



**Title: Employee Arrest Notification Procedure**

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**Implementing Procedure for Policy #6.25 Employee  
Disciplinary Measures and 6.00 Employment of Personnel**

**Date Approved**

**Division: Administration & Finance**

**I. Policy Statement**

The college is committed to ensuring a safe and secure campus. As part of this commitment, the college has established a protocol for arrest notifications, identifying employee and employer responsibilities. This procedure applies to all current college employees, including student employees. This procedure may be utilized in conjunction with other applicable administrative procedures related to employee or student conduct.

**II. Purpose**

This procedure outlines employee arrest notification requirements and establishes a uniform process for reporting and assessing information for the purpose of maintaining a safe campus environment, mitigating risks, preserving institutional integrity, and ensuring compliance with all applicable laws and college policies. The College will maintain strict confidentiality of the information to the extent feasible, using the information obtained only for the purpose for which it is intended. Information obtained will not be used to discriminate against employees on the basis of race, color, ethnicity, religion, sex, age, marital status, national origin, genetic information, veteran status or disability status.

**III. General Provisions**

- a. Employee Reporting Requirement:** All employees must notify the college if they are arrested, issued a citation of arrest, charged with a crime (felony or misdemeanor), or convicted of a crime, including pleas of guilty, nolo contendere, or similar dispositions.
  - i. Exclusions:** Minor traffic offenses punishable only by fines (e.g., speeding, parking violations, seatbelt violations), unless driving is an essential part of the employee's job duties.
  - ii. Timeline:** Employees are required to report within 72 business hours of the arrest, charge, or conviction. If an employee is unable to meet the 72-hour arrest notification deadline due to incarceration or other mitigating circumstances, the employee or someone acting on their behalf should report the incident to the college promptly once able to do so.
  - iii. Method of Reporting:** Reports should be made directly to Human Resources, utilizing the Arrest Notification Form. If an employee is unable to access the Arrest Notification Form, an alternative method of notification will be accepted pending completion of the form.
- b. Consequences of Non-Compliance:** Failure to report as required may result in disciplinary action, up to and including termination of employment.

**IV. Procedure**

**a. Employee Notification:**

- i. Employee shall notify Human Resources of the arrest, charge, or conviction.
- ii. Employee shall complete the Arrest Notification Form, providing information about the circumstances, nature of the offense, and date of the incident, including:
  1. Specific charges filed.
  2. Current status of the case (e.g., awaiting arraignment, preliminary hearing scheduled, trial date).
  3. Court jurisdiction and case number (if available).
  4. Any bail or release conditions that may impact the ability to perform job duties.
  5. Copies of official court documents or police reports related to the incident that can be legally obtained and shared.
  6. An employee statement surrounding the circumstances of the incident.

**b. Supervisor's Responsibility (if first notified):**

- i. Supervisor shall immediately inform Human Resources and refer the employee to the Arrest Notification Form.
- ii. Supervisor shall not:
  1. Engage in independent investigation of the incident.
  2. Offer legal advice to the employee.
  3. Make promises or guarantees regarding continued employment.
  4. Disclose the information to others beyond those who have a legitimate need to know for official college business.

**c. Human Resources Responsibilities:**

- i. Acknowledgement and Documentation: Upon receipt, Human Resources will document the arrest notifications and issue subsequent communications as necessary.
- ii. Preliminary Review: A preliminary assessment of the reported information will be conducted. Legal counsel or designated college leadership may be consulted for guidance on legal implications and potential college actions.
- iii. Interim Measures: If the preliminary assessment indicates an immediate threat or inability to perform duties, the Human Resources Director, in consultation with designated college leadership, may implement interim measures. These are not disciplinary actions but are temporary steps to ensure safety and operational continuity. Interim measures may include:
  1. Administrative Leave: To allow for a thorough investigation without the employee on campus.
  2. Temporary Reassignment: To duties that do not pose a risk.
  3. Restricted Access: To specific areas or systems.
- iv. Review and Final Determination: A review of the reported information will be conducted by Human Resources and designated leadership to determine the appropriate course of action. Recommendations will be sent to the President, or designee, for approval.

Communication and Follow-Up: Notification will be made to the employee, the department and the appropriate college leadership of decisions and actions taken.

**V. Review and Final Determination:**

- a. Factors Considered in Determination of Action.** When determining appropriate action, the college will conduct an individualized assessment, considering various factors:
- i. Nature and seriousness of the offense.
  - ii. Job-relatedness and impact to the employee's duties, access or interactions with students and staff.
  - iii. Timeline of offense/conviction or legal resolution.
  - iv. Employee's conduct and cooperation during the arrest notification process.
  - v. Impact on College operations and safety.
  - vi. Potential impact to the college's image or standing in the community.
  - vii. Legal and regulatory requirements, including college policy, specific state laws, state licensing requirements (for certain professionals), federal regulations, and Florida Statutes that mandate certain actions.
  - viii. Mitigating Circumstances: Any other relevant factors provided by the employee or discovered during the review process.
  - ix. Florida Statute Considerations: Per Florida Statute Florida Statute 435.07 (b): If an employer becomes aware that an employee has been arrested for a disqualifying offense (Florida Statute 435.06), the employer must remove the employee from contact with any vulnerable person that places the employee in a role that requires background screening until the arrest is resolved in a way that the employer determines that the employee is still eligible for employment under this chapter. Florida Statute 435.02 defines "vulnerable person" as a minor as defined in 1.01, or a vulnerable adult as defined in 415.102.
- b. Determination of Action.** Based on the assessment, one or more of the following actions or sanctions may be imposed:
- i. No Action: If the offense is minor and has no impact on employment.
  - ii. Ongoing Case Review: If charges are pending and the legal process is ongoing, the case's progress may be monitored while assessing if interim measures are necessary and feasible.
  - iii. Administrative Leave (Paid or Unpaid): To allow for investigation, or if the employee is unable to perform duties due to incarceration or court proceedings.
  - iv. Reassignment or Modification of Duties: If an offense impacts specific job responsibilities or access, alternative work assignments or modifications may be implemented if feasible.
  - v. Training or Referral to Employee Assurances Program (EAP): If the issue is related to behavior that can be remediated.
  - vi. Disciplinary Action: Ranging from a written warning to suspension.
  - vii. Termination of Employment: For serious offenses, job-related impacts, or failure to comply with reporting requirements.

Terminations, suspensions or other disciplinary or interim measures will be conducted in accordance with college policy and procedure.

**VI. Communication and Follow-Up:**

- a. Notification to Employee:** The employee will be formally notified in writing of the college’s decision and any action taken. Notification shall be in person, e-mail to the CF email address with confirmation receipt, and/or by certified mail, return receipt requested, addressed to the employee.
- b. Notification to Relevant Departments/Entities:**
  - i.** Internal departments with a legitimate need to know shall be informed of the outcome. This may include Public Safety, the specific department head, and/or Enrollment Management and Student Affairs (for application of student-specific procedures if the employee is also a student).
  - ii.** External agencies may be notified if required by federal or state law (e.g., Clery Act for certain crimes, or specific reporting for educators).
  - iii.** For employees paid through federal grants or contracts, conviction of a criminal drug offense in the workplace must be reported to the funding agency within a specified timeframe.
- c. Record Keeping:** All documentation related to the notification, review, and decision shall be maintained securely and confidentially in the Office of Human Resources.
- d. Ongoing Monitoring (if applicable):** If the legal case is ongoing and the employee remains employed, the college shall monitor the situation and may reassess the employment status based on the final disposition of the charges.

Vice President, Administration & Finance		Date:
Approved by President		Date:

# Employee Arrest Notification Form

**Purpose:** This form is to be used by all college employees to report any arrest, citation, or charges filed against them. Employees are required to report such incidents within 72 business hours of the occurrence or as soon as practicably possible, in accordance with Administrative Procedure for Employee Arrest Notifications. This information will be kept confidential to the extent permitted by law and college policy.

Employee Information	
<b>Full Legal Name:</b>	<b>ID Number:</b>
<b>Department:</b>	<b>Job Title:</b>
<b>Phone Number:</b>	<b>Email Address:</b>
<b>Mailing Address:</b>	

Incident Details	
<b>Date of Incident:</b>	<b>Time of Incident (AM/PM):</b>
<b>Location (City/State):</b>	<b>Arresting Agency:</b>
<b>Type of Incident:</b> <input type="checkbox"/> Arrest <input type="checkbox"/> Citation <input type="checkbox"/> Charges Filed	
<b>Specific Charge(s) (e.g., DUI, petty theft, assault):</b>	
<b>Type Charge:</b> <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Infraction/Citation	
Court Information	
<b>Court Name:</b>	<b>Case # (if known):</b>
<b>Court Address:</b>	<b>Next Court Date:</b> <b>Time (AM/PM):</b>
<b>Purpose of Hearing:</b>	
Status	
<b>Currently Incarcerated?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>If released, what is your release status?</b> <b>(e.g., bail, own recognizance):</b>
<b>If released, provide release date:</b>	
<b>Any restrictions on your ability to travel or perform job duties?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>If yes, please describe:</b>	

Employee Statement	
<b>Attach Written Statement Describing Incident:</b> Statement Attached <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Attach Supporting Documents:</b> Documents Attached <input type="checkbox"/> Yes <input type="checkbox"/> No	

# Employee Arrest Notification Form

<b>Employee Acknowledgement and Signature</b>	
I affirm that the information provided in this form is true and accurate to the best of my knowledge. I understand that failure to report an arrest or providing false information may result in disciplinary action, up to and including termination of employment, in accordance with college policy.	
<b>Employee Signature:</b>	<b>Date:</b>

<b>For Official Use Only</b>		
<b>Date Received:</b>		
<b>Received By (Name/Title):</b>		
<b>Departments Notified (e.g., Department Head, Public Safety):</b>		
<b>Action Taken:</b>	<input type="checkbox"/> Preliminary Notice to Employee <input type="checkbox"/> Follow-up Request to Employee <input type="checkbox"/> Preliminary Review Conducted <input type="checkbox"/> Interim Measures Recommended <input type="checkbox"/> Final Review & Actions Recommended <input type="checkbox"/> Approval Received <input type="checkbox"/> Employee Notified of Final Action <input type="checkbox"/> Other (Explain):	Date: Date: Date: Date: Date: Date: Date: Date: Date:
<b>HR Signature:</b>		<b>Date:</b>