

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*

