



Ohio Administrative Code

Rule 3339-13-07 Unclassified administrative staff disciplinary procedures.

Effective: December 6, 2018

(A) Applicability

These procedures apply to all members of the unclassified administrative staff, except those identified in paragraph (F) of this rule. These procedures are applicable in instances when:

- (1) The university seeks to discipline or terminate for cause an unclassified administrative staff member's annual appointment; or
- (2) The university seeks to discipline, terminate, or non-renew for cause an unclassified administrative staff member who holds extended appointment status.

(B) Cause for discipline

Although not all causes for discipline (including termination) can be enumerated, cause includes, but is not limited to the following:

- (1) Failure to perform duties and associated responsibilities in a satisfactory manner.
- (2) Violation of university rules, regulations and/or policies.
- (3) Violation of professional ethics.
- (4) Violation of written directives of the president and/or board of trustees.
- (5) Commission of an illegal act.

(C) Exclusions



The following actions do not entitle the employee to the disciplinary procedures under this policy:

- (1) Written warnings/reprimands.
 - (2) Performance appraisals/evaluations.
 - (3) Merit salary increases (or lack thereof).
 - (4) Failure to promote or appoint to another position.
 - (5) Non-renewals of annual appointments or of extended appointment-eligible positions, i.e., within the first continuous five years in an extended appointment-eligible position.
 - (6) Reassignment to a different position with equivalent salary.
 - (7) Notices of deficiencies and directives for improvement.
 - (8) Change in title or modification of duties or work schedule.
 - (9) Position eliminations.
- (D) Disciplinary procedures

(1) Notice

Disciplinary procedures are initiated by an administrative department head or designee with a written notice of proposed discipline. Discipline includes, but is not limited to, suspension, termination, or non-renewal of an extended appointment. The notice must include the proposed disciplinary action and information in sufficient detail to disclose the reasons for the proposed discipline. The notice will be given to the unclassified administrative staff member, the appropriate vice president or to the president for those units that report to the president, and the appropriate personnel office.

(2) Election of staff member



A member of the unclassified administrative staff who receives a notice of proposed discipline may within five calendar days request in writing either: a hearing or a conference with the appropriate vice president or the president for those units that report to the president.

This election is irrevocable and no other procedure will be available to the unclassified administrative staff member. A written request for a hearing or conference should be directed to the appropriate vice president or to the president for those units that report to the president. If the member of the unclassified administrative staff does not within five calendar days request either a hearing or a conference, disciplinary action may be imposed by the appropriate vice president or the president for those units that report to the president; and no further review or appeal is available.

(3) Hearing procedures

(a) The hearing will be held before the appropriate vice president, or the president for those units that report to the president, or his or her designee (hereinafter referred to as the hearing officer). Note: for disciplinary action arising out of a notice of proposed discipline initiated by a vice president, the president will assign another vice president to either hear the matter or appoint a hearing officer and make the final determination.

(b) The parties to the proceeding will be the employee and the administrative department head that initiated the notice of proposed discipline.

(c) The hearing officer will determine the order of proceedings and other matters pertinent to the conduct of the hearing.

(d) Members of the unclassified administrative staff may be represented, at their own expense, by legal or other counsel. The university may elect to have legal counsel present. The university may make a record of the hearing.

(e) Both parties have the right to submit evidence and cross-examine adverse witnesses. If the hearing officer elects to accept a witness' written statement in lieu of personal appearance, the identity of the witness and the written statement shall be given to the other party, who shall have an opportunity to



respond to the written statement.

(f) Witnesses, other than the employee and the administrative department head or designee, will ordinarily be present only while testifying. Each party is responsible for securing the attendance of witnesses whose testimony will be offered by such party.

(g) If the president or appropriate vice president designates a hearing officer to hear the matter, the hearing officer shall, within fourteen calendar days, issue an advisory recommendation. The president or appropriate vice president will make the final decision.

(4) Conference procedures

(a) If the unclassified administrative staff member elects a conference with the appropriate vice president or president, a conference shall be held between the appropriate vice president or the president, the unclassified administrative staff member, and the administrative department head that initially proposed the disciplinary action.

(b) The university may make a record of the conference. No opportunity to present evidence or cross examine witnesses will be provided.

(c) Unclassified administrative staff members may be accompanied, at their own expense, by legal or other counsel. The university may elect to have legal counsel present.

(d) The appropriate vice president or president will make the final decision.

(E) Interim suspension

An interim suspension may be imposed by the appropriate vice president or the president for those units that report to the president before the disciplinary procedures described in this policy are initiated or resolved.

During an interim suspension, the employee is relieved of all employment responsibilities; the employee may be prohibited from all or any portion of university premises, university-related



activities, or be permitted to remain only under specified conditions prior to the conclusion of the disciplinary process.

An interim suspension will be with compensation until the disciplinary procedures are completed.

(F) Persons not covered by these procedures

These procedures apply to all members of the unclassified administrative staff, except the following:

(1) President of Miami university

(2) Members of the president's executive cabinet (provost and executive vice president for academic affairs, the vice president for finance and business services and treasurer, the vice president for student affairs, the vice president for university advancement, the vice president for information technology, the associate vice president for university communications and marketing, the associate vice president for institutional diversity, the associate vice president for enrollment management, the general counsel, the secretary to the board of trustees and executive assistant to the president, and the director of intercollegiate athletics)

(3) Academic administrators (deans, chairs, regional campus coordinators, tenured members of the faculty serving in an administrative appointment)

(G) General matters

The university is deeply committed to maintaining a disciplinary process that protects the rights of the accuser, the accused, and the institution. The university reserves the right to supplement or alter these disciplinary procedures any time it deems appropriate, with appropriate notice to all parties involved, to protect the constitutional rights of those involved or to comply with state and/or federal law. In particular, the university notes that it may well be necessary to supplement and alter these procedures in cases involving alleged sexual harassment, sexual violence, domestic violence, dating violence, and stalking in order to comply with Title IX and the Violence Against Women Act.