



## Ohio Administrative Code Rule 3344-61-07 Termination of employment.

Effective: July 1, 2015

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(A) The employment of a professional staff member may be terminated by resignation, retirement, removal during introductory period, termination of appointment, layoff, or dismissal.

(1) Resignation. Professional staff members have an obligation to provide the university a written notice of intent to resign. Notice should be given to the immediate supervisor and forwarded to the appropriate administrative officer at least thirty days, or less if mutually agreed upon by the supervisor and the staff member, before termination of service.

(2) Retirement. A professional staff member planning to retire should give written notice of intent to their immediate supervisor at the earliest date possible, but not less than thirty days before termination of service.

(B) Termination of appointment.

(1) Requests for termination of an appointment during an introductory period, accompanied by appropriate documentation, must be approved by the human resources department and the vice president responsible for that division, and may be implemented without prior notice after the approval is received.

(2) Recommendations to terminate all other appointments are to be made to the president or president's designee and shall be accompanied by documentation from the appropriate administrative officers.

(3) If the president or the president's designee concurs with the recommendation(s), the president, or designee, shall direct that a notice of the termination of appointment be sent by regular and certified mail to the professional staff member's home address which is on file with the university. Such notice shall be deposited in the mail no later than the number of days prior to the termination of the professional staff member's appointment as described in the table set forth in paragraph (B)(5) of this



rule. It is the professional staff member's responsibility to regularly update the university with address change information.

(4) The professional staff member in the second year or more of professional service at the university is entitled to be apprised of the reasons for termination of appointment in writing and may request a review of the decision through the complaint resolution procedure, as provided in rule 3344-61-08 of the Administrative Code.

(5) Termination notice.

The amount of notice received will be based upon continuous years of university service since the last date of hire.

Post introductory period to three years	Four weeks
Four to six years	Six weeks
Seven to ten years	Eight weeks
Eleven to fourteen years	Ten weeks
Fifteen or more years	Twelve weeks

(C) Exceptions. The provisions of this section are not afforded to the categories of personnel listed below. Those employees may be terminated with legal reason, at any time and without reference to the notice periods set forth in paragraph (B)(5) of this rule:

- (1) Staff members serving an introductory period;
- (2) Staff members hired into funds-available positions; and
- (3) Staff members hired into temporary positions.

(D) Layoff.

Termination of professional staff members prior to, during, or at the end of an appointment period may occur because of a financial emergency or because of reorganization or position elimination.



Such a termination of appointment shall be designated a layoff.

(1) Layoff due to financial emergency. Layoff of a professional staff member may occur, when deemed necessary by the president or designee, due to a financial emergency as declared by the board of trustees. Upon occurrence of the layoff, the individual's termination document shall designate that the layoff was due to financial emergency.

(2) Layoff due to reorganization or position elimination. Layoff of professional staff members at the university may occur when reorganization is deemed necessary due to a budget or program decision requiring program discontinuance, curtailment, or redirection. Position elimination occurs due to budgetary constraints or when, in the university's discretion, the position is no longer required. Such positions may not be backfilled.

(3) Reorganization or position elimination must be reviewed by the department of human resources and approved by the president or designee. Upon occurrence of the layoff, the staff member's termination document shall designate the reason of either reorganization or position elimination.

(4) Professional staff member laid off due to financial emergency or reorganization shall be accorded the following rights and privileges:

(a) The unit head must provide documentation to justify the layoff of the professional staff member(s) under this section. Such documentation must be forwarded to the appropriate vice president or the provost for approval to proceed, and a copy must be sent to the attention of the assistant vice president of human resources. If the release is initiated at the vice president or the provost level, all appropriate documents shall be forwarded to the president or designee for approval to proceed. The staff shall be notified in writing of the decision to effectuate the release. Such notice will be provided.

(b) Staff members who are laid off pursuant to this section may review the listing of all current university job openings to attempt to secure alternative appointments within the university. Affected staff members must meet the qualifications of the open positions for which they apply.

(c) If, within a period of eighteen months from the date of the layoff of a professional staff member,



the president or designee, determines that the professional staff member's position should be reopened, within the same department, title and grade, then re-appointment shall first be offered to the laid off staff member. The offer shall be sent to the last known mailing address of the staff member, who shall have a reasonable time, not to exceed fifteen days from the date that the letter is mailed, within which to accept or decline the offer of re-appointment.

(d) The staff member being laid off shall be entitled to a hearing in accordance with the procedures provided in rule 3344-61-08 of the Administrative Code, complaint resolution procedures, if the staff member requests such a hearing. Such a hearing may occur subsequent to layoff.

(E) Dismissal. Professional staff may be dismissed for performance or conduct deficiencies, including, but not limited to the following:

(1) Unsatisfactory performance;

(2) Neglect of assigned duties and responsibilities;

(3) Violation of recognized standards of professional conduct or performance;

(4) Personal conduct that impedes the individual's proper fulfillment of assigned duties and responsibilities;

(5) Personal conduct that violates state or federal law including, but not limited to:

(a) The use of illegal substances or abuse of prescribed medications.

(b) Possession of illegal substances, the illegal possession of drugs and medication for the purpose of the sale of those substances or drugs.

(c) Sexual, ethnic, racial, or religious harassment, or any other harassment prohibited by law.

(d) Personal conduct that interferes with the operations of the university;



- (e) Conviction of a crime as defined in section 2901.01 of the Revised Code, or a substantially equivalent offense under a municipal ordinance, which is committed on or affects persons or property of the university.
  - (f) Conviction of an infraction or crime which affects persons or property on the university campus, or any other infraction or crime that adversely affects performance of job duties and responsibilities.
  - (g) Concealing, falsifying, altering or removing university records, including electronic data records.
  - (h) Viewing, recording, copying, or otherwise using university records for which the individual does not have a business purpose to do so.
  - (i) Producing fraudulent or falsified credentials.
- (6) After consultation with the department of human resources, recommendations for dismissal shall be sent by the unit head to the appropriate vice president or the provost, along with the appropriate documentation. Such recommendation shall be forwarded to the president for approval to proceed.
- (7) If the dismissal is initiated at the vice president or the provost level, after consultation with the assistant vice president of human resources, all appropriate documents shall be forwarded to the president or designee for approval to proceed.
- (F) Procedures for initiation and notification of dismissal of professional staff members.

If the recommendation to dismiss a professional staff member is accepted, written notification of dismissal must be sent by the president, or designee, to the professional staff member by certified and regular mail. Such notice shall indicate a date of discharge, not less than ten working days from the date of mailing. Professional staff members who are dismissed for cause are not entitled to the notice provisions of paragraph (B)(5) of this rule.

(1) The professional staff member may request a timely pre-dismissal hearing by providing written notification to the department of human resources. Such hearing shall be convened by the department of human resources and held within the ten day period. The hearing shall be held pursuant to the



complaint resolution procedure set forth in paragraphs (G)(2)(c) and (G)(2)(d) of rule 3344-61-08 of the Administrative Code. In any disciplinary matter where the charge is sexual discrimination or harassment of a student, or a claim of sexual violence that occurs on or near campus, the complainant will receive notice of hearings and meetings and outcomes at the same time as the employee receives such notices, and the complainant may attend hearings and meetings with one support person.

(2) If dismissal is effectuated, the dismissal shall be effective as specified on the notice of dismissal.

(3) The staff member may request an appeal of the action within ten working days from the date of dismissal.

(4) Information pertaining to professional staff members arrested for certain offenses can be found in rule 3344-61-16 of the Administrative Code.