



Ohio Administrative Code

Rule 3344-62-08 Dismissal.

Effective: May 28, 1982

Dismissal is an action that results in the ending of university employment of a librarian. It is clearly differentiated from layoff described in rule 3344-62-05 of the Administrative Code.

(A) For bargaining unit librarians:

Bargaining unit librarians are covered by articles eight and nine of the CSU/SEIU, district 1199 agreement. There is also a probationary period, article ten, for bargaining unit librarians.

(B) For administrative librarians:

Dismissal of an administrative librarian may be effected only according to procedures set forth in paragraph (B)(2) of this rule and only for reasons set forth in paragraph (B)(1) of this rule or a relevant provision of the Revised Code.

(1) Causes of dismissal based on charges

(a) Professional incompetence

(b) Substantial, willful and persistent neglect, without justification or excuse, of an essential institutional duty, validly prescribed by the university

(c) Conviction of a crime involving moral turpitude

(d) Proscribed behavior under paragraph (A)(1) of rule 3344-62-06 of the Administrative Code

(e) Fraudulent credentials

(2) Dismissal procedures



- (a) Dismissal procedures against a librarian shall be initiated by notification by registered mail of intent to dismiss with supporting reasons sent to the librarian by the university president's delegate, hereinafter, referred to as the administration.
- (b) The affected librarian shall have the right to appeal the intended dismissal before a formal hearing committee. The committee for this appeal shall be the librarian review committee (LRC) that shall be created in the event that a case arises. Such a request for appeal shall be made in writing to the administration by the affected librarian within ten working days after notification of intent to dismiss.
- (c) If the librarian does request a hearing, the librarian shall respond to the reasons stated for the intended dismissal in writing within ten working days after making the request for the hearing or the right to a hearing is waived.
- (d) If the librarian does request a hearing, the LRC, in consultation with the administration and the librarian, will exercise its judgment as to whether the hearing should be public or private.
- (e) During the proceedings the librarian shall be permitted to have an adviser of the librarian's own choice.
- (f) The burden of proof that adequate cause exists rests with the university and shall be satisfied by a preponderance of the evidence in the record considered as a whole.
- (g) The LRC may grant adjournments to enable either party to investigate evidence to which a valid claim of surprise is made.
- (h) The LRC shall have access to all documentation and witnesses that will be of benefit to it in formulating its recommendation.
- (i) The librarian will be afforded the opportunity to obtain necessary witnesses and documentary or other evidence, and the administration will, insofar as it is possible with due regard for confidentiality and privileged information, secure the cooperation of such witnesses and make available necessary documents and other evidence within its control.



(j) The librarian and the administration shall have the right to confront and cross-examine all witnesses insofar as possible. Where a witness cannot or will not appear, and the LRC determines that the interests of justice require admission of the witnesses statement, the committee will identify the witness and disclose the witnesses statement.

(k) In the hearing of an appeal of intended dismissal for professional incompetence, the testimony may include that of qualified librarians from the university or other libraries.

(l) The LRC will not be bound by the jury trial rules of evidence and may admit any evidence that is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.

(m) The LRC's findings of fact and decision shall be based solely on the hearing record.

(n) Except for such simple announcements as may be required covering the time of the hearing and similar matters, public statements and publicity about the case by either the librarian or the administration will be avoided as far as possible until the proceedings have been completed.

(o) The administration and the librarian shall be notified of the decision in writing.

(p) If the LRC concludes that adequate cause for dismissal has not been established by the evidence in the record, it will so report to the administration. If the LRC concludes that dismissal is not appropriate in a particular case, it may recommend a lesser penalty to the administration with supporting reasons. If the administration rejects the report, it will state the reasons for doing so, in writing, to the LRC and to the librarian and provide an opportunity for response.

(q) Until the final decision upon dismissal has been reached, the librarian may be suspended or assigned to other duties in lieu of suspension, if no immediate harm to the librarian or others is threatened by the continuance of service, and the librarian is able to render effective service during the duration of the proceedings. Salary will continue during a period of suspension.