



## Brief on Reporting Arrests Policy

**Goal for Faculty Assembly:** *To send the Reporting Arrests Policy back to University Senate for reconsideration. Today is not about repealing/revising the policy. It's to raise concerns and vote the policy back.*

### Concerns to Raise

**Workplace atmosphere:** If safety is our goal, reactionary and burdensome risk-avoidance strategies are counterproductive. Let's create a culture of care, not a culture of fear in which we can't be trusted to report unless we're threatened with losing our jobs.

**Risk of termination:**

- AAUP assumes and hopes that the policy was not designed specifically to make firing faculty easier, but in fact that is what it will do. If the university wants to fire someone, but doesn't have sufficient grounds, the policy gives it a legitimate excuse to fire them just for not reporting an incident within the three-day window. If the Reporting Arrests policy stands, employees should preserve evidence of reporting in case they are asked for it later.
- Tenured faculty have an extra layer of protection against unfair termination: mediation or a hearing by the Faculty Rights & Responsibilities Committee (R&R). But R&R's recommendations must align with policy even if it is unfair, so offers little protection here.
- While tenured faculty recommended for termination are able to call for mediation or a hearing with Faculty Rights and Responsibilities, R&R does not have real power to change outcomes. When it disagrees with the administration, R&R tends to be ignored.

**Shared governance:** The Reporting Arrests policy was inappropriately presented to Senate on Consent Calendar. Consent Calendar is a time-saving method for dealing, in a single motion and with a single vote, with routine, non-controversial items. When an obviously important item like the Reporting Arrests policy appears on it, the calendar is being misused.

**Unnecessary:**

- Numerous reporting expectations already exist under University conduct policies and are more than sufficient to enable the University to carry out its legitimate protective responsibilities. See the long list on the [miamiaaup.org](http://miamiaaup.org) home page.
- The university also already expects faculty to report when they know of criminal behavior by others at Miami, and it may already fire faculty who have committed crimes (see Termination of Appointment for Cause in Policy Library). The new policy simply gives the university more leverage in disciplining faculty before they have been convicted of any crime, and extraordinary power to discipline and fire faculty simply for failing to report on their colleagues within a three-day window.

*Risk of relying on biased policing:* Because people who are Black or brown encounter significant bias in the criminal justice system, they are likely to be more vulnerable than other employees to being disciplined or terminated under the policy.

*Inappropriate pressure:*

- Even family members are required to become informants under the policy.
- What if you've been sexually assaulted by a fellow employee and you fail to report within the three-day window? Likely you won't get fired, but under the policy you could be, and that sort of threat is the last thing you need to worry about when surviving sexual assault.

*Overreach:*

- The policy is part of a pattern of recent decisions (mandatory Title IX reporting, the iboga case, etc.) that appear to place liability and risk reduction above all other values at the expense of faculty.
- The policy allows a single office (General Counsel) to evaluate cases and make recommendations potentially destructive to faculty and staff careers—evaluations based not on established, objective facts, but on subjective and potentially discriminatory judgments made before relevant facts can be established.
- The policy goes far beyond Ohio Law (see Ohio Revised Code 2921.22):
  - Ohio law says that no person knowing of a felony having been committed will fail to report it to law enforcement. The new policy requires reporting to General Counsel, not law enforcement.
  - The new policy does not include any of the caveats listed as reasons why a person could legally not report (incriminating a member of the reporter's immediate family, revealing a news source, etc.)—implying that, unlike under Ohio law, there are no circumstances under which a person could avoid reporting without risking being fired.
  - The policy requires reporting of involvement with law enforcement regardless of whether the person has actually engaged in criminal conduct or has been convicted, and permits discipline (suspension) when no guilt has been established.
  - The discipline that can result from breaking the new policy has nothing to do with failing to report to law enforcement. A person can get fired simply for not reporting within three days to the university lawyer. Failing to report to the university lawyer is not a breach of Ohio law.

***If the administration says **Bad Thing X** will not happen, is it because the policy won't allow it, or because "trust us"?***