Ohio Administrative Code

Rule 3358:16-1-04 Executive Limitations.

Effective: June 13, 2015

(A) General executive constraint

The president shall not allow any practice which is in violation of commonly accepted business and professional ethics nor in violation of any applicable state or federal law.

(B) Staff treatment

With respect to treatment of staff, the president may not cause or allow conditions which are unfair or undignified.

Accordingly, she or he may not:

(1) Operate without personnel procedures which clarify personnel rules for staff, provide for effective handling of grievance, and protect against wrongful conditions;

(2) Discriminate against any staff member for expressing an ethical dissent;

(3) Prevent staff from grieving to the board when a) internal grievance procedures have been exhausted, and b) the employee alleges that board and/or administrative policy has been violated to his or her detriment;

(4) Fail to acquaint staff with their rights and under this policy.

(C) Budgeting

Budgeting any fiscal year shall not deviate materially from board strategic goals priorities nor risk fiscal jeopardy.

Accordingly, he or she may not cause or allow budgeting which:

(1) Contains too little information to enable accurate projection of revenues and expenses; does not separate capital and operational items; and does not disclose planning assumptions;

(2) Plans the expenditures within the operating budget in any fiscal year of more funds than resources can be conservatively projected for that period;

(3) Does not contain a board-approved allocation for board prerogatives during the year;

(4) Would force the college into fiscal watch status (Senate Bill 6) without board approval;

(5) Is not derived from long-term planning.

(D) Emergency executive succession

In order to protect the board from loss of presidential services, the president may not have fewer than two executives familiar with board and presidential processes.

The president shall submit a succession plan to the board in writing, which will indicate those individuals who will serve as the primary and secondary contacts in case of temporary absence or sudden loss of presidential services. Such succession plan shall be updated by the president as necessary.

(E) Asset protection

The president may not allow assets to be unprotected, inadequately maintained or unnecessarily risked. Accordingly, he or she may not:

(1) Fail to insure against theft and casualty losses to at least eighty per cent replacement value and against liability losses to board members, staff, or the organization itself in an amount comparable to similar community colleges;

(2) Allow un-bonded or uninsured personnel to handle funds;

(3) Subject maintenance schedules to go un-reviewed at least annually;

(4) Unnecessarily expose the organization, its board or staff to claims of liability;

(5) Invest or hold funds in investments in violation of Ohio law;

(6) Acquire, encumber or dispose of land and/or buildings without board approval;

(7) Purchase goods or services greater than fifty thousand dollars without obtaining at least three quotes or proposals unless the goods and services are single/sole sourced and documented as such;

(8) Allow multiple purchases from the same vendor greater than fifty thousand dollars for a single, related project or pre-identified phases of a project unless the scope of the project changes;

(9) Allow purchases over five thousand dollars without the signature and/or electronic approval of the president, except for book purchases and supplies made by the Colleges auxiliary bookstore operations;

(10) Allow fixed assets of five thousand dollars or state recommended threshold to remain un-capitalized;

(11) Enter into agreements for new construction and/or major renovations and improvements up to fifty thousand dollars without at least three quotes or proposals; or enter into agreements equal to or greater than two hundred thousand dollars per Ohio Revised Code without following the formal competitive bidding process as prescribed by the Ohio Revised Code;

(12) Enter into agreements for new construction and/or major renovations and improvements equal to or greater in aggregate than fifty thousand dollars without board approval.

(13) Enter into agreements for employment settlement claims greater than ten thousand dollars without board approval.

(F) Compensation, benefits, and other employment-related issues

With respect to employment, the president may not cause jeopardy to fiscal integrity. Accordingly, he or she may not:

(1) Change his or her own compensation and benefits;

(2) Promise or imply permanent or guaranteed employment;

(3) Establish current compensation and benefits which:

(a) Deviate materially from the geographic or professional market for the skills;

(b) Create obligations over a longer term than revenues can be safely projected, in no event longer than the board-approved collective bargaining contract;

(4) Establish deferred or long-term compensation and benefits which:

(a) Cause unfunded liabilities to occur or in any way commit the organization to benefits which incur unpredictable future costs;

(b) Provide less than some basic level of benefits to all full-time employees, though differential benefits to encourage longevity in key employees are not prohibited;

(c) Allow any employee to lose benefits already accrued from any foregoing plan;

(5) Allow position descriptions to become out-of-date;

(6) Allow employees to go unevaluated on a routine basis.

(G) Communication and counsel to the board

The president may not permit the board to be uninformed. Accordingly, he or she may not:

(1) Let the board be unaware of relevant trends, anticipated adverse media coverage, information which might have political consequences;

(2) Fail to submit the required monitoring data in a timely, accurate and understandable fashion;

(3) Fail to marshal for the board a variety of staff and external points of view as needed for fully informed board choices.