

3344-11-16 Attachment D to Chapter 3344-11 of the Administrative Code

- (A) All faculty should be aware of the laws of the state of Ohio governing their conduct as it relates to their employment status. Sections 3345.22 and 3345.23 of the Revised Code state:
- (B) Section 3345.22 of the Revised Code College student or staff member arrested for certain offenses to be afforded a hearing, suspension, or appeal.
 - (1) A student, faculty or staff member, or employee of a college or university that receives any state funds in support thereof, arrested for any offense covered by division (D) of section 3345.23 of the Revised Code shall be afforded a hearing as provided in this rule, to determine whether the person shall be immediately suspended from such college or university. Such hearing shall be held within not more than five days after the person's arrest, subject to reasonable continuances for good cause shown, which continuances shall not exceed a total of ten days.
 - (2) The arresting authority shall immediately notify the president of the college or university of the arrest of a student, faculty or staff member, or employee of such college or university for any offense covered by division (D) of section 3345.23 of the Revised Code. The hearing to determine whether the person shall be immediately suspended shall be held in the county where the college or university is located, before a referee appointed by the board of regents. Such referee shall be an attorney admitted to the practice of law in Ohio, but shall not be attorney for, or a faculty or staff member or employee of, any college or university. Immediate notice of time and place of such hearing shall be given or sent to such person.
 - (3) The referee may administer oaths, issue subpoenas to compel the attendance of witnesses and the production of evidence, and enforce such subpoenas, as well as preserve the order and decorum of the proceedings by means of contempt proceedings in the court of common pleas as provide by law.

- (4) The hearing shall be adversary in nature and shall be conducted fairly and impartially, but the formalities of the criminal process are not required. A person whose suspension is being considered has the right to be represented by counsel, but counsel need not be furnished for the person. Such person also has the right to cross-examine witnesses against the person, to testify, and to present the testimony of witnesses and other evidence in the person's behalf. In the absence of a waiver of the right against compulsory self-incrimination, the testimony of a person whose suspension is being considered, given at such hearing, shall not subsequently be used in any criminal proceeding against the person. The referee may require the separation of witnesses, and may bar from the proceedings any person whose presence is not essential to such proceedings, except that members of the news media shall not be barred from such proceedings.
- (5) Upon hearing, if the referee finds by a preponderance of the evidence that the person whose suspension is being considered committed any offense covered by division (D) of section 3345.23 of the Revised Code, the referee shall order the person suspended, except that when the good order and discipline of a college or university will not be prejudiced or compromised thereby, the referee may permit the person to return to the college or university on terms of strict disciplinary probation. Subsequent violation of the terms of the probation automatically effects a suspension. A person suspended under this rule may be readmitted pursuant to division (A) of section 3345.23 of the Revised Code. A suspension under this rule shall have effect until the person is acquitted or convicted in a criminal proceeding.

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reinstated and the record of the suspension expunged from the college or university record.

- (7) An order of a referee pursuant to this rule may be appealed on questions of law and fact to the court of common pleas of the county in which the college or university is located, within twenty days after the date of the order. If the court to which such appeal is taken determines that the good order and discipline of a college or university is not be prejudiced thereby, it may permit the person suspended to return to the college or university on terms of strict disciplinary probation.
- (8) A person afforded a hearing pursuant to this rule who does not appear at the hearing shall be declared suspended by the hearing office, (1970 H 1219, effective 9/16/1970.)
- (C) Section 3345.23 of the Revised Code dismissal of convicted student, faculty or staff member or employee reinstatement.
- (1) The conviction of a student, faculty or staff member, or employee of a college or university that receives any state funds in support thereof, of any offense covered by paragraph (D) of this rule automatically effects dismissal
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- (5) If a final judicial determination results in an acquittal, or if the conviction is reversed on appeal, the student, faculty or staff member, or employee shall be reinstated and the college or university shall expunge the record ~~to be~~ student, faculty or staff member, or employee a dismissal from the college or university records, and the dismissal shall be deemed never to have occurred.

- (D) Offenses of violence referred to in division ~~(D)~~ of section 3345.23 of the Revised Code ~~are~~ as follows:

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| 2903.01 | Aggravated murder | 2909.03 | Arson |
| 2903.02 | Murder | 2909.04 | Disrupting public service |
| 2903.03 | Voluntary manslaughter | 2911.01 | Aggravated robbery |
| 2903.11 | Felonious assault | 2911.02 | Robbery |
| 2903.12 | Aggravated assault | 2911.11 | Aggravated burglary |
| 2903.13 | Assault | 2911.12 | Burglary |
| 2903.15 | Permitting child abuse | 2917.01 | Inciting violence |
| 2903.21 | Aggravated menacing | 2917.02 | Aggravated riot |
| 2903.211 | Menacing by stalking | | |

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| | | | panic in a school building or at a school function |
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Attachment D to Chapter
3344-11 of the
Policy Name: Administrative Code
Policy Number: 3344-11-16
Board Approved: 3/25/2014
Effective: 4/20/2014
Replaces: 3344-11-15
Prior effective dates: 7/15/2009.