

Reporting Criminal Activity Policy	BOT Approved: October 16, 2018
---	---------------------------------------

[Table of Contents](#)

PURPOSE:..... 1

POLICY:..... 1

PROCEDURES:..... 2

PURPOSE:

The intent of this policy is to ensure the safety of the college community and to properly protect Garrett College’s resources and reputation. This policy applies to all college employees, who are defined as “an individual paid through the College payroll system to perform a service for the College with the College making, as appropriate, state and federal withholdings. The relationship of employer and employee exists when the hiring department has the right to control and direct the service provider, not only as to the result to be accomplished by the work but also as to how, when, and where the services will be provided. The service provider is normally provided the tools and facilities to perform the function and is not at risk for profit or loss in this capacity. Examples of employees include faculty, adjunct faculty, hourly employees, support staff, professional staff, administrative staff, and student workers”.

POLICY:

College employees must report all criminal charges and traffic violations in which they have been charged, (excluding parking violations) occurring anywhere in the world after October 16, 2018. Such reports shall be submitted to the Director of Human Resources or his/her designee within three (3) business days following the criminal charge and/or traffic violations. This information will be kept strictly confidential, and will not be reported to the employee’s supervisor unless it is deemed necessary for public/institutional safety, or if the charge will impact the individual’s terms of employment. Within five (5) business days, the employee must also provide to the college official written documentation that describes the offense(s) in question, (for example, a written citation of the charge).

PROCEDURES:

An initial review of the charge(s) shall be conducted by the Director of Human Resources. The conduct leading to the charge(s) will be investigated and considered. The employee will have an opportunity to explain the circumstances giving rise to the charge(s). The Director of Human Resources has the discretion as to whether the charge(s) warrant review by the Review Committee, or are at a “report only” level, at which, documentation will be placed in the employee’s file.

Responsibility for determining any necessary employment action is assigned to the following Review Committee which includes: the Director of Human Resources, the appropriate Dean/Vice President to whom the employee in question reports and another designee deemed appropriate by the Director of Human Resources. The review committee will review the charges and determine whether an employee will be placed on paid administrative leave pending the outcome of the charges.

Employees shall report the disposition of a charge (conviction, finding of innocence, etc.) to the Director of Human Resources. Upon conviction of a charge, the Review Committee will determine whether disciplinary action, up to and including termination will be taken. If the committee has determined that dismissal is appropriate, the process for dismissal outlined in the HR Manual will be followed.

The Review Committee will consider the following when reviewing conduct related to criminal charges and convictions:

- The nature and gravity of the conduct;
- Whether the conduct poses an unacceptable safety risk to the college, its students, its employees and any other visitors;
- Whether the conduct makes the employee unfit for the employee’s job;
- Whether the conduct materially interferes with the performance of the employee’s job duties;
- Whether the conduct is part of an ongoing and sustained pattern of illegal conduct;
- Potential damage to the college’s reputation and/or violation of the public trust; and
- Any extenuating circumstances provided by the employee or otherwise known to the college.

Failure to report charges or dispositions of charges or to cooperate with college authorities in regards to a reportable matter under this policy may subject the employee to appropriate disciplinary action, up to and including termination.

All college employees will be required to acknowledge receipt and understanding of this policy, either through their “mygarrettcollege” portal, or by paper form. The Office of Human Resources will coordinate this effort and maintain these records.