

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 other 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 is in effect until the person is acquitted or convicted of the crime for which the person was arrested. If convicted, the person is dismissed pursuant to section 3345.23 of the Revised Code.
- (6) Upon acquittal, or upon any final judicial determination not resulting in conviction of the charges for which a person is suspended pursuant to this rule, such suspension automatically terminates, and the person suspended shall be

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 shall 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 from such college or university except as provided in paragraph (E) of this rule. A student dismissed pursuant to this rule may be readmitted or admitted to any other college or university that receives state funds in support, thereof, in the discretion of the board of trustees, but only upon the lapse of one calendar year following the faculty or staff members or employee's dismissal, and only upon terms of strict disciplinary probation. The contract, if any, of a faculty or staff member or employee dismissed pursuant to this rule is terminated, thereby. A faculty or staff member or employee dismissed pursuant to this section may be re-employed by any such college or university, in the discretion of the board of trustees, but only upon the lapse of one calendar year following the dismissal.
 - (2) Upon conviction, 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, the court shall immediately notify the college or university of such conviction. The president, or other administrative official designated by the board of trustees, shall immediately notify such person of the dismissal. The notice shall be in writing and shall be mailed by certified mail to the person's address as shown in both the court and the university records. If such person has been suspended pursuant to section 3345.22 of the Revised Code, and not permitted to return to the college or university, the period of dismissal shall run from the date of such suspension.

- (3) No degrees or honors shall be conferred upon, no instructional credit or grades shall be given to, and no student assistance, scholarship funds, salaries, or wages shall be paid or credited to any student, faculty or staff member, or employee, in respect of the period such person is properly under dismissal pursuant to this rule or under suspension pursuant to section 3345.22 of the Revised Code.
- (4) Without limiting the grounds for dismissal, suspension, or other disciplinary action against a student, faculty or staff member, or employee of a college or university that receives any state funds in support, thereof, the commission of an offense of violence as defined in division (A)(9)(a) of section 2901.01 of the Revised Code or a substantially equivalent offense under a municipal ordinance, which offense is committed on or affects persons or property on such college or university, or which offense is committed in the immediate vicinity of a college or university with respect to which an emergency has been declared and is in effect pursuant to section 3345.26 of the Revised Code, is cause for dismissal pursuant to this rule or for suspension pursuant to section 3345.22 of the Revised Code. Criminal cases resulting from arrests for offenses covered by paragraph (D) of this rule shall take precedence over all civil matters and proceedings and over all other criminal cases.

(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 of the 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:

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	2917.03	Riot
2903.22	Menacing	2917.31	Inducing panic
2905.01	Kidnapping	2919.22	Endangering children (only division (B) (1), (2), (3) and (4))
2905.02	Abduction	2919.25	Domestic violence
2905.04	Involuntary manslaughter	2921.03	Intimidation
2905.05	Vandalism	2921.04	Intimidation of an attorney, victim or witness in a criminal case
2905.11	Extortion	2921.34	Escape
2907.02	Rape	2923.12	Carrying concealed weapon
2907.03	Sexual battery	2923.13	Having weapons while under disability
2907.05	Gross sexual imposition	2923.35	Aiding escape or resistance to authority
2909.02	Aggravated arson	2923.161	Improperly discharging a firearm at or into a habitation, in a school safety zone, or with the intent to cause harm or

			panic in a school building or at a school function.
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Attachment D to Chapter
3344-11 of the
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