

INFORMATION SHARING AGREEMENT

This Information Sharing Agreement is entered into this 2nd day of May, 2013 between Miami University (the University) and the City of Oxford Police Department. The purpose of this Agreement is to implement certain provisions of the Mutual Aid Agreement between the Miami University Police Department (MUPD) and Oxford Police Department (OPD) and to enhance the parties' ability to effectively address alleged offenses of violence and sex offenses. This includes sharing information about University students and employees who are the victim of, a witness to, or an alleged perpetrator of an offense of violence or sex offense.

The term "offense of violence" includes those felony offenses enumerated in Ohio Revised Code, Section 2901.01 (A) (9) and the term "sex offense" includes those offenses described in Ohio Revised Code, Section 2907.02 through 2907.09.

The parties agree as follows:

1. The information and records shared under this Agreement may, when appropriate, include any information or records permitted to be released under any exception to the privacy protections of the Family Educational Rights and Privacy Act (FERPA), including the Health and Safety Emergency exception and/or records/information otherwise protected by the Confidential Law Enforcement Investigatory Records (CLEIRS) exception to the Ohio Public Records Act. It should be noted that FERPA applies only to records created by the University and to information derived from tangible records. FERPA does not protect the confidentiality of information in general and, therefore, does not apply to the disclosure of information derived from a source other than an education record, even if education records exist which contain that information. As a general rule, information that is obtained through personal knowledge or observation and not from an education record is not protected from disclosure under FERPA. Thus, a verbal report of an offense of violence or sexual assault can and must be reported to the appropriate law enforcement authorities. The parties agree to keep all information confidential unless the release is authorized by the party disclosing the information or is otherwise required by law.
2. MUPD and OPD will exchange, in as timely a manner as is practicable, police investigatory information and copies of police reports reporting any alleged offense of violence or sex offense - including non-public information (e.g., the name of uncharged suspects).
3. Miami will include and OPD will provide a representative for the University's monthly meetings of those persons with primary responsibility for addressing student sexual assault under Title IX.
4. In those instances when a student is an alleged perpetrator of a crime of violence or sex offense, as those terms are defined by FERPA and the Clery Act, the University will provide to OPD the name of the student found responsible for violating the University's Code of Student Conduct; the Code of Student Conduct violation (e.g., Section 103), and the final results of the disciplinary proceedings.
5. In the event, there is a concern that some information/record regarding sexual assault may not be shared under the terms of this Agreement because of FERPA constraints, the Office of General Counsel will be consulted.

6. In those instances in which a Clery Act reportable crime or other event posing a significant risk of harm to the Oxford campus has been reported to OPD, OPD agrees to use its best efforts to immediately notify MUPD, so that MUPD may activate its timely warning or emergency notification system as appropriate.
7. Nothing in this Agreement, express or implied, is intended to or shall confer upon any other person any right, benefit, or remedy of any nature whatsoever under or by reason of this Agreement.

Miami University

By: David K. Creamer

Date: 5-2-13

Title: **DAVID K. CREAMER**
Vice President for
Finance & Business Services & Treasurer
Miami University

Oxford Police Department

By: Douglas R. Elliott, Jr.

Date: 5-2-13

Title: Douglas R. Elliott, Jr. City Manager

RESOLUTION NO. 4735

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INFORMATION SHARING AGREEMENT WITH THE MIAMI UNIVERSITY POLICE DEPARTMENT TO ENHANCE THE ABILITY TO EFFECTIVELY ADDRESS ALLEGED SEX OFFENSES AND OFFENSES OF VIOLENCE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

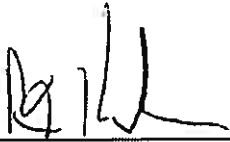
SECTION 1: The purpose of the Information Sharing Agreement ("Agreement") attached hereto is to expand upon and enhance the Mutual Aid Agreement with the Miami University Police Department.

SECTION 2: This Agreement will enhance each party's ability to effectively address alleged sex offenses and offenses of violence.

SECTION 3: Exchanging information related to an alleged crime will allow the parties to collaborate and pool resources and effectively decrease the time needed to investigate an alleged offense before police action is taken or not taken.

SECTION 4: Council having reviewed the Agreement hereby authorizes the City Manager to enter into the Agreement with the Miami University Police Department..

SECTION 5: This resolution shall take effect at the earliest date allowed by law.



MAYOR

ADOPTED: April 2, 2013

ATTEST:



CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)