

3344-61-04 Termination of employment.

- (A) The employment of a professional staff employee may terminate through resignation, retirement, non-renewal, layoff, or dismissal for just cause.
- (B) Resignation. Professional staff 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 employee, before voluntary termination of service.
- (C) Retirement. There is no mandatory age for 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.
- (D) Non-Renewal. Procedures for initiation and notification for non-renewal of regular base-funded appointments.
 - (1) Employees hired into funds-available and temporary positions are not eligible to be treated according to the provisions of this rule.
 - (2) Recommendation for non-renewal of a regular base-funded appointment of a full- or part-time professional staff member can be initiated by any of the staff member's supervisors or superiors.
 - (3) Recommendations for non-renewal shall be made to the president and shall be accompanied by documentation of support or lack of support from the appropriate administrative officers.
 - (4) Such recommendations shall be sent to the president on or before the following dates:
 - (a) March first for a professional staff member holding a first contract of professional service at the university for nonrenewal of the contract.

- (b) January first for a professional staff member holding a second or subsequent contract of professional service at the university for non-renewal of the contract.
 - (c) By December first for an intercollegiate coach holding a coaching season contract for the fall season.
 - (d) By April first for an intercollegiate coach holding a coaching season contract for the winter season.
 - (e) By June first for an intercollegiate coach holding a coaching season contract for the spring season.
- (5) If the president concurs with the recommendation(s) of nonrenewal, the president shall direct that a notice of non-renewal 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 within one month of the dates above (by April first, February first). It is the professional staff member's responsibility to regularly update the university with address change information.
- (6) The professional staff member holding a second or subsequent contract of professional service at the university is entitled to be apprised of the reasons for non-renewal and may request a review of the decision through the grievance procedures as provided in rule 3344-61-05 of the Administrative Code.
- (7) If a notice of non-renewal is not sent by the dates provided in paragraph (D) (5) of this rule, the professional staff member shall receive an additional contract of at least six months duration except as otherwise provided by paragraphs (E) and (F) of this rule or Ohio law.
- (E) Layoff. Termination of professional staff employees prior to, during, or at the end of an appointment period may occur because

of a financial emergency or because of reorganization. Such a termination of appointment shall be designated a layoff.

- (1) Layoff due to financial emergency. Layoff of a professional staff employee may occur when deemed necessary by the president due to a financial emergency as declared by the board of trustees. Upon occurrence of the layoff, the individual's personnel file shall designate that the layoff was due to financial emergency.
- (2) Layoff due to reorganization. Layoff of professional staff employees at the university may occur when a reorganization is deemed necessary due to a budget or program decision requiring program discontinuance, curtailment, or redirection, and when such a reorganization plan is approved by the president. Upon occurrence of the layoff, the individual's personnel file shall designate that the layoff was due to reorganization.
- (3) A professional staff employee laid off due to financial emergency or reorganization shall be accorded the following rights and privileges:
 - (a) The unit head shall provide documentation to justify the layoff of the professional staff member(s) under this section. Such documentation shall be forwarded to the appropriate vice president or the provost for approval to proceed, and a copy shall be sent to the attention of the vice president for human resources development and labor relations. If the release is initiated at the vice president or the provost level, all appropriate documents shall be forwarded to the president for approval to proceed. The individual shall be notified in writing of the decision to effectuate his or her release. Such notice shall be provided as far in advance of the release date as possible.
 - (b) The department of human resources development and labor relations shall make a reasonable effort to secure alternative appointments within the

university in open positions for which the affected individual is qualified under existing criteria.

- (c) If, within a period of eighteen months from the date of the layoff of a professional staff employee, the president determines that the professional staff employee's position should be reopened, then re-appointment shall first be offered to the laid off employee. The offer shall be sent to the last known mailing address of the employee and he or she shall have a reasonable time, not to exceed fifteen days, within which to accept or decline the offer of reappointment.
- (d) The individual being laid off shall be entitled to a hearing in accordance with the procedures provided in rule 3344-61-05 of the Administrative Code. Such a hearing may occur subsequent to layoff, if emergency circumstances preclude a prior hearing.

(F) Dismissal.

- (1) Dismissal for just cause. Professional staff may be dismissed for just cause. Just cause shall include, but not be limited to, items a-i below:
 - (a) Unsatisfactory performance or neglect of assigned duties and responsibilities.
 - (b) Violation of recognized standards of professional conduct and performance.
 - (c) Personal conduct that impairs the individual's proper fulfillment of assigned duties and responsibilities.
 - (d) Personal conduct that violates state or federal law, including but not limited to drug and alcohol abuse, trafficking in illegal drugs, sexual, ethnic, racial or religious harassment or any other harassment prohibited by law.

- (e) Personal conduct that impairs the employer's pursuit of its goals or mission.
 - (f) Interfering with the normal operations of the university.
 - (g) Conviction of a crime of violence as defined in division (i)(1) of section 2901.01 of the Revised Code, or a substantially equivalent offense under municipal ordinance, which is committed on or affects persons or property on the university's campus, or any other crime that adversely affects performance of job duties and responsibilities.
 - (h) Concealing, falsifying, altering, misusing or removing records, including electronic data records.
 - (i) Engaging in a demonstration or protest on university property in violation of law or of the university's policy on demonstrations.
- (2) Fraudulent credentials.
- (a) Recommendations for dismissal for causes listed in paragraph (F)(1) of this rule shall be sent by the unit head to the appropriate vice president or the provost with the appropriate documentation attached. Such documentation shall be forwarded to the appropriate vice president or the provost for approval to proceed and a copy shall be sent to the office of the vice president for human resources development and labor relations. If the dismissal is initiated at the vice president or the provost level, all appropriate documents shall be forwarded to the president with a copy to the vice president for human resources development and labor relations for approval to proceed.
 - (b) Procedures for initiation and notification of dismissal of professional staff employees. If the president accepts the recommendation for dismissal,

written notification of dismissal shall be sent by the president to the professional staff member by registered and regular mail. Dismissal shall not occur until the professional staff employee has been given ten working days' notice to request an appeal hearing by the president or assigned designee.

Policy Name: Termination of Employment
Policy Number: 3344-61-04
Board Approved: 5/20/2005
Effective: 8/8/2005
Prior effective dates: 11/4/1977, 7/17/1996