



3344-11-06 Sanction and dismissal procedures (non-bargaining unit members only).

(A) Sanction procedures.

If the chief academic officer of the university believes that the conduct of a faculty member, although not constituting adequate cause for dismissal, is sufficient to justify sanction short of dismissal, such as suspension of service for a stated period or a formal letter of reprimand in a permanent file, then the chief academic officer may initiate a procedure to impose such a sanction.

(1) Sanction of a faculty member for just cause shall occur only because of:

(a) Demonstrated incompetence or dishonesty in teaching or scholarship; or

(b) Manifest neglect of duty; or

(c) Personal conduct that substantially impairs the individual's fulfillment of their institutional responsibilities (see rule 3344-11-14 of the Administrative Code), including but not limited to drug or alcohol abuse; trafficking in illegal drugs; and sexual, ethnic, racial, or religious harassment.

(2) The procedure is to be initiated by the chief academic officer. The faculty member shall receive a written statement of cause and efforts shall be made toward informal resolution of the problem. Should informal efforts be unsuccessful, or should a sanction be sought, the university faculty affairs committee shall be consulted. The faculty member shall be provided an opportunity within ten days for an informal hearing before the

- (3) At any time prior to the final resolution of the matter, the chief academic officer may temporarily relieve an accused faculty member of all academic responsibilities if the chief academic officer deems this action to be necessary in an emergency to prevent immediate harm to the faculty member or others at the university. However, the chief academic officer shall communicate this decision in writing to the university faculty affairs committee as soon as

upon conviction, automatic dismissal (see rule 3344-11-16
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within twenty days after the formal request for a hearing is made.

- (5) Upon receipt of the request for a formal hearing, the chief academic officer shall initiate the formal hearing process. Such process shall be as follows:
 - (a) The chief academic officer shall advise the president of the faculty senate of the request for a formal hearing.
 - (b) The faculty senate academic steering committee, pursuant to senate by-laws and rules, shall designate a member of the faculty senate to participate as a member of a tripartite hearing panel.
 - (c) The chief academic officer shall also appoint an administrator with tenured faculty status to the hearing panel to represent the office of academic affairs (hereinafter, "administration").
 - (d) The panel members designated by the faculty senate and the chief academic officer shall jointly contact the federal mediation and conciliation service, who shall appoint an impartial hearing officer who shall act as the chair of a tripartite hearing panel to hear the matter.
- (6) A hearing shall be commenced within thirty days of receipt of the request for a formal hearing. The hearing shall be conducted pursuant to the applicable provisions of the Revised Code and Administrative Code applicable to agency hearings. Notwithstanding any provision of law or rule, during the proceedings, the faculty member shall be permitted to have an academic adviser and counsel of the faculty member's choice.
- (7) A certified record of the hearing or hearings shall be taken by an official stenographer. A tape of the hearing or hearings shall be made available to the faculty member without cost to the faculty member, at the faculty member's

request. If a transcript is required, the cost of such a transcript shall be borne by the university.

- (8) The university bears the burden of proof by a preponderance of the evidence that cause exists to dismiss the faculty member.
- (9) The hearing shall be held on a continuing basis. Adjournments shall be granted by the hearing panel for good cause.
- (10) The faculty member shall

- (16) The panel shall issue its decision within thirty days of the close of the hearing. The panel may affirm, disaffirm, or modify the discharge. The panel shall forward its decision to the university president.
- (17) Upon receipt of the decision, the university president shall:
 - (a) Make the final determination based on the report, pursuant to the powers delegated to the president by the board of trustees and shall
 - (b) Forward the determination to the board of trustees for its ratification.
- (D) Dismissal based upon financial exigency or academic reorganization.

Whenever the president has reason to believe that the university faces a situation of bona fide financial exigency requiring the dismissal of faculty or that justification exists for the discontinuance of a program or department of instruction necessitating the termination of regularly appointed faculty members, the president shall consult with the university personnel committee and obtain its advice and counsel before recommending such action to the board of trustees. The university personnel committee

good faith and verifiable effort to place affected faculty members in other

the examinations secured by the administration and the faculty member, a third opinion shall be secured from an

Policy Name: Sanction and dismissal procedures
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Policy Number: 3344-11-06
Board Approved: 3/25/2014
Effective: 4/20/2014
Replaces: 3344-11-04
Prior effective dates: 11/10/1989, 7/15/2009.