Director and Treasurer to:

- A. include cost estimates in all ongoing financial requirements;

- B. prepare a long range year-by-year plan for the maintenance of facilities and equipment;
- C. maintain a plan of anticipated local, State, and Federal revenues;
- D. report to the Board of Directors any serious financial implications that emerge from the Council's ongoing fiscal planning.

6231 - APPROPRIATIONS AND SPENDING PLAN

The operating budget shall be designed to carry out operations in a thorough and efficient manner and honor continuing obligations of the Board of Directors.

An annual appropriations resolution shall be developed and approved, in accordance with Constitution and Bylaws of the Council. The appropriation measure shall provide for a sufficient amount of money to fund the programs of the Council.

The appropriations shall be presented in such detail and form as the Council prescribes.

6232 - APPROPRIATIONS IMPLEMENTATION

The Board of Directors places the responsibility of administering the appropriations, once adopted, with the Treasurer. When major purchases are considered the Board of Directors will be informed as to problems or concerns as the appropriations are being implemented.

The Treasurer shall be authorized to proceed with making financial commitments, purchases, and other expenditures within limits provided in the appropriations, limitations stated in Board of Directors policies, and within legal authority expressed in State statutes.

Listings of expenditures, appropriate financial reports, and budget comparison reports shall be submitted regularly to the Board of Directors to keep members informed as to the status of the appropriations and overall financial condition of the Council.

6233 - AMENITIES FOR PARTICIPANTS AT MEETINGS AND/OR OTHER OCCASIONS

The Board of Directors recognizes the value in providing meals, refreshments, and/or other amenities for staff, students, citizens, advisory groups who participate in meetings and staff development sessions, or on other occasions as deemed appropriate by the administration.

The Board of Directors hereby affirms that these expenses do serve a valid and proper public purpose. The Board of Directors believes that the "public purpose" served is the promotion of education, and the mission of the ACCESS Council, and the encouragement of participation in said activities. However, under no circumstances shall public funds be expended for the purchase of alcoholic beverages.

The Board of Directors further directs the Treasurer to include funds, as approved by the budget of the Board of Directors of ACCESS, in the annual appropriations for the purchase of such amenities or to reimburse staff who incur such expenses if purchased in connection with

meetings, staff development sessions, or other occasions deemed appropriate by the administration .

Purchases of amenities as described above shall be made in accordance with the Council's direction that such expenditures are reasonable and appropriate, documented as provided by administrative regulations and/or Treasurer requirements, and retained for the requisite period as outlined in the schedule of records retention.

6320 - PURCHASES

Fiscal Authority of Executive Director

Within the limitations imposed by the ACCESS budget, the Executive Director is authorized to process purchase orders to the amount authorized by the Board. Proposals for purchases exceeding that amount must be approved by the Board of Directors.

Soliciting of Bids

The Board of Directors, by resolution, may award a bid to the lowest responsive and responsible bidder. For a bidder to be considered responsive, the proposal must respond to all bid specifications in all material respects and contain no irregularities or deviations from the bid specifications that would affect the amount of the bid or otherwise provide a competitive advantage. Bids pursuant to a federal grant award may be handled in accordance with state law and any additional provisions required by the award. For a bidder to be deemed responsible, the Board of Directors may request evidence from the bidder concerning:

- A. the experience (type of product or service being purchased, etc.) of the bidder;
- B. the financial condition;
- C. the conduct and performance on previous contracts (with the Council or other agencies);
- D. the bidder's facilities;
- E. management skills;
- F. the ability to execute the contract properly;
- G. a signed affidavit affirming that neither the bidder nor any sub-contractor has entered into an agreement with any labor organization regarding the public improvement project.

Awarding of Bids

Contracts can be awarded to the lowest and best bidder by the Executive Director with prior Board of Directors authorization. The Executive Director reserves the right to reject any or all bids.

Limitations

All purchases that are within the amount contained in the function of the appropriation may be made upon authorization of the Executive Director.

The Treasurer and Executive Director are authorized to adjust appropriations within a fund in order to make necessary purchases.

The Executive Director is authorized to make emergency purchases, without prior adjustment, of those goods and/or services needed to keep the Council's programs in operation. Such purchases shall be brought to the Board of Directors for review and approval at the next regular meeting.

Requirements

Before the Executive Director places a purchase order, s/he shall ascertain whether the proposed purchase is subject to bid, and whether sufficient funds exist in the budget. All purchase orders shall be numbered consecutively.

In the interests of economy, fairness, and efficiency in its business dealings, the Council requires that:

- A. items commonly used by the Council and its customers be standardized whenever consistency with program goals can be maintained;
- B. employees may be held personally responsible for anything purchased without a properly-signed purchase order or authorization.

The Board of Directors may acquire equipment as defined in law by lease, by installment payments, by entering into lease-purchase agreements, or by lease with an option to purchase, provided the contract sets forth the terms of such a purchase.

Reverse Auctions

It is the policy of the Council to permit the use of a reverse auction to purchase services and supplies whenever it is determined that the reverse auction process will be advantageous to the Council (e.g., result in a cost savings to the Council.) To that end, vendors may submit proposals when competing to sell services and/or supplies in an open environment via the Internet. While the reverse auction process may be used to purchase supplies such as equipment, materials, tangible assets and insurance, the process may not be used to purchase real property or interests in real property. The process may also be used to purchase services such as the furnishing of labor, time, or effort by a person, provided such services do not involve the delivery of a specific end product other than a report, and are not being furnished in connection with an employment agreement or collective bargaining agreement.

The Council will provide notice of the request for proposals and award contracts in accordance with the Executive Director's administrative guidelines. When competitive sealed bidding and/or competitive sealed proposals for the purchase of services or supplies are required by law, purchases made by reverse auction will satisfy such legal requirement.

R.C. 9.25, 9.30, 9.31, 9.311, 9.312, 9.314, 125.04, 153.12, 153.54, 2909.33

R.C. 3313.37, 3313.375, 3313.46, 4115.32 et. seq., 4116.02, 4116.03, 5705.41

R.C. 5705.45

6423 - USE OF CREDIT CARDS – revised 11/9/2018

11.1. The Board authorizes the use of Council credit cards in accordance with this policy. Credit cards may only be used to make purchases on behalf of the Council in connection with business operations. Purchases must serve a valid and proper public purpose. Credit cards may not be used to circumvent any purchasing procedures that are mandated by board policy, state and/or federal law.

August 2017

11.2. The Board authorizes the following employees to use a Council credit card:

All staff and Administrative positions of ACCESS

11.3. Maintenance and Oversight

- A. A “credit card account” includes any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or otherwise transact with the account, and any debit or gift card account related to the receipt of grant moneys. The term expressly excludes any procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the account.
- B. Debit card accounts may not be used by an employee or agent of the Council except for the receipt of grant funds.
- C. The Treasurer shall be responsible for maintaining control of all Council credit cards, checks and other presentation instruments related to the accounts.

11.4. Issuance of Council Credit Cards

- A. The Council’s name must be included on all credit cards, checks and presentation instruments associated with a Council credit card account.
- B. Only the Treasurer/designee may apply for or close a credit card account on behalf of the Council. The maximum limit for any credit card account shall be as follows:
 - a. Treasurer: \$25,000
 - b. Executive Director: \$3,000
 - c. Staff: \$1,500
 - d.
- C. The sum of all credit card accounts shall not exceed \$25,000.
- D. The Fiscal Agent shall retain possession of all Council credit cards when not in use. The Treasurer will maintain a record that includes the date and time when a card was signed out by an employee as well as when it was returned.
- E. An employee must promptly report any lost or stolen credit card to the Treasurer. An employee’s failure to report a lost or stolen card within a timely manner may result in suspension of privileges, as well as discipline up to termination of employment.

11.5. Credit Card Purchases

- A. A credit card may be used to make the following purchases only if the purchases directly relate to Council operations:
 - a. Professional development expenses including conference registration fees, transportation, lodging;

- b. Reasonable meal expenses for in or out of town travel;
 - c. Purchases from vendors that do not accept purchase orders;
- B. Credit cards may not be used for the following purchases:
 - a. Purchases for personal items, services, or alcohol;
 - b. Purchases from any individual or entity including a family member in violation of board policy or state ethics law; and
 - c. Cash withdrawals
- C. Employees must submit itemized receipts for all credit card purchases to the Treasurer/designee within __ days after the purchase is made. The Treasurer/designee shall review all receipts for compliance with the law and board policy. An employee will be required to reimburse the Council for any purchase in which the employee fails to provide itemized receipts.
- D. Employees shall comply with the following practices at all times when using a Council credit card. Employees will:
 - a. Inform vendors that the Council is a government entity for tax exemption purposes;
 - b. Maintain credit cards in a secure location at all times when in the employee's possession;
 - c. Only make purchases from pre-approved vendors AND/OR reputable vendors verified in advance by the employee;
 - d. Use reasonable care when purchasing any item over the telephone or from an online vendor;
 - e. Not permit anyone else to use the card for purchases;

11.6. Under state law, employees are liable in person and upon any official bond the employee has given to the Council for reimbursement of any amount for which the employee does not provide an itemized receipt. Employees who use credit cards to make unauthorized or illegal purchases may have their credit card privileges suspended or revoked and may be subject to discipline including termination of employment. Employees may be required to personally pay for any unauthorized or illegal purchase, including any charges or interest related to the purchase. Any suspected illegal activities that involve use of a Council credit card will be reported to the appropriate law enforcement or oversight agencies, including any applicable licensing board(s).

6460 - VENDOR RELATIONS

The Board of Directors shall not enter a contract with any supplier of goods or services to this Council in-which any Board of Directors member or officer, employee, or agent of this Council has any direct or indirect pecuniary or beneficial interest.

Board of Directors members and personnel shall not accept any form of compensation from vendors that might influence their recommendations on the eventual purchase of equipment,

supplies, or services. Furthermore, Board of Directors members and personnel shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, Board of Directors members or personnel who recommend purchases, shall not enter into a contractual arrangement with a vendor seeking to do business with the Council, or a vendor with whom the Council is doing business, whereby an individual Board of Directors member or member of the staff receives compensation in any form for services rendered.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as discount certificates, travel vouchers, tickets, passes, and any other things of value.

A private person or entity with whom the Board of Directors enters into frequent contracts may apply for pre-certification. Pre-certification is specific to the Council and is effective for one (1) year at time.

R.C. 2909.33, 3319.391, 3319.392, 2921.42, 102.03, 102.04
Auditor's Bulletin 2000-006

6470 - PAYMENT OF CLAIMS

The Board of Directors directs the prompt payment of legitimate claims by suppliers of goods and services to the Council.

Each bill or obligation of this Board of Directors must be fully itemized, and verified before a voucher can be drawn for its payment.

When an invoice is received, the Treasurer/designee shall verify that a voucher is properly submitted and that the amount of the invoice is correct.

The originator of the purchase order shall verify that acceptable goods were received or satisfactory services were rendered and the date of receipt.

6510 - PAYROLL AUTHORIZATION

Employment of all Council personnel whether by the year, term, month, week, day, or hour in contract, temporary, or substitute form must be approved by the Board of Directors, except where authority to appoint certain personnel of the Council has been delegated to the Executive Director.

Each motion of the Board of Directors to employ or reemploy a staff member shall include the name of the individual, the position title, and the compensation to be paid and the effective date of employment.

Where licensure is required, the Treasurer shall verify that a current copy of licensure is on file in his or her office prior to authorization of payroll.

6520 - PAYROLL DEDUCTIONS

The Board of Directors authorizes in accordance with the provisions of law cited herein that deductions be made from an employee's paycheck upon proper authorization on the appropriate form for the following purposes:

- A Federal and State income tax
- B Social Security or Medicare contribution
- C Municipal income tax
- D School district income tax
- E School Employees Retirement System

- F Section 125 deductions (cafeteria plans), 457 Deferred Compensation Plans, 403B Annuity Plan and fees associated with the administration of a 403B Annuity Plan
- G Savings in a chartered credit union
- H Ohio Public Employees Deferred Compensation Program
Supplemental/Dependent Life Insurance Program offered by the Council
- J Disability Insurance

6550 - TRAVEL PAYMENT & REIMBURSEMENT

Travel expenses incurred for official business travel on behalf of the Governing Board shall be limited to those expenses necessarily incurred by the employee in the performance of a public purpose, and authorized in advance in accordance with administrative guidelines.

Payment and reimbursement rates for per diem meals, lodging, and mileage shall be approved by the Board. The Board shall establish mileage rates not exceeding the federal IRS prescribed mileage rate.

Employees are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include, but are not limited to alcohol, movies, gambling, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

When a Council employee is assigned to work at a location other than his or her usual work location for a day or other short period of time, mileage will be reimbursed only for the mileage that exceeds the distance between the employee's home and the employee's usual work location. [For example, if an employee is assigned to work at an event that is 30 miles from home, and the employee's usual commute to and from work is 15 miles, the employee would be reimbursed for 15 miles.]

The maximum per-day/per-meal allowance/stipend (includes a twenty percent (20%) gratuity) for all travel (except for travel to the major cities listed below) is:

Brunch/Breakfast - \$15.00
Lunch - \$25.00
Dinner - \$40.00

The maximum per-day/per-meal allowance/stipend for travel to Atlanta, Boston, Chicago, Los Angeles, Miami, New Orleans, New York, Orlando, Philadelphia, San Diego, or San Francisco (includes a twenty percent (20%) gratuity) is:

Brunch/Breakfast -\$20.00

Lunch - \$35.00

Dinner - \$55.00

6680 - RECOGNITION

The purpose of this policy is to permit the Board of Directors to honor its staff, former Board of Directors members, and other volunteers, citizens, and businesses, with plaques, pins, token retirement gifts and awards, and other amenities.

The Board of Directors wishes to also honor staff and advisory groups for their contributions with appropriate recognitions and authorizes the Executive Director or committees to purchase meals, refreshments, and/or other amenities to further the interests of the ACCESS and to be reimbursed for such purchases if they are initially made with the administrator's personal funds. Such purchases shall be reasonable in nature and comply with all documentation and approval process as outlined by administrative guidelines or Treasurer directives.

The Board of Directors hereby affirms that the expenses incurred as listed above do serve a valid and proper public purpose. However, under no circumstances will public funds be expended for the purchase of alcoholic beverages.

The funds shall be made available from appropriate Council funds.

6681 CASH MANAGEMENT OF GRANTS

In order to provide reasonable assurance that all assets, including federal grant funds and state and local funds are received, spent, and accounted for in compliance with federal regulations, the CEO and Treasurer will implement internal controls in the area of cash management.

The Council's payment methods will minimize the time elapsing between the transfer of funds from the United States Treasury or the pass-through entity Ohio Department of Education (ODE) and disbursement by the Council, regardless of whether the payment is made by electronic fund transfer or by other means.

Forms and procedures required by the grantor agency or pass-through entity to request payment will be used. Grant fund payments shall be requested in accordance with the provisions of the grant. Council financial management systems will meet all standards for fund control and accountability as established by the awarding agency.

The Treasurer is authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as deemed appropriate when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

When the the Council uses a cash advance payment method, the following standards shall apply:

- A. The timing and amount of the advance payment requested will be as close as is administratively feasible to the actual disbursement for direct program or project costs and the proportionate share of any allowable indirect costs.
- B. The the Council shall make timely payment to contractors in accordance with contract provisions.
- C. To the extent available, the the Council shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.
- D. The the Council shall account for the receipt, obligation and expenditure of funds.
- E. Advance payments will be deposited and maintained in insured accounts whenever possible.
- F. Advance payments will be maintained in interest bearing accounts unless the following apply:
 - 1. The the Council receives less than \$120,000 in federal awards per year.
 - 2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on federal cash balances.
 - 3. The depository would require an average or minimum balance so high that it would not be feasible within the expected federal and non-federal cash resources.
 - 4. A foreign government or banking system prohibits or precludes interest bearing accounts.
- G. The Council may retain interest earned in an amount up to five hundred dollars (\$500) per year for administrative costs. Additional interest earned on federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System ("PMS") through an electronic medium using either Automated Clearing House ("ACH") network or a Fedwire Funds Service payment. Remittances must include pertinent information of the payee and nature of payment in the memo area (often referred to as "addenda records" by Financial Institutions) to assist in the timely posting of interest earned on federal funds. Pertinent details include the Payee Account Number (PAN) if the payment originated from PMS, or agency information if the payment originated from ASAP, NSF or another federal agency payment system.
- H. The Council is responsible for the programmatic and financial monitoring of its federal award subgrantees. All subgrants will be made under the direct supervision of the Executive Director. Subgrantees will be investigated to ensure there is no suspension or debarment from eligibility.

2 C.F.R. 200.305, 45 C.F.R. Subpart D, 75.303, 75.305

6682 FEDERAL FUNDS COST PRINCIPLES

The CEO shall ensure that federal funds received by the Council are administered in accord with all applicable federal and state requirements, program objectives, the Uniform Grant Guidance, and the specific terms and conditions of the grant. The financial management system shall include federal grant management standards and internal controls that track expenditures and costs of the grant award funds. Accounting practices will be consistent with federal regulations of cost principles and support the accumulation of costs as required and provide adequate documentation to support costs charged to the federal award. Budget controls and cash management written procedures will be implemented, and the Council will ensure that the costs charged to each federal award is allowable and accurately documented.

Cost Principles

Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under federal awards, and also must be used as a guide in pricing fixed price contracts and subcontracts where costs are used to determine the appropriate price.

Costs must be necessary and reasonable for proper and efficient performance and administration of the Federal award and allocable thereto under these principles.

To determine whether a cost is reasonable in nature and amount, the standard of a reasonable, prudent person should be used. Factors in determining reasonableness include whether the cost is generally recognized as ordinary and necessary for the operation of the Council or the proper and efficient performance of the federal award and requirements imposed by factors such as federal, state, and other local laws and regulations and terms and conditions of the federal award, as well as arms-length bargaining and sound business practices. Other factors to be evaluated include whether the individuals concerned acted with prudence in the circumstances considering their responsibilities, market prices for comparable goods or services in the geographic area, and whether there is any significant deviation from established practices and policies on incurring costs that could increase the federal awards' cost.

While Federal regulations do not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the Council can demonstrate and prove that the cost addresses an existing need.

Allowable costs

When determining whether a cost is allowable, consideration may be given to whether the cost is needed and reasonable for performance of the federal award, conform to any limitations or exclusions set forth in federal regulations or the grant award, be consistent with policies and procedures that apply uniformly to activities of the Council and the federally-financed activities, be determined in accordance with generally accepted accounting principles or as otherwise provided in federal regulations, and not be included as a cost to meet cost sharing or matching requirements of any other federally financed program in the current or a prior period. In determining how grant funds are spent, the (federal grants coordinator/ business manager/ Treasurer) will review proposed costs to determine if it is an allowable use prior to obligating

funds on the goods or services.

Costs supported by federal education funds must meet the standards outlined in Education Department General Administrative Regulations (EDGAR) regarding grant awards. Expenditures must also be allocable under the applicable program, its regulatory guidance and grant award notifications. Other costs that may be allowable under federal grant and program standards must also comply with any the Council policies on travel and expense reimbursement.

Necessary costs

In the case of personal services, the Superintendent shall implement a system for Council personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated.

In the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

Selected Items of Cost

The Council shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, Council staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, Council and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and Council personnel shall follow those rules as well.

Cost Compliance

The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Council personnel are responsible for spending federal grant funds must be familiar with Part 200 selected items of cost, and must check costs against the selected items of cost requirements and program specific rules to determine is a cost is allowable. Council personnel must document direct and indirect costs as required by the program standards and applicable federal regulations.

Determining Whether a Cost is Direct or Indirect:

Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; and infrastructure costs directly attributable to the program (such as long distance telephone calls specific to the program, etc.).

Indirect costs are those that have been incurred for a common or joint purpose benefiting more than one (1) cost objective, and not readily assignable to the cost objectives specifically

benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one (1) component of the Council, the governing body of the Council, compensation of the Superintendent, compensation of the chief executive officer of any component of the Council, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

Administrative or clerical services are integral to a project or activity.

Individuals involved can be specifically identified with the project or activity.

Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.

The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Ohio Department of Education ("ODE") or the pass-through entity (Federal funds subject to 2 C.F.R. Part 200 pertaining to determining indirect cost allocation).

Timely Obligation of Funds

Obligations are orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period.

The following illustrates when funds are determined to be obligated under the U.S. Department of Education regulations:

If the obligation is for:

- A. Acquisition of property - on the date which the Council makes a binding written commitment to acquire the property.
- B. Personal services by an employee of the Council - when the services are performed.
- C. Personal services by a contractor who is not an employee of the Council - on the date which the Council makes a binding written commitment to obtain the services.
- D. Public utility services - when the Council receives the services.

- E. Travel - when the travel is taken.
- F. Rental of property - when the Council uses the property.
- G. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

Period of Performance

All obligations must occur on or between the beginning and ending dates of the grant project. This period of time is known as the period of performance. The period of performance is dictated by statute and will be indicated in the Grant Award Notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the **GAN**.

In the case of a State-administered grant, obligations under a grant may not be made until the grant funding period begins or all necessary materials are submitted to the granting agency, whichever is later. In the case of a direct grant, obligations may begin when the grant is, unless an agreement exists with ODE or the pass-through entity to reimburse for pre-approval expenses.

For both State-administered and direct grants, regardless of the period of availability, the Council shall liquidate all obligations incurred under the award not later than ninety (90) days after the end of the funding period unless an extension is authorized. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consequently, the Council shall closely monitor grant spending throughout the grant cycle.

2 C.F.R. 200.403-.406, 200.413(a)-(c), 200.430(a), 200.431(a), 200.458
C.F.R. 200.474(b)

6683 TIME AND EFFORT REPORTING

Council has implemented a system of internal controls and documentation that ensures that charges for employee compensation, which includes but is not limited to salaries, wages and fringe benefits through payroll against federal awards matches the actual time spent on various grant activities and are accurate, allowable and reasonable. This documentation is incorporated into the official records of the Council, reasonably reflect the total activity of Council personnel, and comply with the Council's accounting policies and practices.

Additionally, the reports will support the distribution of salary or wages if Council staff work on more than one federal award or activity among those cost objectives or specific activities.

Reports will encompass both federally assisted and other activities compensated by the Council on an integrated basis. Costs that are not allowable under other sections of the Uniform Guidance will not be allowable solely because they constitute personnel compensation.

The Council also will comply with any additional time and effort reporting requirements imposed by the pass-through entity.

Time Distribution Records and Split Allocation

Time distribution records will be maintained for all Council personnel whose salaries are paid in whole or in part with federal funds, or whose salaries are used to meet a match or cost share requirement for a federal grant. Allocation of salaries must be based on hours worked, and be documented using a reasonable method, which may include estimates on an interim accounting basis. If estimates are used on an interim accounting basis, they are subject to regular reconciliation with the actual time worked and charged against the award so that the final amount charged to the grant is verified as accurate and allowable. The total amount of time worked is included to calculate the portion allocable to the federal award. For non-exempt employees, the total number of hours worked each day must be included in the time and effort documentation. Personnel activity reports may be required if the records do not meet the standards prescribed by 2 C.F.R. 200.430.

Maintenance of Records

Records documenting the federal fiscal requirements of all federal grants will be maintained according to the Council's adopted records retention schedule and in accordance with any federal regulations and pass-through entity requirements applicable to the grant. Records will be maintained in an accessible format that is capable of being searched and retrieved for audit.

At a minimum, the records maintained shall include the amount of federal funds, the total cost of the project, use of the funds, the share of the total cost of each project provided from other sources, significant project experiences and results, and such records as are necessary to show compliance with federal program requirements and which may be necessary to facilitate and effective audit.

A satisfactory report incorporating strong internal controls will include the grant identified by its project code, the time period of reporting, the funding source(s), the percentage of time allocated to each funding source, and what was accomplished and the impact of that effort. The district personnel documenting their time and effort reporting form and two supervisors will sign the report(s).

The Treasurer is responsible for the collection, maintenance, retention and production of employee time and effort reports.

6684 PROCUREMENT- FEDERAL GRANTS AND AWARDS

This policy will serve to integrate and outline the additional federal requirements for procurement subject to the federal Uniform Guidance regulations and United State Department of Agriculture (USDA) regulations with standard district purchasing procedures. Supplies, materials, equipment and services expended from federal funds or matching funds will comply with all applicable laws, regulations, and administrative procedures, and Board policy. Council personnel with purchasing responsibility shall comply with Council policies and state law regarding conflicts of interest in all matters related to selection, award, and administration of contracts.

Council may enter into intergovernmental entities, purchasing cooperatives, shared services contracts, lease or lease-purchase agreements as appropriate to achieve economy and efficiency in procurement. Council will seek to avoid the acquisition of unnecessary or duplicative items as required by federal procurement regulations. The Uniform Guidance procurement standards apply only to goods and services directly charged to a federal award, including sub-recipients of awards.

Purchase methods

When a request to purchase goods or services with federal funds has been submitted and approved, procurement will be based on determining the total cost of the purchased items or services as outlined in this policy. When purchases are made with federal funds, procurement procedures for quotes or formal bidding required by state law and Council Policy may need to be modified to comply with the Uniform Grant Guidance or USDA regulations applicable to the program. Food-service related procurement under USDA regulations may differ from other federal programs. The final determination of which purchasing procedures apply will be made by the Executive Director

Council will use purchase orders for purchase requests in accordance with the applicable purchase method and maintain electronic purchasing records, which will be pre-numbered and accessible to designated purchasing district personnel. Purchase requests must be submitted to the building administrator or immediate supervisor, approved, and then initiated by using a purchase order submitted to (insert title). Documentation sufficient to detail the history of all procurements will be maintained according to the records retention schedule.

Contracts shall be reviewed by the Executive Director prior to submission to the Council Board for approval. Contracts subject to the Uniform Guidance must, when applicable, contain the clauses required by 2 C.F.R. Part 200, Appendix II (Contract Provisions for Non-Federal Entity Contracts Under Federal Awards).

Micro-purchasing method

"Micro-purchase" means equipment, supplies or services for use in federal programs purchased using simplified procedures, the aggregate amount of which does not exceed the most recent

established micro-purchase threshold published in the Federal Register. This method is used to expedite purchases and minimize administrative burdens and costs for the lowest cost small purchase transactions. Obtaining comparative quotes, bidding or small-purchase procedures may be used even if a purchase qualifies as a micro-purchase, if using a different method may result in cost savings.

Purchases may be made without soliciting competitive quotes if the district considers the price reasonable. "Reasonable" in this context means that sound business practices were used and the purchase price is comparable to market prices from the geographic area. Previous purchases of comparable or similar items may be used to determine reasonableness. Micro-purchases will be distributed equally among qualified suppliers offering substantially equivalent rates, prices, and terms for the same or materially interchangeable products. Council will maintain documentation of determinations of reasonableness according to its adopted records retention schedule and/or the terms of the federal award.

Small purchase method

Small purchases of equipment, supplies and services may use the simplified acquisition threshold for goods or services that cost more than the current micro-purchase amount and less than the amount established in the Federal Acquisition Regulation at 48 C.F.R. Subpart 2.1, in accord with 41 U.S.C. 1908. Note that state law requires competitive bidding for improvements to a school building over fifty thousand dollars (\$50,000). Purchases subject to R.C. 3313.46 must meet state law bidding requirements. For federally-funded procurements of goods or services not subject to state law bidding requirements and to which the Uniform Guidance applies, formal bidding will be used when the estimated total cost is at or over the then-current federal threshold. Federal food service program exemptions from bidding may apply for purchases of perishable food items costing less than one hundred fifty thousand dollars (\$150,000).

Competitive bidding method

Procurement of goods and services over the threshold for small purchases from federal funds must conform to the standards articulated at 45 C.F.R. 92.36, Council policy and applicable state law and regulations. Formal competitive bidding will be used when the estimated total cost is over one hundred fifty thousand dollars (\$150,000). The federal competitive bidding threshold is adjusted periodically, and the most recent established threshold amount published in the Federal Register will apply.

Sealed bids will comply with state law. In the event state law does not require competitive bidding, federal regulations allow the use of competitive proposals as an alternative to procure architectural and engineering services only. Additionally, if the amount is less than the federal threshold and state competitive bidding law does not apply, the district may use the micro-purchase or small purchase methods for federally funded goods and services. For federally funded purposes to which the Uniform Guidance applies, competitive bidding will be used when the cost is over the then-current threshold.

Procurements in excess of the simplified purchase threshold must have a cost or price analysis performed, including contract modifications. The method and degree of analysis depends upon the facts of the procurement matter, but an independent estimate must be conducted by the Executive Director. Similar prior procurements and a review process may be included in the evaluation. Profit will be negotiated as a separate element of price. The analysis of fair and reasonable process may include factors such as the industry profit rates in the geographical area for similar work, the complexity of the work, risk borne by the contractor, investment of the contractor, the quality of its record of work, and other factors listed at 2 C.F.R. 200.323(b).

Procurement transactions for federally funded goods and services subject to the Uniform Guidance must comply with requirements for full and open competition as provided in 2 C.F.R. 200.319, and take affirmative steps as provided in 2 C.F.R. 200.321 to include minority businesses, women's business enterprises and labor surplus area firms are used when possible. Geographical preferences may not be used for federally funded awards subject to the Uniform Guidance except where expressly permitted. Federal food service programs may permit geographic or "Buy American" preferences for certain food products.

Bid Protest Process

Council maintains protest procedures to address and resolve disputes that may arise regarding procurements and discloses information regarding the protest to the grant-awarding agency. State law and regulations and any grant specific procedures will be followed throughout the protest process and resolution.

Sole Source Procurement

Procurement from a single source may be used if the goods or services are available only from a single source, or if an emergency exists that cannot be delayed for the competitive bidding process, if the federal awarding agency or pass-through entity permits noncompetitive proposals, or if, after soliciting a number of sources, the district determines that competition is inadequate.

The Council will document its reason(s) for utilizing single source procurements and retain such documentation as required by the federal award, regulations and Council policy regarding records retention. A cost or price analysis will be performed when single source procurement is used for goods or services that exceed the then-current threshold amount.

Suspension and Debarment

The Council awards contracts only to responsible contractors who have the ability to perform the terms and conditions of the procurement according to the terms of the contract. Factors such as contractor integrity, record(s) of past performance, compliance with laws and policies, and the financial and technical resources of the company will be considered.

The Council will not award contracts or subcontracts, and will not award sub-grants, to any person or company that has been suspended or debarred. The Council will verify that the contractor is not excluded or disqualified by reason of suspension or debarment for all contracts over twenty-five thousand dollars (\$25,000). Contractors will provide written certification that they have not been suspended or debarred.

ACCESS Council

7000 - PROPERTY

- 7217 Dangerous Weapons
- 7230 Gifts, Grants, and Bequests
- 7300 Disposition of Real Property/Personal Property
- 7310 Disposition of Surplus Property
- 7410 Maintenance
 - 7410.01 Standards for Maintenance of User Equipment
- 7430 Risk Reduction Program
- 7434 Use of Tobacco on Council Premises
- 7450 Property Inventory
- 7460 Conservation of Natural and Material Resources
- 7510 Use of ACCESS Premises
 - 7510.01 Software Requests
- 7530 Lending of Council-Owned Equipment
 - 7530.01 Wireless Communication Allowance and Staff Use of Wireless Communications Devices
 - 7530.02 Staff Use of Personal Communication Devices
- 7540.01 Technology Privacy
 - 7542 Access to Council Technology Resources from Personal Communication Devices
 - 7543 Utilization of the Council's Website and Remote Access to the Council's Network
- 7610 Data Security
- 7611 Data Access
- 7612 Data Security Procedures
- 7613 Account Policies
- 7614 Use of Publicly-Owned Computer Hardware and Software
- 7710 ACCESS Disaster Recovery Responsibilities
- 7711 Recovery Plan

7217 - DANGEROUS WEAPONS

The Board of Directors will not tolerate the possession of weapons or any other device designed to inflict serious bodily harm by any visitor while on Council property, at a Council-sponsored event, or in a Council vehicle.

Any visitor found possessing a weapon or other device designed to inflict serious bodily harm on Council premises, a Council vehicle, or on property being used by the Council for Council purposes may be charged with a felony. This restriction applies to visitors licensed to possess firearms unless serving as an authorized security officer, or as otherwise authorized by law.

The Executive Director shall ensure that any visitor possessing a weapon or other device designed to inflict serious bodily harm in any way other than authorized by law is reported immediately to the appropriate law enforcement agency.

7230 - GIFTS, GRANTS, AND BEQUESTS

The Board of Directors is duly appreciative of public interest in and good will toward the Council manifested through gifts, grants, and bequests. The Board of Directors reserves the right, however, to specify the manner in which gifts are made; to define the type of gift, grant, or bequest which it considers appropriate; and to reject those which it deems inappropriate or unsuitable. If accepted, the Board of Directors will attempt to carry out the wishes of the donor as long as such requests are permissible under Ohio law regulating the activities of the Council.

All gifts, grants, or bequests having a value of more than five hundred dollars (\$500) shall be accepted by the Board of Directors. The Executive Director may accept on behalf of the Board of Directors gifts of lesser value, subject to approval of the Board of Directors.

All accepted gifts, grants, or bequests shall be acknowledged by the Executive Director. Gifts, grants, and bequests shall become the property of the Board of Directors and will be subject to use by the Council as determined by the policies, administrative guidelines, and Ohio laws and regulations applying to all properties, equipment, materials, and funds owned by the Board of Directors.

7300 - DISPOSITION OF REAL PROPERTY/PERSONAL PROPERTY

Real property and personal property owned by the Council that is no longer necessary for its efficient operation may be disposed of accordingly.

Personal property, the value of which does not exceed ten thousand dollars (\$10,000), shall be disposed of by the Executive Director in such a manner as will be in the public interest and benefit the Council and in accord with the Board of Directors' directive that reasonable value be obtained for public property, donated or disposed of according to state law and regulations. See Policy [7310](#).

Property, the value of which exceeds ten thousand dollars (\$10,000), shall be sold at public sale to the highest bidder in accordance with law.

Unless the property is being sold to an exempt entity, as defined in R.C. 3313.41(C), the Council shall attempt to sell the property by public auction after giving thirty (30) day notice.

If, after the property has been offered once by public auction and no acceptable bids have been received, the following procedure shall apply:

- A. In consideration of the best interest of the Council and of the residents and taxpayers, the Board of Directors reserves the right to reject any and all offers at its sole discretion, regardless of price and terms.
- B. Potential purchasers or lessees shall demonstrate financial capability to meet the terms and conditions of their purchase or lease offer.

7310 - DISPOSITION OF SURPLUS PROPERTY

The Board of Directors requires the Executive Director to review the property of the Council periodically and to dispose of that material and equipment which is no longer needed, is obsolete, or is not usable in accordance with the terms of this policy.

A. Instructional Material

The Council shall review instructional materials (i.e. manuals, support materials, etc.) periodically to determine the relevance of such materials to the present day and the needs of the Council. The following criteria will be used to review instructional materials for redistribution and possible disposal:

1. Concepts or content that do not support the current identified priorities, needs, or goals of the Council
2. Information that may not be current or complete,
3. Items that are worn beyond salvage

B. Equipment

The Executive Director shall inspect the equipment used in the instructional program periodically, to determine the condition and usability of such equipment in the current programs. Should the equipment be deemed no longer serviceable, the following factors will be used to evaluate whether disposal is warranted:

1. Repair parts or updates for the equipment no longer readily available
2. Repair records indicate equipment has no usable life remaining
3. Obsolete and/or no longer contributing to the Council programs
4. Some potential for sale at a public auction
5. Creates a safety or environmental hazard

C. Disposition

The Executive Director is authorized to dispose of instructional materials or other items that are obsolete, worn, unusable, or determined to be no longer needed by selling it to the highest bidder, by donation to appropriate parties, or by proper waste removal. Disposal of surplus property purchased with federal funds shall be disposed of in accordance with federal guidelines and any specific conditions of the award of federal funds.

7410 - MAINTENANCE

The Board of Directors recognizes that the assets of this Council represent a significant investment of this Council and maintenance of those assets is of prime concern to the Board of Directors.

The Board of Directors directs the Executive Director to implement a continuous program of inventory, inspection, maintenance, and rehabilitation for the preservation of all equipment. Wherever possible and feasible, maintenance shall be preventive.

The Executive Director is directed to develop a maintenance program that will be implemented by Council staff, which shall include:

- A. Maintenance of a critical spare parts inventory;
- B. An equipment replacement program;
- C. A long-range program of equipment modernization;
- D. Repair or replacement of equipment for energy conservation, safety, or other environmental factors.

The Executive Director shall develop and promulgate to the staff such rules as may be necessary for the ongoing maintenance and good order of the equipment and for the expeditious repair of those conditions which threaten the safety of the occupants or the integrity of the assets.

Said rules shall include the establishment of sound priorities among the requests for repairs received from each department supervisors.

7430 - RISK REDUCTION PROGRAM

The Board of Directors believes that the employees of this Council, as well as visitors, are entitled to function in an environment as free from hazards as can reasonably be provided. In this regard and in accordance with law, the Council will provide reasonable and adequate protection to the lives, safety, and health of its employees and students, in compliance with federal and state laws and regulations.

7434- USE OF TOBACCO ON COUNCIL PREMISES

The Board of Directors is committed to providing students, staff, and visitors with an indoor tobacco-free and smoke-free environment. The negative health effects of tobacco use for both users and nonusers, particularly in connection with second hand smoke, are well established.

For purposes of this policy, "use of tobacco" means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco, including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes and/or the smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes and any other lighted smoking devices for burning tobacco or any other substance.

In order to protect staff and visitors who choose not to use tobacco from an environment noxious to them, and because the Board of Directors cannot, even by indirection, condone smoking and/or the use of tobacco, the Board of Directors prohibits the use of tobacco or tobacco substitute products within any indoor facility owned or leased or contracted for by the Board, and used to provide education or library services to children. Smoking or using any tobacco or other item as outlined above outdoors on Council property is confined to approved areas as established by administrative regulation or direction of the Executive Director.

7450-PROPERTYINVENTORY

The supervision of ACCESS inventory is the responsibility of the Executive Director, who shall identify and provide an updated list of all items purchased through ACCESS funds to the Board of Directors upon request and at least once annually.

7460 - CONSERVATION OF NATURAL AND MATERIAL RESOURCES

The increasing costs of natural energy resources coupled with the growing need to inhibit pollution, the Council will implement ongoing strategies which will conserve all forms of energy used and/or take precautions for proper recycling of reusable materials.

7530 - LOANING OF COUNCIL-OWNED EQUIPMENT

The Board of Directors believes that Council-owned equipment is a valuable resource that may be loaned for use under certain conditions only, provided that such use does not infringe on the original and necessary purpose of the equipment.

The Executive Director may lend specific items of equipment on the written request of the user. The user of Council-owned equipment shall be fully liable for any damage or loss occurring to the equipment during the period of its use, and shall be responsible for its safe return. The use of Council-owned equipment off school property is subject to the same rules and conditions of use that are in effect when the equipment is used on school property.

Council equipment may be removed from Council facilities by staff members only when such equipment is necessary to accomplish tasks arising from their job responsibilities. The consent of the department supervisors or Executive Director is required for such removal.

No staff members or public officials may use Council-owned equipment or facilities to operate a business or obtain a thing of value for him or herself in compliance with Ohio's Ethics Laws.

Technology devices owned by the Council may contain personally identifiable information about Council students and/or staff. Federal and state laws prohibiting disclosure of such personally identifiable information apply to electronic records stored on technology devices. Council employees are advised to exercise caution when transferring personally identifiable information onto disks, flash drives, and other technology devices and comply with all acceptable use and

internet safety policies of the Council. A Council employee who loses or misuses student or staff personally identifiable or confidential information will be subject to disciplinary action as determined by the Executive Director.

7530.01 - WIRELESS COMMUNICATION ALLOWANCE AND STAFF USE OF WIRELESS COMMUNICATIONS DEVICES

Eligibility for Wireless Communication Allowance

Wireless communication devices ("WCDs") (i.e. cellular and wireless telephones, pager/beepers, personal digital assistants (PDAs), Blackberries/Smartphones, WiFi-enabled or broadband access devices, etc.) enable communication whenever a situation arises necessitating immediate contact, regardless of the person's location at the time. Therefore, the Executive Director and administrators who meet one or more of the following criteria are required, as a condition of employment, to own a WCD and obtain an appropriate service plan so that the WCD is available for use for business-related communications:

- A. their jobs require them to spend a considerable amount of time outside of their assigned office or work area during normal working hours and have regular access to telephone and/or Internet connections while outside their office or assigned work area;
- B. their jobs require them to be accessible outside of scheduled or normal working hours or to be contacted and respond in the event of an emergency;
- C. their jobs consistently require timely and business critical two (2) way communication for which there is no reasonable alternative technology:

(This is not intended to include occasional, incidental access or purely voluntary access such as checking e-mail from home.)
- D. the employee is required to be contacted on a regular basis outside normal work hours;
- E. the employee is required to be on-call 24/7.

Administrators who are required to have a personal WCD as a condition of their employment shall receive a monthly wireless communication allowance ("allowance"), up to an amount approved annually by the Board to reimburse them for the costs associated with maintaining and using a personal WCD for business purposes. Additionally, other staff members who believe that they meet the above-identified criteria may apply for an allowance.

Amount of the Allowance

The allowance shall consist of a monthly allowance of up to a specific dollar amount for wireless telephone service and Internet/data connection.

The allowance shall not reimburse the employee's dollar-for-dollar costs for the wireless service, and shall not exceed the expenses the employee actually incurs in maintaining the personal WCD.

The allowance shall not serve as a substitute for a portion of the staff member's regular wages, and does not constitute an increase to base pay and will not be included in the calculation of percentage increases to base pay due to annual raises, job upgrades or benefits based on a percentage of salary, etc. The Board will pay only the Board-approved allowance even if actual monthly costs exceed the allowance. If the amount of the allowance needs to be changed because of documented business purpose, the employee should notify the Executive Director by submitting a new Wireless Communication Allowance Request Form.

Allowance Is Not Considered Taxable Income

Provided the employee maintains and uses his/her personal WCD for business purposes as described herein, the allowance should not be considered additional income to the employee (i.e., the allowance will be treated as a non-payroll reimbursement of a business expense - similar to mileage reimbursements - and no payroll taxes will be withheld from the employee's paycheck for the amount of the allowance and the amount of the allowance will not be reported as wages on the employee's year-end W-2 statement). Additionally, staff members who receive an allowance are not required to submit a log documenting their business-related use of the WCD. For determination of individual taxability, employees should check with their tax advisor.

Employee's Responsibilities

The employee is responsible for choosing his/her WCD, the voice and/or data plan, and the wireless service provider. Since the WCD is the personal property of the employee, the WCD may be used for personal calls (see below concerning the making of personal calls during work time) and be combined or enhanced with other personal plans (i.e. the employee may also, at his/her own expense, add extra services or equipment features, as desired). The employee is responsible for paying all monthly service charges in full and on time. The Board does not accept any liability for claims, charges, or disputes between the service provider and the staff member. Because the employee is personally responsible for the WCD, any replacement for loss or damage will be at the expense of the employee. Such replacement or repair must be completed promptly and the Executive Director must be notified if the employee will not be available by their WCD for a period of time.

Employees should contact the carrier through which they purchased their WCD and purchase their wireless service for support.

Changing or Ending a Wireless Service Contract Early

If prior to the end of a wireless service contract, a personal decision by the employee results in the need to end or change the WCD contract, the employee will bear the costs of any fees associated with the change or cancellation.

If prior to the end of a wireless service contract, the employee's misconduct, or misuse of the WCD, results in the need to end or change the WCD contract, the employee will bear the costs of any fees associated with the change or cancellation.

If prior to the end of a wireless service contract, the Board determines to reduce or cancel (unrelated to employee misconduct) the employee's monthly allowance, the Board will bear the

cost of any fees associated with the change or cancellation. For example, if the employee is reassigned and/or his/her duties are changed, and the WCD is no longer needed for business purposes, and if the employee does not want to retain the current contract, changes or cancellation fees will be reimbursed by the Board.

When selecting the duration of his/her wireless service contract, the employee should take into consideration the length of his/her Board-approved employment contract and select a duration of the wireless service contract that does not exceed the employment contract. If the employee is non-renewed or voluntarily resigns while the wireless service contract is still in effect, the Board will not be responsible for any fees associated with the employee's decision to subsequently change or cancel the contract.

Once the allowance is given to the employee to purchase a device, the WCD remains the employee's personal property. However, upon termination, nonrenewal or resignation, the Board will immediately discontinue the monthly allowance.

Safe Use of Wireless Communications Devices

Employee safety is a priority of the Board, and responsible use of WCDs includes safe use. Using a WCD while operating a vehicle is strongly discouraged. Employees should plan their work accordingly so that calls are placed, text messages/instant messages/e-mails read and/or sent, and/or the Internet searched prior to traveling or while on rest breaks. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving (including any laws that prohibit texting with the WCD or using the WCD in its entirety while driving).

Duty to Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their WCDs.

Wireless communications, including calls, text messages, instant messages, and emails sent from WCDs may not be secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students.

Additionally, wireless communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using his/her personal WCD may constitute public records if the content of the message concerns District business, or an education record if the content includes personally identifiable information about a student. Wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Policy [8310](#) - Public Records. Wireless communications that are student records should be maintained pursuant to Policy 8330 - Students Records. Finally, wireless communications and other electronically stored information (ESI) stored on the staff member's personal WCD may be subject to a Litigation Hold pursuant to Policy 8315 - Information Management. Staff are required to comply with District requests to produce copies of wireless communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.

During work hours, personal communications made or received, regardless of whether on a WCD, or a regular telephone or network computer may interfere with employee productivity and distract others. Employees are expected to use discretion in using WCDs while at work for personal business. Employees are expected to limit personal communications to breaks and lunch periods, and to inform friends and family members of the Board's policy in this regard.

At no time may any WCD be utilized by an employee in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed, discriminated against, or intimidated.

Potential Disciplinary Action/Termination of the Allowance

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of a WCD in any manner contrary to local, State or Federal laws will constitute misuse, and will result in immediate termination of the allowance.

7530.02 - STAFF USE OF PERSONAL COMMUNICATION DEVICES

Use of personal communication devices ("PCDs") is permissible in the workplace. For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPads and similar devices), electronic readers ("e-readers"; e.g., Kindles and similar devices), cell phones (e.g., mobile/cellular telephones, smartphones (e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.)), and/or other web-enabled devices of any type. Whether the PCD is Council-owned and assigned to a specific employee, or personally-owned by the employee (regardless of whether the Council pays the employee an allowance for his/her use of the device, the Council reimburses the employee on a per use basis for their business-related use of his/her PCD, or the employee receives no remuneration for his/her use of a personally-owned PCD), the employee is responsible for using the device in a safe and appropriate manner.

Safe and Appropriate Use of Personal Communication Devices, Including Cell Phones

Employees whose job responsibilities include regular or occasional driving and who use a PCD for business use are expected to refrain from using their device while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Reading or sending a text message, instant message or e-mail, or browsing the Internet using a PCD while driving is strictly prohibited. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options (e.g., headsets or voice activation) if available, refrain from the discussion of complicated or emotional topics, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area. In the interest of safety for both Council employees and other drivers, employees are required to comply with all applicable laws while driving (including any laws that prohibit texting or using a cell phone or other PCD while driving).

Employees may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, discriminated against, embarrassed or intimidated.

Duty to Maintain Confidentiality

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their PCDs.

Cellular and wireless communications, including calls, text messages, instant messages, and emails sent from PCDs may not be secure. Therefore, employees should use discretion in relaying confidential information.

Additionally, cellular/wireless communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using his/her PCD may constitute public records if the content of the message concerns Council business, or an education record if the content includes personally identifiable information about a student. Cellular/wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Policy [8310](#) - Public Records. Cellular/wireless communications that are student records should be maintained pursuant to Policy 8330 - Students Records. Finally, cellular/wireless communications and other electronically stored information (ESI) stored on the staff member's PCD may be subject to a Litigation Hold pursuant to Policy 8315- Information Management. Staff are required to comply with Council requests to produce copies of cellular/wireless communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.

At the conclusion of an individual's employment (whether through resignation, nonrenewal, or termination) , the employee is responsible for verifying all public records, student records and ESI subject to a Litigation Hold that are maintained on the employee's PCD are transferred to the Council's custody (e.g., server, alternative storage device). The Council's IT department staff is available to assist in this process. Once all public records, student records and ESI subject to a Litigation Hold are transferred to the Council's custody, the employee is required to delete the records/ESI from his/her PCD. The employee will be required to sign a document confirming that all such records/information has been transferred to the Council's custody and deleted from his/her PCD before the Council will issue any final compensation that is owed to the employee.

Similarly, if an employee intends to dispose of, or otherwise stop using, a personally-owned PCD on which s/he has maintained public records, student records and/or ESI that is subject to a Litigation Hold, the employee must transfer the records/ESI to the Council's custody before disposing of, or otherwise ceasing to use, the personally-owned PCD. The employee is responsible for securely deleting such records/ESI before disposing of, or ceasing to use, the personally-owned PCD. Failure to comply with these requirements may result in disciplinary action.

If a PCD is lost, stolen, hacked or otherwise subjected to unauthorized access, the employee must immediately notify the Executive Director so a determination can be made as to whether any public records, students records and/or ESI subject to a Litigation Hold has been compromised and/or lost. The Executive Director shall determine whether any security breach notification laws may have application to the situation. Appropriate notifications will be sent unless the records/information stored on the PCD was encrypted.

Privacy Issues

Except in emergency situations or as otherwise authorized by the Executive Director or as necessary to fulfill their job responsibilities, employees are prohibited from using PCDs to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person in the workplace or while attending a school-related activity. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

PCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, gymnasiums, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Executive Director and building principals are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

Personal Use of PCDs While at Work

Council employees may carry PCDs with them while at work, but are subject to the following restrictions:

- A. Employees are expected to minimize the use of a PCD for personal business during work hours. Excessive use of a PCD at work for personal or non-Council business is considered outside the employee's scope of employment and may result in disciplinary action.
- B. Employees are personally and solely responsible for the care and security of their personally-owned PCDs. The Council assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, personally-owned PCDs brought onto its property, or the unauthorized use of such devices.

Potential Disciplinary Action

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of a PCD in any manner contrary to local, State or Federal laws may also result in disciplinary action up to and including termination.

7540.01 - TECHNOLOGY PRIVACY

The Board of Directors recognizes its staff members' right to privacy in their personal lives. This policy serves to inform staff members of the Board of Directors' position with respect to staff-member privacy in the educational and workplace setting and to protect the Council's interests.

All computers, telephone systems, electronic mail systems, and voicemail systems are the Council's property and are intended to be used primarily for business purposes. The Board of

Directors retains the right to access and review all electronic and voice mail, computer files, databases, and any other electronic transmissions contained in or used in conjunction with the Council's equipment and/or systems, i.e., computer system, telephone system, electronic mail system, and voice mail system. Staff members are notified that they have no expectation that any information contained on such systems is confidential or private.

Review of such information may be done by the Board of Directors with or without the staff member's knowledge. The use of passwords does not guarantee confidentiality, and the Board of Directors retains the right to access information in spite of a password. All passwords or security codes must be registered with the Council. A staff member's refusal to permit such access may be grounds for discipline up to and including discharge.

Computers, electronic mail, and voice mail are to be used only for business and educational purposes.

Personal messages via Council-owned technology should be limited in accordance with the Executive Director's guidelines. Staff members are encouraged to keep their personal records and personal business at home or on non-Council equipment and/or systems. Because the Council's computer and voice mail systems are to be used primarily for business and educational purposes, staff members are prohibited from sending offensive, discriminatory, or harassing computer, electronic, or voice mail messages.

The Council is interested in its resources being properly used. Review of computer files, electronic mail, and voicemail will only be done in the ordinary course of business and will be motivated by a legitimate business reason. If a staff member's personal information is discovered, the contents of such discovery will not be reviewed by the Board of Directors, except to the extent necessary to determine if the files/e-mail/voice mail constitute a public record or if the Council's interests have been compromised. Any information discovered will be limited to those who have a need to know that information.

The administrators and supervisory staff members authorized by the Executive Director have the authority to search and access information electronically.

All computers and any information or software contained therein are property of the Council. Staff members shall not copy, delete, or remove any information or data contained on the Council's computers/servers without the express permission of the Executive Director or designee, or communicate any such information to unauthorized individuals. In addition, staff members may not copy software on any Council computer and may not bring or download software from outside sources for use on Council equipment without the prior approval of the Executive Director. Such pre-approval will include a review of any copyright infringements or virus problems associated with such outside software.

7542 - ACCESS TO COUNCIL TECHNOLOGY RESOURCES FROM PERSONAL COMMUNICATION DEVICES

The Board permits employees, as well as contractors and vendors, to use their personal communication devices ("PCDs") to wirelessly access the Council's technology resources (guest or business networks, servers, projectors, printers, etc.) while they are on-site at any Council facility. Access to the business/guest network shall require authentication.

For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPads and similar devices), electronic readers ("e-readers"; e.g., Kindles and similar devices),

cell phone (e.g., mobile/cellular telephones, smartphones (e.g., BlackBerry, iPhone, etc.), and/or other web-enabled devices of any type.

If the user wants to access the Council's technology resources through a hard-wired connection, the user's PCD must meet the established standards for equipment used to access the network. The Executive Director is charged with developing the necessary standards for connecting PCDs to the Council's technology resources. The standards shall be available upon request.

The standards shall be designed and enforced to minimize the Board's exposure to damages, including, but not limited to, malware, viruses, hacking, the loss of sensitive Council data, illegal access to confidential data, unauthorized access to the network, damage to the Council's intellectual property, damage to the Council's public image, and damage to the Council's critical internal systems, from unauthorized use.

Any user who violates the established standards and/or the Board's Acceptable Use policy, or who accesses the Council's technology resources without authorization may be prospectively denied access to the Council's technology resources. If the violation is committed by a contractor, vendor or agent of the Council, the contract may be subject to cancellation. Further disciplinary action may be taken if the violation is committed by a student or employee.

The owner of a PCD bears all responsibility and assumes all risk of theft, loss, or damage to, or misuse or unauthorized use of the device while it is on Board property. This provision applies to everyone, regardless of their affiliation or connection to the Council.

7543 - UTILIZATION OF THE COUNCIL'S WEBSITE AND REMOTE ACCESS TO THE COUNCIL'S NETWORK

Access to the Council's website is encouraged.

The Board of Directors encourages employees, parents, students, and community members to check the Council's website regularly for changes to these resources and for the addition of other resources. Some resources may require a username and password, or a login procedure due to the personally identifiable nature of the information provided through that resource (e.g., the gradebook program and e-mail system). If a username and password, or login procedure, is necessary to access a resource, information shall be provided on the website explaining who is eligible for a username and password, how to obtain a username and password, and detailed instructions concerning the login process.

Access to the Council Network Through a Server

Council employees are permitted to use their personally-owned or Council-owned computers or workstations to remotely (i.e. away from Council property and facilities) access the Council's server and thereby connect to the Council's Network. This policy is limited to remote access connections that are used to do work on behalf of or for the benefit of the Council, including, but not limited to, reading or sending e-mail and reviewing Council-provided intranet web resources.

Each individual granted remote access privileges pursuant to this policy must adhere to the following standards and regulations:

- A. His/her device computer/device must have, at the minimum, the anti-virus software specified in the Council's standards for remote access and connection.
- B. The individual may access the network using only his/her assigned username and password.
- C. The individual must not allow other persons, including family members, to use his/her username and password to login into the Network. The user may not go beyond his/her authorized access.
- D. His/her device may not, at any time while the individual is using remote access to connect to the Network, be reconfigured for the purpose of split tunneling or dual homing.
- E. Use of the Network is contingent upon the individual abiding by the terms and conditions of the Council's Network and Internet Acceptable Use and Safety policy and guidelines.

Any user who violates this policy may be denied remote access and connection privileges. Any employee who violates this policy may be disciplined, up to and including termination.

7610 - DATA SECURITY

The Board of Directors recognize that data maintained by ACCESS is the legal property of the school district (hereafter referred to as the District) which entered such data or to which such data is assigned. Each District's individual portion of ACCESS's system, which maintains District data, is considered an extension of the District. ACCESS, therefore, is a holder in public trust of the data.

The Board adopts the following policy statements concerning access to and security of the data. These statements are intended to assure the inviolability of the data, provide for procedures to permit authorized access to data and prohibit unauthorized release of data, and recommend features which districts and ACCESS can implement to promote system and data security.

7611 - DATA ACCESS

Data maintained by ACCESS on behalf of a District shall be recognized as the exclusive property of the District. Each District shall be in control of its own data maintained at ACCESS. Access to the data shall be granted as follows:

- A. District Personnel
 - 1. District personnel shall be granted access upon the written or electronic authorization (ARP) by the District's Executive Director/Superintendent, Treasurer and/or Designee (Authorized District Personnel).

2. Such access may be restricted (as may be practical or technically possible) to certain data sets and/or specific access types.
3. ACCESS shall provide a standard method for authorization.

B. ACCESS Personnel

ACCESS staff shall be granted access when such access is within the scope of their assigned duties, but only as may be necessary to maintain the data structure, research and correct problems, and provide backup capabilities.

C. Outside Access

1. Outside access shall be granted upon the written or electronic authorization from the District Superintendent/Executive Director or his/her designee.
"Outside" is defined as any individual or group of individuals not belonging to the school district or ACCESS.
2. Data required to be transferred to the Ohio Department of Education shall be as defined by statute, State Board of Education regulations and rules, and/or as outlined in the "Education Management Information System: Definitions, Procedures and Guidelines."
3. Written or electronic confirmation of the outside access shall be forwarded to the District Superintendent/Executive Director within twenty-four (24) hours.

7612 - DATA SECURITY PROCEDURES

The first point of security is access to the computer system and its data via the local network of users. To enhance security and reduce the risk of unauthorized access, the following guidelines shall be followed:

- A. Users will be assigned a unique account for access to the system.
- B. User accounts that have not been accessed within the previous 180 days will be flagged on the report as potential accounts to be disabled.
- C. Users shall be granted only those privileges consistent with the duties and responsibilities of their positions. Authorized privileges shall be grouped in a "normal" and "extended" category: "normal" privileges are granted by the system when a user logs onto the system and represent the privileges required to perform the user's normal duties; "extended" privileges are those privileges which the user may be authorized to use, but which must be specifically enabled by the user before being utilized.
- D. Access to the computer system via an electronic network outside the ACCESS area will be restricted to the minimum level of access necessary for authorized users. No "general access" accounts shall be maintained.
- E. Access to privileged or system accounts shall only occur with the authorization of the ACCESS Executive Director. Following outside access to a privileged account, the account password shall be changed to prevent further access.

F. Audit Log

Sufficient audit alarms shall be enabled to track attempts to break into a user or system account and other security related events. The audit log shall be reviewed daily for suspicious entries and shall be filed for future reference.

G. In all events, the Executive Director of ACCESS shall have the authority and responsibility to take actions necessary to ensure the integrity of the data and security of the computer system, or to enable authorized District users to utilize the computer system to fulfill the duties associated with their positions.

H. The data security policy and procedures shall be reviewed annually.

7613 - ACCOUNT POLICIES

User's Responsibilities:

A. Users may use the ACCESS computer system(s) only for business-related activities. Users are expected to report all potential misuse to their appropriate supervisor and/or to the ACCESS Executive Director.

B. Improper use includes, but is not limited to, the use of ACCESS-owned and/or ACCESS-operated computer systems and networks for the purpose of gaining unauthorized access to internal or external computer systems or accounts, for personal purposes, or for purposes of personal gain.

Examples of misuse could be transmitting offensive, harassing, defamatory, discriminatory, and/or devaluing statements, developing and transmitting inappropriate graphics, soliciting other employees, developing chain letters, communicating matters of private conviction or philosophy, permitting unauthorized access, personal commercial or profit-making activities, using another's password or sharing login information, attempting to disable, defeat or circumvent any ACCESS security feature, theft or copying data to unauthorized external devices, or viewing, archiving, editing, recording, or storing of any language or images which are of a graphic, explicit, profane, vulgar, or otherwise inappropriate sexual nature, including jokes, pictures, or other materials which are obscene, lewd, vulgar, intimidating, discriminatory, disparaging or otherwise unlawful or inappropriate of persons based on their race, color, sex, age, religion, national origin, or sexual orientation, etc.

C. Printed output that is considered confidential shall not be printed on any common printer. Instead, it must be printed in a secure area or another restricted area, such as the employee's office.

D. Users will ensure that their accounts are protected from unauthorized access. Passwords are the computer's first line of defense against unauthorized system access. All users should adhere to the following password controls.

1. Passwords shall be non-meaningful terms. Passwords should not be of a common nature such as last name, job title, children's names, street address, pet's names, etc.
2. Passwords should not be displayed, divulged, or accessible to or shared with others. If there is any reason to suppose that a password has become

- known, it should be changed immediately.
3. Passwords should never be written down, attached to the terminal, placed under the keyboard, or any other means which would allow for possible break-in.
 4. Users should be aware of the LAST LOGIN time of his/her account and report to the ACCESS Data Center staff if it does not correspond with the last time they logged in.
 5. Users should not put passwords into command files.
 6. Users should notify the ACCESS staff of any unauthorized access to their accounts when detected.
 7. Users should ensure their terminals, when not in use, are properly logged off the system.

Account Management Policies

- A. Requests for new accounts must be submitted using the Authorization Request Program (ARP). The approved process will include submission by Authorized District Personnel only.
- B. Copies of the ACCESS ARP Request will be made available in both electronic and hardcopy formats.
- C. Account requests will be received Monday through Friday. The account request will be processed and available within three (3) business days of receipt of an ARP Request. Confirmation of the account creation or modification will be made available electronically via email. The Authorized Person should then notify the employee. Passwords may not be given to anyone other than the Authorized District Personnel.
- D. All account usernames, excluding the ACCESS staff, will be set up using a predetermined format.
- E. Passwords for new accounts will be set initially by the ACCESS staff. It will be up to the employee to determine a proper password for subsequent changes. The initial password will be pre-expired, meaning it must be changed during the first login session.
- F. No GUEST accounts will be issued.
- G. For security reasons, if an employee has been terminated or has left his/her District or the ACCESS Council staff, authorized District Personnel are responsible for immediately disabling the employee's account via the ARP program.
- H. Similarly, for security reasons, each school district should notify ACCESS when any account holder is placed on a leave of absence, or short-term or long-term disability. That person's account must be completely disabled. The account may be re-opened only at the request of the Authorized District Personnel.
- I. Password controls for all accounts include the following:
 1. All users will be required by the system to change their password at least every 120 days.
 2. Each user account shall require a password with a minimum of eight (8) characters. Up to thirty-one (31) characters may be used. Letters,

numbers, dollar signs and the underscore character may be used in a password. This password shall be treated as confidential information by the users. Users are responsible to safeguard their passwords, other access protocols, and District and ACCESS information, in whatever form. No list of passwords shall be maintained by ACCESS or the District.

3. If a password is lost or forgotten, the authorized District Personnel must reset the password.

7614 - USE OF PUBLICLY-OWNED COMPUTER HARDWARE AND SOFTWARE

Purpose

The purpose of this policy is three-fold:

- A. To prevent the misappropriation or unauthorized use of publicly-owned computer hardware and software by outlining the limitations, offenses, and penalties related to the same.
- B. To ensure that procedures for proper handling of acquired proprietary software products are communicated to all ACCESS employees and agents.
- C. To protect ACCESS from potential liability to third party vendors with respect to the inappropriate use of external software products.

Application

This policy shall be applicable to all ACCESS staff or any person authorized access to the computer hardware, network services, and software purchased and/or developed by ACCESS. The application of this policy to software products includes related material and documentation for which ACCESS has or will acquire a license to use, or which has otherwise been made available for use within ACCESS, for any purpose or period of time. The application also includes public domain software to the extent appropriate.

ACCESS owns and operates computers, systems, and networks primarily to provide for member districts' (Users) business activities. Systems should be used to enhance the cost effectiveness and efficiency of the business, to assist Users in being more effective in executing their duties and responsibilities, and to foster appropriate open and efficient communications.

Employees should remember that computers, information systems and networks, like paper files, desks, notebooks, etc., are ACCESS assets provided to employees to assist them in performing their work. These tools, and the work product they contain, are ACCESS property and therefore subject to ACCESS Board review and control. The efficient operation of these vital resources is critical to the success of ACCESS, and it is therefore the responsibility of all employees to use ACCESS's computer resources appropriately. Utilization of all computer hardware, software, peripheral equipment, and networks owned and/or leased by ACCESS is limited to work-related matters. This includes purchased services. Proprietary external software shall be used by ACCESS only when an agreement exists between the vendor and ACCESS, with the agreement identifying the limits of use and distribution within ACCESS.

ACCESS employees and authorized agents are expected to comply with the license requirements for software products acquired by ACCESS and not use, duplicate, reproduce or distribute those products, for any purpose, unless ACCESS has been given a specific license to do so under its agreement with the vendor.

Maintaining system security and data integrity is everyone's responsibility. Unless specifically authorized to do so, ACCESS employees and authorized agents shall not do the following:

- A. Install personal software on any computer hardware owned by ACCESS.
- B. Download software from bulletin boards and other computer systems, including public domain software.

Authorization shall be made only by the designee or designees of the ACCESS Board. Maintaining control of an acquired software product according to the agreement is the responsibility of the Executive Director or designee. Control will include maintaining a current record of the CPU's (or sites) within the group on which the software is installed, and periodic follow-up to determine that conditions of the contract are being met.

Acquired software products will be made available only to ACCESS employees and authorized agents, except as otherwise approved by the vendor, and then only when the release is consistent with ACCESS's interests.

Acquired software products will be treated as if they were proprietary in nature, and appropriate precautions in line with the agreement will be taken to protect such software. Acquired software will be removed from ACCESS premises only when required for business purposes, and approved by the employee's immediate supervisor.

Employees leaving ACCESS will return all copies of acquired software prior to leaving. Violation of this policy shall be subject to the terms of the discipline policy of ACCESS commensurate with the offense, and/or applicable Ohio Revised Code and federal law. The type of discipline may vary according to the classification of the employee. For non-ACCESS employees and contractors, violation of this policy will result in denial of access and criminal charges as appropriate.

Definitions

For the purpose of this policy, "improper use" includes but is not limited to, the use of ACCESS owned and/or operated systems and networks for the purpose of gaining unauthorized access to internal or external computer systems or accounts, for personal purposes that are contrary to ACCESS philosophy or policy, for purposes that interfere with ACCESS's business activities, or for purposes of individual financial gain. Examples of misuse include, but are not limited to, transmitting offensive, harassing, defamatory, discriminatory, and/or devaluing statements, developing and transmitting inappropriate graphics, soliciting other employees, developing chain letters, communicating matters of private conviction or philosophy, permitting unauthorized access, personal commercial or profit-making activities, using another's password or sharing login information, attempting to disable, defeat or circumvent any ACCESS security feature, theft or copying data to unauthorized external devices, or viewing, archiving, editing, recording, or storing of any language or images which are of a graphic, explicit, profane, vulgar, or otherwise inappropriate sexual nature, including jokes, pictures, or other materials which are obscene, lewd, vulgar, intimidating, discriminatory, disparaging or otherwise unlawful or inappropriate of persons based on their race, color, sex, age, religion, national origin, or sexual orientation, etc.

Responsibilities

A. Executive Director

The Executive Director is responsible for effective use of ACCESS's assets, which includes computers, networking, and data. S/He may delegate that responsibility to other individuals, but s/he is ultimately responsible for providing reasonable oversight to insure adherence to these policies.

B. Employees

Employees are expected to use ACCESS computer resources in accordance with this policy to support ACCESS business activities. In addition, employees should report all potential misuse to the Executive Director.

7710 - ACCESS DISASTER RECOVERY RESPONSIBILITIES

The following information outlines the responsibilities of the ACCESS:

Off Site Storage of Data and System Media

ACCESS provides off-site storage of data and system media. ACCESS' main data center in Youngstown, Ohio houses the Alpha and servers supporting applications. Alpha system software backups are housed at the ACCESS staff offices in Canfield, Ohio; application server backups are housed in a secondary SAN housed at the Mahoning County Career & Technical Center in Canfield, Ohio; and all Alpha data is backed up and housed at the MCOECN Disaster Recovery location in Columbus, Ohio (Per the Disaster Testing and Recovery Services Agreement). Backup procedures are outlined in the *ACCESS Data Backup and Email Retention Policy*.

7711 - RECOVERY PLAN

The following recovery plan will be implemented and followed until computer services normally provided by ACCESS are restored.

- A. ACCESS users will be notified of the current situation,
- B. MCOECN Disaster Recovery site personnel will be notified of the situation and the request will be made to implement the recovery plan.
- C. Necessary vendors and insurance companies will be notified.
- D. Once a facility has been selected and new equipment installed for ACCESS' operations, all user files will be brought up-to-date with the latest backup copies.
- E. Users will be notified of the location and hours of operation of the re-installed, operational ACCESS system..

ACCESS Council

8000 - OPERATIONS

- 8141 Mandatory Reporting of Misconduct by Licensed Employees
- 8200 Social Networking
- 8310 Public Records
- 8320 Personnel Files
- 8320.01 Personal Information Systems
- 8351 Security Breach of Confidential Databases
- 8390 Animals on ACCESS Property
- 8400 Workplace Violence Prevention
- 8410 Crisis Intervention
- 8420 Emergency Evacuation
- 8442 Reporting Accidents
- 8710 Insurance
- 8800 Religious/Patriotic Ceremonies and Observances
- 8900 Anti-Fraud

8141 - MANDATORY REPORTING OF MISCONDUCT BY LICENSED EMPLOYEES

The Board of Directors recognizes its responsibility to effectively address employee misconduct and, where appropriate, to provide a measured disciplinary response consistent with due process and the law. In addition, with respect to licensed professional staff members, matters of misconduct, including guilty pleas and/or conviction of certain crimes (including intervention in lieu of conviction and/or pre-trial diversion programs) enumerated by law and/or conduct which is unbecoming to the profession under certain specific circumstances, will be reported by the Executive Director (or Board of Directors Chair if the Executive Director is determined to have engaged in such misconduct) to the Ohio Department of Education.

Definitions

"Licensed professional staff member" refers to Council employees who hold an educator's license and/or certification with the Ohio Department of Education (ODE) (including the Treasurer and Business Manager).

The definition of "conduct unbecoming the profession" is set forth in the Licensure Code of Professional Conduct for Ohio Educators enacted by the Ohio State Board of Directors and includes:

- A. Crimes or misconduct involving minors;
- B. Crimes or misconduct involving school children;
- C. Crimes or misconduct involving academic fraud;
- D. Crimes or misconduct involving the school community;
- E. Making, or causing to be made, any false or misleading statement or concealing a material fact in obtaining the issuance or renewal of any educational licensing documents;
- F. The violation of the terms and conditions of a consent agreement with the Board of Directors;
- G. A plea of guilty to or a finding of guilt or conviction upon any offense enumerated under R.C. 3319.39, or a judicial finding for intervention in lieu of conviction and/or participation in a pre-trial diversion program relating to the offenses listed therein;
- H. A failure to adhere to the Licensure Code of Professional Conduct for Ohio Educators enacted by the Ohio State Board of Directors.

Reporting Professional Misconduct

The Executive Director will file a report with the Ohio Department of Education on forms provided for that purpose, regarding matters of misconduct on the part of licensed professional staff members, under any of the following circumstances:

- A. When the Board of Directors obtains knowledge that a licensed professional staff member has pled guilty, has been found guilty, or has been convicted and/or subject to a judicial finding for intervention in lieu of conviction and participated in a pre-trial diversion program for a crime specified in R.C. 3319.31(B)(2) or R.C. 3319.39(B)(1), including but not limited to any felony misdemeanor sex offense, any offense of violence, any theft offense and drug abuse offense that is not a minor misdemeanor.
- B. When the Board of Directors has initiated termination or non-renewal proceedings against a professional staff member who is reasonably believed to have committed an act that is unbecoming to the teaching profession.
- C. When the professional staff member has resigned under threat of termination or **non-renewal** for any of the reasons set forth in paragraphs A and B, above.
- D. When the professional staff member has resigned during the course of an investigation of alleged misconduct which is reasonably believed to be unbecoming to the teaching profession.

Misconduct by Executive Director

If the employee to whom any of the above conditions apply is the Executive Director, the Board of Directors Chair shall make the report required under this policy and in accordance with R.C. 3319.313.

Failure to File Report/Filing of False Report

The Board of Directors acknowledges that if the Executive Director (or Board of Directors Chair, where applicable) knowingly fails to file a required report of misconduct by a licensed educator or cause a false report of misconduct by a licensed employee of the Council to be filed, they will be subject to criminal penalties under law. In addition, failure to file a required report will subject the designated reporter to a potential denial, limitation, suspension or revocation of the educator license of such designated reporter.

Investigation Reports Regarding Professional Misconduct

Reports of any investigation regarding whether or not a professional staff member has committed an act or offense for which Executive Director or Board of Directors Chair is required to make a report to the Ohio Department of Education, as set forth above, shall be kept in the personnel file of the professional staff member. Should the Ohio Department of Education determine that the results of that investigation do not warrant initiating an action suspending, revoking, or otherwise limiting that professional staff member's license or permit, the report(s) of any investigation will be moved to a separate public file.

R.C. 3319.31, 3319.311, 3319.313, 3319.317, 3319.39, 3319.392, 3319.40
A.C. 3301-73-21

8200 SOCIAL NETWORKING POLICY

The Area Cooperative Computerized Educational Service System (hereinafter "ACCESS") adopts the following policy governing the issue of social networking and access of social networking sites. Employee use of social networking sites refers to the use of a set of online tools, such as web pages and sites where content may be added and/or uploaded by users and shared with others. Examples include, but are not limited to, LinkedIn, Twitter, Facebook, YouTube, Orkut, Digg, Wiki, etc.

Employee use of social networking sites during work hours should be directed at the use of internet sites that enhance the service and instruction delivered to our member school districts, and in particular, any customer that ACCESS serves. Employees should be aware that their private, non-work use of social networking sites may have unintended consequences on their employment.

The same laws, ACCESS policies and guidelines, and standards of conduct for interacting with our member school districts, students, parents, and others apply online as in the real world. This includes, but is not limited to, the Handbooks, Standards of Conduct, Acceptable Use Policy, harassment policies, etc. ACCESS employees may be liable for anything they post to social media sites to the same extent they would while communicating in any other form.

The objective of this policy is to establish some guidelines with respect to the use of personal web pages and social networking sites by the employees of ACCESS. Our members rely upon the public confidence and trust in the services we provide to students, while effectively protecting their rights to privacy, and respecting our employees' First Amendment rights. ACCESS employees who inflammatory comments that could compromise our mission, undermine client or staff relationships or authority, or cause a substantial disruption at ACCESS , or our member school districts', educational programs may be subject to discipline. As such, this policy may apply to employees' online conduct that occurs off ACCESS property and/or not during work time and includes posts made from an employee's personal electronic device. Any social network posting that undermines the professional responsibilities of our employees and/or administrators has the corresponding effect of reducing public confidence and trust in how ACCESS discharges its duties.

While employees during non-working time have the right to use personal/social networking pages or sites, they should abide by the following best practices and guidelines:

BEST PRACTICES

- Think twice before posting: Keep in mind that once something is posted on social media, it is publicly available; copies may remain even if the posting is deleted. . There is no privacy in the social media world. If you would not say it in person, consider whether you should post it online.
- Be respectful: Understand that content contributed to a social media site may encourage comments or discussion of opposing ideas.
- Remember your audience: Anything posted on social media is, or easily can be, made available to the public at large. As a result, your message may be viewed not only by your target or intended audience, but also by peers, colleagues, current and prospective employers, ACCESS community members, and others far beyond the intended scope of your comment.
- On personal sites: Identify your views as your own. If you identify yourself as a ACCESS staff member online, it should be clear that the views expressed are not necessarily those of ACCESS.
- Be polite, courteous, and respectful in your messages: You should always strive to hold yourself to the highest professional standards in interacting with others, whether through social media or otherwise.

GUIDELINES

- A. Employee use of social networking sites during work time should be directed at the use of internet sites that enhance the services provided to member school districts, instruction delivered to ACCESS students, and/or for fulfilling other job responsibilities. Incidental personal use of

social media during work time is permitted only in accordance with the Acceptable Use Policy.

- B. Employees should not use their staff assigned email addresses as the contact email address for any personal social networking web page or site.
- C. Photographs or other depictions of the ACCESS programs, logos, or students shall not be used on employee internet postings, without prior written authorization from a student's parent (in the case of a student photo) and the administration (in the case of logo use). Confidential student information may never be posted by an employee on a social networking site, app, or text or other messaging program.
- D. Employees may not represent their own opinions or comments as those of the ACCESS or the Administration.
- E. Employees shall not discuss or divulge any personally identifiable information about a student or proprietary information. Transmission of any material in violation of any state or federal law, regulation, or ACCESS policy is prohibited.
- F. Employees are prohibited from engaging in discriminatory harassment based on race, color, sex, age, disability, religion, sexual orientation, gender identity, national/ethnic origin or other protected characteristic that is intrinsic to a person's identity. ACCESS employees also are prohibited from posting, broadcasting or otherwise disseminating any sexually explicit, obscene, inflammatory, violent, racial, ethnically harassing or discriminatory material, comments, images, art work, video, or other references on web pages and/or social networking sites, or through any other medium of communication, which is further outlined in the Acceptable Use Policy. Employees are prohibited from engaging in inappropriate social networking relationships with students. Such prohibition includes, but is not limited to, online flirting, bantering with sexual overtones, and extending social invitations to students. Employees shall not "friend" students on Facebook, Snapchat, or any other social networking platform, or engage in text conversations that do not also include at least one of the student's parents or guardians.
- G. Employees shall not discuss any ongoing investigation involving themselves or fellow staff on any internet sites or social media sites or networking. This prohibition includes downloading or uploading any files, pictures, written statements, and/or videos involving students, administrators, and staff. Employees are prohibited from making defamatory statements involving ACCESS programs, staff or students.
- H. Administrators are discouraged from "friending" their subordinates on social medium platforms.
- I. Employees will be aware of copyright laws and will comply with all requirements of those laws.
- J. Employees will be asked to acknowledge that they have read and are familiar with this policy. Violation of any of the foregoing best practices and guidelines in this policy may lead to discipline, up to and including the termination of employment with ACCESS.

8310 - PUBLIC RECORDS

The Board of Directors recognizes its responsibility to maintain the public records of this Council and to make such records available for inspection and reproduction.

The Board will utilize the *ACCESS Public Records Policy* (adopted by the Board) to govern the handling of public records in accordance with Ohio law. A copy is on file with the Executive Director and is posted in the main office of ACCESS..

8320 - PERSONNEL FILES

It is necessary for the orderly operation of the Council to maintain a personal information system for the retention of appropriate files bearing upon an employee's duties, responsibilities, and performance and other required information.

The Board of Directors requires that sufficient and current records exist to ensure an employee's qualifications for the job held, compliance with federal and state laws and regulations, local benefit programs, conformance with Council rules, and evidence of completed evaluations.

The Board of Directors delegates the maintenance of an employee personal information system to the Executive Director or his/her designee(s).

A single central file shall be maintained, and subsidiary records shall be maintained for ease in data gathering only.

Only that information which pertains to the professional role of the employee and submitted by duly authorized Council administrative personnel and the Board of Directors may be entered in the official record file. The employee shall have access to his/her file upon request, and a copy of each such entry shall be given to the employee upon request except for matters pertaining to pending litigation, court orders, or legal confidentiality.

Personnel records shall be available to Board of Directors members and Council administrators as may be required in the performance of their jobs. In accordance with the Federal Privacy Act and case law, the Board shall refrain from disclosing an employee's social security number when releasing personnel records.

The personnel files may be reviewed annually and material no longer required may be destroyed, and no record may be maintained of said destruction,

except as required to be maintained and disposed of in accordance with state laws and regulations .

8320.01 - PERSONAL INFORMATION SYSTEMS

The Board of Directors maintains a personal information ("PI") system and shall do so in accordance with the provisions of R.C. Chapter 1347. The Board is committed to collecting, maintaining, and using only the personal information that is necessary and relevant to carrying out the effective operation of the Council. All personal information maintained in the PI system shall be used in a lawful manner for legitimate purposes consistent with the functions of the Council.

Personal information is defined as "any information that describes anything about a person, or that indicates actions done by or to a person, or that indicates that a person possesses certain personal characteristics, and that contains, and can be retrieved from a system by, a name, identifying number, symbol, or other identifier assigned to a person."

The Executive Director is directly responsible for the operation of the PI system, including preparing and implementing rules that provide for its operation.. All employees responsible for collecting, maintaining, and/or utilizing personal information maintained in the PI system shall be provided a copy of any rules applicable thereto, and trained in how to comply with those rules and the provisions of the law.

The Council shall discipline any employee who engages in the unauthorized use or release of the personal information contained in the PI system. In addition, the Council 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. Disciplinary action shall be taken consistent with state and federal law and may include action up to and including termination.

Whenever a person is requested to supply personal information that will be maintained in the PI system, the person will be informed whether s/he is legally required to provide the personal information. If the person is not legally required to provide the personal information, s/he may refuse to supply the information, and no adverse consequences will be imposed as a result of the refusal.

The Council shall take reasonable precautions to protect personal information maintained in the information system from unauthorized modification, destruction, use, or disclosure. The Council shall eliminate personal information

from the PI system when it is no longer necessary and relevant to the Council carrying out its functions in accordance with law.
R.C. 1347.05

8351 - SECURITY BREACH OF CONFIDENTIAL DATABASES

It is the policy of the Board of Directors that when unauthorized access or acquisition of data occurs, which would compromise the confidentiality or security of personal information maintained by the Council on a database, the Council will take appropriate action to assess the risk, and notify the affected individuals in accordance with law.

Scope

This policy applies to any security breach involving employees, consultants, vendors, contractors, outside agencies and employees of such agencies, and any other parties having a business relationship with the Council and handling personal information on the Council's behalf. It is expected that those offices, individuals or entities operating, maintaining, and using databases containing personal information will effectively control access to the databases to protect against unauthorized access, acquisition, modification, use or disclosure of personal information.

In order to better protect personal information and facilitate the investigation of incidents of unauthorized access, employees shall not store personal information on a personal computer, server or other data storage equipment not owned or maintained by the Council.

Security Breach and Personal Information – Definitions

A "security breach" means the unauthorized access to and acquisition of computerized data that compromises the security or confidentiality of personal information owned or licensed by the Council and that:

- A. Causes a material risk of identity theft or other fraud to the person or property of a resident of the State;
- B. Reasonably is believed to have caused a material risk of identity theft or fraud to the person or property of a resident of the State; or
- C. Reasonably is believed will cause a material risk of identity theft or other fraud to the person or property of a resident of the State.

Unauthorized access of information will not be considered a security breach if:

- A. The employee or agent acted in good faith in accessing the data;
- B. The access was related to the activities of the Council or the employee's or agent's job-related duties; and
- C. The employee or agent did not use the personal information for an unauthorized purpose or subject the information to further unauthorized disclosure.

Also, the acquisition of personal information pursuant to a search warrant, subpoena, or other court order, or pursuant subpoena, order or duty of a regulatory State agency, will not be considered a security breach.

For purposes of this policy, "personal information" means an individual's name, consisting of the individual's first name or first initial and last name, in combination with and linked to any of or more of the following (when the information is not encrypted, redacted, or altered by an method or technology in such a manner that the information is effectively obscured or unreadable):

- A. Social Security number;
- B. driver's license number or State identification card number; and/or
- C. account number or credit or debit card number, in combination with and to any required security code, access code, or password that would per access to an individual's financial account.

Discovery of Security Breach and Notification

If an employee suspects, discovers and/or determines that a security breach has occurred, the employee shall promptly notify his/her immediate supervisor and the Executive Director, in writing.

The Executive Director shall determine and implement the steps necessary to correct the unauthorized access and requirements for notifying those individuals whose personal information may have been compromised.

The Executive Director shall develop and implement administrative guidelines related to this policy.

8390 - ANIMALS ON ACCESS PROPERTY

Introduction

The Board of Directors recognizes that there are many occasions when animals are present on ACCESS property and many reasons for those animals' presence. Additionally, employees, clients, vendors, and other members of the public may be accompanied at ACCESS by a service animal in accordance with federal and state law and this policy.

This policy applies to all animals on ACCESS property, including service animals.

Definitions

- A. **"Animal"**: includes any living creature that is not a human t

- B. **"Service animal"**: pursuant to 28 C.F.R. Section 35.104, "r any dog that is individually trained to do work or perform tas the benefit of an individual with a disability, including a phys sensory, psychiatric, intellectual, or other mental disability. C

species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal be directly related to the individual's disability. Examples of or tasks include, but are not limited to, assisting individuals are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protect rescue work, pulling a wheelchair, assisting an individual du seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providir physical support and assistance with balance and stability t individuals with mobility disabilities, and helping persons wil psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision emotional support, well-being, comfort, or companionship d constitute work or tasks for the purposes of this definition."

The Americans with Disabilities Act (ADA) also defines a miniature horse as an animal that can serve as a service ar so long as the miniature horse has been individually trained work or perform tasks for the benefit of the individual with a disability. To better determine whether the Board must allow the use of a miniature horse or make modifications to buildi the Board should refer to Section 35.136 (c) through (i) of th ADA.

Vaccination, Licensing and/or Veterinary Requirements

Animals housed on or brought on to ACCESS property for any purpose, such as to conduct random searches for illegal substances or to support training activities, or brought on to ACCESS property on a regular basis for any purpose, including service animals, must be licensed and meet every veterinary requirement set forth in state law and county regulation/ordinance, including but not limited to rabies vaccination or other inoculations..

Non-Service Animals on ACCESS Property

Animals permitted on ACCESS property shall be limited to those necessary to support specific training-related projects and activities, those that provide assistance to a client or staff member due to a disability (e.g., seizure disorder), or those that serve as service animals as required by federal and state law.

Taking into consideration that some animals may cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement, the Executive Director may permit non-service

animals to be present in training centers to support curriculum-related projects and activities only under the following conditions:

- A. The staff member seeking approval to have a non-service animal at his/her training center shall:
 1. Provide a current license and satisfactory health certificate or report of examination from a veterinarian for the animal;
 2. Take precautions deemed necessary to protect the health and safety of clients and other staff;
 3. Provide that the animal is treated humanely, kept in good healthy condition and in appropriate housing (e.g., cage or tank) that is properly cleaned and maintained; and
 4. Keep the surrounding areas in a clean and sanitary condition at all times;
- B. Other staff members and clients in areas potentially affected by the presence of animals have been notified in writing and adjustments have been made to accommodate verified health-related or other concerns.

Except where required by law, the presence of a non-service animal shall be disallowed if documented health concerns of a client or staff member cannot be accommodated.

Service Animals for Clients

A service animal is permitted to accompany a client with a disability to whom the animal is assigned anywhere on the ACCESS campus where clients are permitted to be.

A service animal is the personal property of the client. The Board does not assume responsibility for training, daily care, health care, or supervision of service animals. The Board does not assume responsibility for personal injury or property damage arising out of or relating to the presence or use of service animals on ACCESS property or at ACCESS-sponsored events.

A service animal that meets the definitions set forth in the ADA and this policy shall be under the control of the client with a disability, or a separate handler if the client is unable to control the animal. A service animal shall have a harness, leash, or other tether, unless either the client with a disability is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the client's control (e.g., voice control, signals, or other effective means), or under the control of a handler other than the client.

Removing and/or Excluding a Client's Service Animal

If a service animal demonstrates that it is not under the control of the client or its handler, the Executive Director is responsible for documenting such behavior and for determining if and when the service animal is to be removed and/or excluded from ACCESS property.

In instances when the service animal demonstrated that it is not housebroken, the Executive Director shall document such behavior and determine whether the service animal is to be removed and/or excluded from ACCESS property.

The Executive Director shall document the reasons for the removal and/or exclusion.

Service Animals for Employees

In accordance with Policy [1623](#), and Policy [4123](#) - Section 504/ADA Prohibition Against Disability Discrimination in Employment, the Board provides qualified individuals with disabilities with reasonable accommodation(s). An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. The request will be handled in accordance with the ADA mandated interactive process.

Service Animals for Vendors, Visitors, and Others

Individuals with disabilities who are accompanied by their service animals are permitted access to all areas of the ACCESS's facilities where members of the public, as participants in services, programs or activities, as vendors, or as invitees, are permitted to go. Individuals who will access any area of the ACCESS's facilities with their service animals should notify the Executive Director or his/her designee that their service animal will accompany them during their visit.

An individual with a disability who attends a ACCESS event will be permitted to be accompanied by his/her service animal in accordance with Policy 9160 - Public Attendance at ACCESS Events.

8400 - WORKPLACE VIOLENCE PREVENTION

Policy Purpose

The Southwest Ohio Computer Council (ACCESS) is committed to providing its employees with a work environment that is safe, secure and free of harassment, threats, intimidation and violence. ACCESS recognizes that workplace violence is a growing problem that should be addressed by all state employers and therefore adopt a zero tolerance policy for workplace violence. Consistent with this policy, threats or acts of physical violence including intimidation, harassment, and/or coercion that involve or affect ACCESS employees, occurring within ACCESS, will not be tolerated. This policy also requires all individuals obtaining a protective or restraining order that lists any

ACCESS facility as a protected area(s), to provide the Executive Director with a copy of the following:

- A. The Petition to seek the order;
- B. Any temporary protective or restraining order which is granted;
- C. Any permanent, protective or restraining order which is granted.

ACCESS understands the sensitivity of the information requested and will make every attempt to respect the privacy of the reporting employee(s).

In carrying out these policies, it is essential that all personnel understand that no existing policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring, or a life threatening situation from developing.

Employees shall refer any questions regarding their rights and obligations under this policy to the Executive Director.

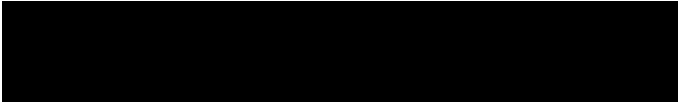
Policy Statement

A. *Threats or Acts of Violence Defined*

"Threats or act of violence" include any conduct against person or property that is sufficiently severe, offensive, or intimidating to alter the conditions of employment, or to create a hostile, actual or intimidating work environment for one (1) or more ACCESS employees.

B. *Definition of Workplace Violence*

Prohibited workplace violence includes, but is not limited to, **threats or acts of violence that :**

1. Occur within ACCESS, regardless of the relationship between ACCESS and the individual involved in the incident.
2. 
3. Do not occur within ACCESS, but involve an employee of ACCESS if the threats or acts of violence affect the legitimate interests of ACCESS.
4. Result in the conviction of an employee or agent acting within the scope of employment, or of an individual performing services on ACCESS's behalf on a contract or temporary basis.

basis, under any criminal code provision relating to acts of violence that adversely affect the legitimate interests of ACCESS.

Examples of Prohibited Conduct

C.

Specific examples of conduct that may be considered "threats or acts of violence" prohibited under this policy include, but are not limited to, the following:

1. Hitting or shoving an individual.
2. Threatening to harm an individual or his/her family, associates, or their property.
3. Intending to, or threatening the destruction of property owned, operated, or controlled by ACCESS.
4. Making harassing or threatening telephone calls, or sending harassing or threatening letters or other forms of written or electronic communications.
5. Intimidating or attempting to coerce an employee to perform wrongful acts, as defined by applicable law, policy, rule, that would affect the business interests of ACCESS.
6. Making a credible threat with intent to place the other person in reasonable fear for his/her safety by the use of force, malicious, and repeated following of another person known as "stalking".
7. Making a suggestion or otherwise intimating that an individual or injure persons or property is "appropriate" without regard to the location where such suggestion or intimation is made.
8. Possessing unauthorized or inappropriate firearms, weapons, or any other dangerous devices within ACCESS.

D. *Application of Prohibition*

ACCESS's prohibition against threats and acts of violence extends to all persons involved in ACCESS's operations including, but

limited to, ACCESS personnel and contract and temporary workers. Violations of this policy by an ACCESS employee lead to disciplinary action up to and including termination, in accordance with applicable law.

E. *Warning Signs, Symptoms and Risk Factors*

Examples of possible warning signs, symptoms, and risk factors that may indicate an individual's (employee/ex-employee) potential for workplace violence may include:

1. Dropping hints about knowledge of firearms.
2. Making intimidating statements like: "You know what happened at the Post Office," or "I'll get even" or "You haven't heard the last from me."
3. Possessing reading material with themes of violence, revenge and harassment.
4. Displaying physical signs of intimidating behavior or threats that include hard breathing, reddening of complexion, menacing stare, loudness, fast profane speech or excessive profanity.
5. Acting out either verbally or physically.
6. Showing excessive bitterness or disgruntled attitude.
7. Having a romantic obsession with a co-worker who share that interest.
8. Having a history of interpersonal conflict.
9. Displaying intense anger, lack of empathy.
10. Showing evidence of domestic problems.
11. Brooding, depressed/strange behavior.

Supervisory personnel should be alerted to and made aware of these indicators. If an employee exhibits such behavior, the employee should be monitored and such behavior should be documented as well as reported to the Executive Director.

F. *Telephone Numbers in Case of Crisis or Potential Problem*

In all situations, if violence appears to be imminent, employees should take the precautions necessary to assure their own safety and the safety of others. If the crisis situation involves an injury that requires immediate medical attention, the employee discovering the crisis should call 911 first and then call the Executive Director. The following are the critical telephone numbers that may be needed:

Emergency Services - Police, Fire, Rescue: 911

Lisa Smith; Executive Director

Home: (330) 727-7000

Cell: (330) 727-7000

ACCESS: (330) 702-7000

Brian Stidham; Treasurer

Home: (330) 360-7000

Cell: (330) 360-7000

ACCESS: (330) 702-7000

G. *Reporting/Procedure Regarding Threats of Acts of Violence*

Every employee of ACCESS must report incidents of threats or acts of physical violence of which s/he is aware immediately to the Executive Director, who will notify appropriate officials.

In the case where the reporting individual is not an ACCESS employee, the report should be made to the Executive Director, who will notify applicable officials.

The Executive Director, along with advice from legal counsel, shall take corrective action in accordance with applicable law. Concurrently with the initiation of any investigation leading to proposed disciplinary action, the local law enforcement official will be notified to make a follow-up report regarding the alleged incident(s).

In the event of threats of violence to person(s) or property by **means of firearms, fire explosions, bombs**, etc., the Executive Director shall be notified immediately s/he will contact building security and the local law enforcement agency. If law enforcement authorities determine that an evacuation is necessary, persons of the affected area will be evacuated from the threatened area and directed to the appropriate site.

If a building evacuation is necessary, it will be conducted in an orderly manner. The Executive Director will ensure that staff are accounted for and that all persons are evacuated from the building. **ACCESS. Unless and until otherwise directed, employees must report to and remain at the evacuation site so that they may be accounted for.** Responding emergency service personnel will be notified of persons not accounted for to help in determining whether the evacuation is complete.

H. *Fitness-for-Duty Evaluation*

At the discretion of the Executive Director/designee, an employee exhibiting warning signs, symptoms and risk factors including but not limited to those set forth in Section F of this policy, may be ordered to submit to a psychological evaluation to determine the employee's fitness-for-duty. All evaluation records shall be maintained in a confidential manner.

8410 - CRISIS INTERVENTION

The Board of Directors believes that the employees, and customers of the Council, as well as visitors, are entitled to function in a safe environment. In this regard, the Board has adopted policies related to conduct as well as those that address various crisis situations.

8420 - EMERGENCY EVACUATION

Staff and customers will follow the established evacuation plan of the facility in which they are located at the time of the emergency.

8442 - REPORTING ACCIDENTS

The Board of Directors directs that all reasonable efforts be made to provide a safe learning and working environment for the customers and employees of this Council.

So that an employee's legitimate claims for worker's compensation may be expedited, the Board of Directors requires that accidents be reported and evaluated. Any accident that results in an injury, however slight, to a customer, an employee of the Board of Directors, or a visitor to the Council must be reported promptly and in writing to the Executive Director. Injured persons shall be referred immediately to the appropriate personnel for such medical attention as may be appropriate.

The injured employee, visitor, or the staff member responsible for an injured customer shall complete, as soon as possible, a form that includes the date, time, and place of the incident; the names of persons involved; the nature of the injury to the extent that it is known; and a description of all relevant circumstances.

Any employee of the Board of Directors who suffers a job-related injury must report the injury and its circumstances to the job supervisor, as appropriate, as soon as possible following the occurrence of the injury. The failure of an employee to comply with this mandate may result in disciplinary action.

If a staff member sustains a workplace injury while s/he is under the influence of alcohol or a controlled substance not prescribed by his/her physician, s/he may be disqualified for compensation and benefits under the Workers Compensation Act. If the staff member tests positive or refuses to submit to a test for alcohol and/or other drugs after sustaining a workplace injury, the employee may dispute or prove untrue the presumption or belief that alcohol and/or other drugs are the proximate cause of the injury (i.e., rebuttable presumption).

8710 - INSURANCE

The Board of Directors shall purchase with Council funds the type and amount of insurance necessary to protect the Council from major financial losses. Insurance purchased shall include, but need not be limited to, the following:

- A. fire and extended coverage on building contents
- B. comprehensive bodily injury, property damage on automobiles, buses, and trucks
- C. broad term money and securities
- D. special coverage for equipment not ordinarily covered under a standard
- E. employee insurance coverage as specified by Board action
- F. worker's compensation coverage
- G. legal liability for employees

Insurance for a given coverage shall be obtained at the lowest possible cost, assuming that service and company reliability are satisfactory. The Treasurer and Executive Director shall administer the insurance program.

8800 - RELIGIOUS/PATRIOTIC CEREMONIES AND OBSERVANCES

Council staff members shall not use prayer, religious readings, or religious symbols as a devotional **exercise** or in an act of worship or celebration in Council facilities. The Council shall not act as a disseminating agent for any person or outside agency for any religious or anti-religious document, book, or article. Distribution of such materials on Council property by any party shall be in accordance with Policy [7510](#) - Use of Council Facilities.

8900 - ANTI-FRAUD

The Board of Directors expects all its employees to be honest and ethical in their conduct and to refrain from engaging in activities which may be fraudulent, illegal, or otherwise unethical. The Council will not tolerate such activities, and will investigate claims of suspected fraud or fraudulent activity and implement appropriate disciplinary measures, when necessary.

Scope

This policy applies to any fraud, or suspected fraud, involving employees, consultants, vendors, contractors, outside agencies and employees of such agencies, and any other parties having a business relationship with the Council.

Policy

Fraud and fraudulent activity are strictly prohibited.

Each employee or agent of the Council shall be responsible for reporting any observed or suspected fraud or fraudulent activity to his/her immediate supervisor. If the employee's immediate supervisor is not available, responsive, or is the employee whose behavior is in question, the employee may report such information to the Executive Director. If the reported conduct relates to the Executive Director, the report may then be filed directly with the Chair of the Board of Directors.

All administrators shall attempt to investigate and verify any conduct that appears to constitute fraud within the areas of their responsibility.

All reporting and investigation shall be done in accordance with the Council's Whistleblower's AG 1411 (see also AG 4211).

In addition to or instead of filing a written report with the supervisor or other Council authority, the employee may file a report using the Auditor of State's system for reporting fraud in accordance with Ohio law.

Notification

The Council shall provide information about the Ohio fraud-reporting system and the means of reporting fraud to each new employee at the time of his/her employment. Each new employee shall confirm receipt of such information within thirty (30) days of beginning employment.

Fraud – Definitions

"Fraud" is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his/her legal injury. For purposes of this policy, fraud includes the misuse and/or misappropriation of public money by any Board employee member or official, or any office or Department of the Council.

The following are examples of prohibited acts:

- A. Falsification of any Council record (particularly financial records) with the intent to conceal information to the Council's detriment or the individual's advantage
- B. Forgery of a check, bank draft, wire transfer, or any other Council's financial document
- C. Unauthorized alteration of a financial document or account belonging to the Council
- D. Misappropriation of funds, supplies, or other assets of the Council
- E. Impropriety in handling or reporting money or financial transactions
- F. Disclosing confidential and proprietary information to outside parties for personal gain (either directly or indirectly)
- G. Asking for or accepting anything of material value from contractors, vendors, or persons providing services or materials to the Council, except as provided in the Council's gift policies
- H. Unauthorized destruction, removal, or use of records, furniture, fixtures, or equipment for personal gain (either directly or indirectly)
- I. Misuse of State or Federal funds for other than their designated purposes

This list is meant to illustrate the types of activities that are prohibited. It is not comprehensive. Other misconduct of a similar nature is prohibited.

Confidentiality

The Council will maintain confidentiality with regard to the reports of suspected misconduct and the investigation, to the extent consistent with the conduct of an appropriate investigation and its obligations under the Public Records Act. However, absolute confidentiality for reporting witnesses and investigation results cannot be guaranteed.

Except as authorized by the Executive Director or his/her designee, the reporting witness and others interviewed are not to discuss the allegations or investigation with other Council employees or officials, vendors or contractors. Such discussions may interfere with the investigation. Further, because of the nature of the alleged misconduct, unsubstantiated allegations that are not

privileged could harm an innocent individual's reputation and result in potential civil liability.

Non-Retaliation

Those who, in good faith, report suspected fraudulent activity will not be subject to any retaliation as a result of bringing the suspected misconduct forward. They will be subject to protection of the Council's Whistleblower's Policy [1411](#) (see also Policy [4211](#)).

ACCESS Council

9000 - RELATIONS

- 9130 Public Complaints
- 9150 Council Visitors
- 9500 Relations with Institutions and Organizations
- 9555 Partnerships with Business

9130 - PUBLIC COMPLAINTS

Any person or group, having a legitimate interest in the operations of this Council shall have the right to present a request, suggestion, or complaint concerning Council personnel, the program, or the operations of the Council. At the same time, the Board of Directors has a duty to protect its staff from unnecessary harassment. It is the intent of this policy to provide the means for judging each public complaint in a fair and impartial manner and to seek a remedy where appropriate.

It is the desire of the Board to address any issues between the public and the Council by informal, direct discussions among the interested parties. It is only when such informal meetings fail to resolve the differences that more formal procedures will be employed.

Any requests, suggestions, or complaints to the Board of Directors members and the administration shall be referred to the Executive Director for consideration according to the following procedure.

Matters Regarding a Staff Member

A. First Level

If it is a matter specifically directed toward a staff member, the matter must be addressed, initially, to the concerned staff member who will promptly discuss it with the complainant and make every effort to provide a reasoned explanation or take appropriate action within his/her authority.

This level does not apply if the matter involves suspected child abuse, substance abuse, or any other serious allegation which may require investigation or inquiry by Council officials prior to approaching the staff member.

As appropriate, the staff member shall report the matter and whatever action may have been taken to the department supervisor and Executive Director.

B. Second Level

If the matter cannot be satisfactorily resolved at the First Level, it shall be discussed by the complainant with the staff member's supervisor.

C. Third Level

If a satisfactory solution is not achieved by discussion with the department supervisor a written request for a conference shall be submitted to the Executive Director. This request should include:

1. the specific nature of the complaint and a brief statement of the facts giving rise to it;
2. the respect in which it is alleged that the complainant has been affected adversely;
3. the action which the complainant wishes taken and the reasons why it is felt that such action be taken.

Should the matter be resolved in conference with the Executive Director, the Board of Directors shall be advised of the resolution.

D. Fourth Level

Should the matter still not be resolved, or if it is one beyond the Executive Director's authority and requires an Board of Directors decision or action, the complainant shall request, in writing, a meeting by the Board of Directors.

The Board of Directors, after reviewing all material relating to the case, may provide the complainant with its written decision or grant a meeting before the Board of Directors or before a committee of the Board of Directors.

The complainant shall be advised, in writing, of the Board of Directors' decision, no more than thirty (30) business days following the meeting. The Board of Directors' decision will be final on the matter, and it will not provide a meeting to other complainants on the same issue.

If the complainant contacts an individual Board of Directors member to discuss the matter, the Board member shall inform the complainant that s/he has no authority to act in his/her individual capacity and that the complainant must follow the procedure described in this policy.

Matters Regarding the Executive Director

Should the matter be a concern regarding the Executive Director which cannot be resolved through discussion with the Executive Director, the complainant may submit a written request to the Board of Directors Chair for a conference with the Board of Directors. This request shall include:

- A. the specific nature of the complaint and a brief statement of the facts giving rise to it;
- B. the respect in which it is alleged that the complainant has been affected adversely;
- C. the reason that the matter was not able to be resolved with the Executive Director

- D. the action which the complainant wishes taken and the reasons why it is felt that such action should be taken.

The Board of Directors, after reviewing the request, may grant a meeting before the Board of Directors, or a committee of the Board of Directors, or refer the matter, if permitted by state law, to an executive session.

Matters Regarding Council Services or Operations

If the request, suggestion, or complaint relates to a matter of Council procedure or operation, it should be addressed, initially, to the person in charge and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a Staff Member".

Matters Regarding the Council Programs

If the request, suggestion, or complaint relates to a matter of Council programs, it should be addressed, initially, to the Executive Director and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a Staff Member".

9500 - RELATIONS WITH INSTITUTIONS AND ORGANIZATIONS

It is the policy of the Board of Directors that strong lines of communication be maintained by the Council with school districts and with institutions and organizations which provide programs, training, or services not available in the Council.

The Executive Director may explore cooperative ventures with institutions or organizations for the purpose of providing programs which correlate to the Council's programs.

The Executive Director shall keep the Board of Directors advised of any arrangements that would affect the use of Council resources or require any additional resources of the Council. Contracts or agreements will be approved by the Board of Directors.

In order to maintain cordial and constructive relationships with public, private, and parochial schools, the Executive Director shall maintain relationships with the administration of all such schools that enroll in order to; 1) be aware of any program changes that may be planned that could affect the Council; and 2) to cooperate fully in the implementation of all state and federal programs administered by the Council that benefit, in whole or in part, eligible students attending public, private, or parochial schools.

9555 - PARTNERSHIPS WITH BUSINESS

The Board of Directors is aware of the role that education will play in increasing the nation's productivity and future well-being. Ensuring success requires combining talent and resources within the region between business and education. It also recognizes that the Council needs to operate as an integral part of the economic community.

The Board of Directors may seek to establish not only partnerships between the Council and individual companies but also, if possible, consortia involving several companies and/or school districts. The purpose will be to seek opportunities for staff to share in new strategies and

technologies being created in the business world and offer, in exchange, the knowledge and skill of Council personnel in creating more effective continuing education for employees and members of the community. Properly planned and implemented, such partnerships or consortia could have significant impact on the nature and content of the curriculum as well as on the manner in which students are taught to learn.

The Executive Director is authorized to actively seek such partnerships to bring to the Council for consideration and approval.