REPORTING ARRESTS

Miami University faculty and staff occupy a unique position of trust within the University community. The University is committed to maintaining a safe and secure living, learning and working environment for its faculty, staff and students.

Employees are required to report any formal police report, arrest, charge or indictment for alleged criminal conduct (as defined below) to the Office of General Counsel, within 3 working days of the police report, their arrest, charge or indictment. Employees are also required to report when they have knowledge of a formal police report, arrest, charge or indictment of a faculty or staff member for alleged criminal conduct.

Alleged Criminal Conduct
Alleged Criminal Conduct is defined as any formal police report, arrest, charge or indictment for:

1. An Offense of Violence- as defined by Ohio Revised Code 2901.01(A)(9)(a) or any equivalent offense under another states’ code or federal law. (link to list of “1219” offenses)
2. A felony drug, fraud or theft offense
3. Conspiracy or attempt to commit or complicity in committing any offense of violence or felony drug, fraud or theft arrest.
4. Any criminal offense that is grounds for certificate or licensure revocation when such certificate/license is a requirement for the position held by the employee.

Knowledge means those employees who are:

1. An individual arrested for or a witness to the alleged criminal conduct;
2. A witness to the report to police, arrest, charge or indictment of the accused person(s) for alleged criminal conduct;
3. The victim of the alleged criminal conduct
4. Informed of the alleged criminal conduct by the accused person(s); or
5. Informed of the alleged criminal conduct by some other official means (e.g. court docket)

Evaluation Process
No presumption of guilt will be made solely on the basis of a police report, arrest, charge or indictment of a University employee for alleged criminal conduct. However, the University has a legitimate interest in evaluating the known facts underpinning a police report, arrest, charge or indictment for alleged criminal conduct.

The report to police, arrest, charge or indictment of an employee for alleged criminal conduct- whether for conduct that occurred on or off campus – will result in an evaluation of all known factors involved,
including: the employee’s previous disciplinary and/or criminal conduct history; whether or not the employee’s action was work-related; the nature and severity of the act; whether the employee poses an unreasonable risk to the safety of employees, students or visitors; whether the alleged conduct would be inconsistent with the duties of the employee’s position or the employee’s access to University resources or property; or any resulting circumstances that adversely affect the employees’ attendance or ability to effectively perform the duties of the employee’s position.

Following the evaluation, the Office of General Counsel will make a written recommendation to the divisional Vice President or President, as appropriate, as to whether the employee should be suspended pending an investigation and any ensuing University disciplinary action. Any suspension or ensuing disciplinary action must be taken in accordance with University policy.

Failure to Report
Any failure to timely report an arrest, charge or indictment as required by this Policy will result in disciplinary action, up to and including termination.

Offenses of Violence

The Ohio Revised Code enumerates the following offenses of violence:

2903.01 – Aggravated Murder
2903.02 – Murder
2903.03 – Voluntary Manslaughter
2903.04 – Involuntary Manslaughter
2903.11 – Felonious Assault
2903.12 – Aggravated Assault
2903.13 – Assault
2903.15 – Permitting Child Abuse
2903.21 – Aggravated Menacing
2903.211 – Menacing by Stalking
2903.22 – Menacing
2905.01 – Kidnapping
2905.01 – Abduction
2905.11 – Extortion
2907.02 – Rape
2907.03 – Sexual Battery
2907.05 – Gross Sexual Imposition
2909.02 – Aggravated Arson
2909.03 – Arson
2909.24 – Terrorism
2911.01 – Aggravated Robbery
2911.02 – Robbery
2911.11 – Aggravated Burglary
2917.01 – Inciting to Violence
2917.03 – Aggravated Riot
2917.03 – Riot
2917.31 – Inducing Panic
2919.25 – Domestic Violence
2919.25 – Intimidation
2921.04 – Intimidation of Crime Victim or Witness
2921.34 – Escape
2923.161 – Improperly Discharging Firearm at or into Habitation or School Safety Zone
Division (A)(1), (2), or (3) of Section 2911.12 – Burglary
Division (B)(1), (2), (3), or (4) of Section 2919.22 of the Revised Code – Endangering Children