



Ohio Administrative Code

Rule 3335-5-02.3 Appeal procedures for tenured faculty because of termination of appointments during financial exigency.

Effective: May 23, 1999

(A) Scope and construction

(1) A tenured faculty member who has received a notice of termination because of financial exigency shall have the right to a hearing before a faculty hearing panel.

(2) The responsibility for presenting the formal appeal and for responding to the hearing panel's requirements at all stages rests with the faculty member bringing the complaint ("the complainant").

(3) The determination of financial exigency or the decision to eliminate a tenure initiating unit shall not constitute grounds for an appeal.

(4) An appeal may be made only on the basis of a complaint over the interpretation or implementation of paragraphs (B) to (D) of rule 3335-5-02.2 of the Administrative Code. In considering complaints over implementation of the aforementioned rules, the hearing panel shall consider only whether those individuals making the decisions followed the appropriate procedures and considered the important evidence material to a fair determination.

(B) The faculty hearing committee.

(1) Written notice of intention to appeal shall be given by the complainant within thirty days of the receipt of a termination notice. An additional thirty days will be allowed for the complainant to submit the formal appeal. The notice of intention to appeal and the formal appeal will be submitted to the executive vice president and provost and to the chair of the faculty hearing committee,

(2) In response to each notice of intention to appeal, the faculty hearing committee shall select a hearing panel of tenured faculty members according to the provisions of rule 3335-5-48.10 of the Administrative Code. The hearing panel shall begin its review of the case not earlier than thirty days and no later than sixty days from receipt of the notice of intention to appeal, except by mutual



consent of the complainant and the chair of the faculty hearing committee.

(3) The hearing panel shall conduct an investigatory proceeding in accordance with the following provisions:

(a) The proceeding shall not be adversarial in nature. The proceeding shall be an investigation leading to a report on whether or not those individuals making the decision followed the appropriate procedures and considered the important evidence material to a fair determination.

(b) The complainant shall have the right to be present at any hearing before the panel where testimony is taken concerning the complainant's case and to bring an adviser. No formal transcript of the hearing need be made unless requested by the complainant.

(c) The complainant shall state the case in writing and shall have the opportunity to present the case in person to the hearing panel and to offer any evidence in support of the claim.

(d) The person or persons responsible for the decision may be called upon by the hearing panel to demonstrate that the important and material evidence was considered.

(4) At the conclusion of the hearing, the hearing panel shall either dismiss the complaint or support the complaint. In either case, the panel shall record its findings in writing, providing specific responses to each charge made by the complainant, summarizing the evidence and rationale which led the panel to its decision. These findings shall be reported to the administrative officer of the tenure initiating unit, to the dean of the college in which the complainant is a member, to the executive vice president and provost, and to the complainant.

(5) The hearing panel shall recommend to the executive vice president and provost and to the president either that the complaint be dismissed or that corrective action be taken.

(6) Within thirty days of the receipt of the panel's decision, the executive vice president and provost shall respond in writing to the hearing panel and to the complainant stating what action has been recommended and the reasons therefore.



(7) All written documents and recorded testimony obtained by the hearing panel shall be made available to the complainant upon request.

(C) The president

(1) After receipt of the hearing panel's recommendations under paragraph (B)(5) of this rule, and the executive vice president and provost's recommendations under paragraph (B)(6) of this rule, the president shall review the matter and take whatever action is deemed appropriate.

(2) All decisions of the president under this procedure shall be provided in writing to the hearing panel, the executive vice president and provost, and the complainant.