

Sex Offender Notification Regarding the Campus Community; Residential Restrictions for Registered Sex Offenders

Goal: The goal of this policy is to provide timely and appropriate notification, in compliance with state and federal law, regarding registered sex offenders on campus. Specific details of any notification will be determined on a case-by-case basis as described below. In addition, this policy is designed to implement residential restrictions placed on registered sex offenders pursuant to state law.

Authority: The Campus Sex Crimes Prevention Act (section 1601) {(42 U.S.C. § 14071(j) and 20 U.S.C. § 1092(f) (1) (I)} provides for the tracking of convicted sex offenders enrolled at or employed by institutions of higher education. This act requires sex offenders who are required by law to register in a state, to also provide notice of each institution of higher education in that State where the person is employed, carries on a vocation, or is a student. This law also requires that institutions of higher education issue a statement advising the campus community of the availability of this information.

Ark. Code Ann. § 12-12-913(b) provides that “[i]n accordance with guidelines promulgated by the Sex Offender Assessment Committee, local law enforcement agencies having jurisdiction shall disclose relevant and necessary information regarding sex offenders to the public when the disclosure of such information is necessary for public protection.” In addition, Ark. Code Ann. § 12-12-913 (e)(1) states that the law enforcement agency “shall make a good faith effort to conceal the identity of the victim or victims of the sex offender's offense.” Furthermore, Ark. Code Ann. § 12-12-913(j)-(k), provides that certain information regarding particular categories of offenders shall be public, and that such information shall be provided on the State of Arkansas home page by the Arkansas Crime Information Center (ACIC). Finally, Ark. Code Ann. § 12-12-913(g)(2) requires the Arkansas Higher Education Coordinating Board of the Department of Higher Education to promulgate guidelines for the disclosure of information regarding registered sex offenders when such information is released to an institution of higher education by a local law enforcement agency having jurisdiction, and requires institutions of higher education to adopt a written policy in accordance with such guidelines, and Ark. Code Ann. § 12-12-913(g)(4) requires the board of directors of an institution of higher education to adopt a written policy regarding the distribution to students of information regarding a sex offender in accordance with those guidelines. The Arkansas Higher Education Coordinating Board promulgated its guidelines on August 3, 2007, and the Board of Trustees adopted a policy consistent with those guidelines, Board Policy 525.1, on September 22, 2007.

In addition, Ark. Code Ann. § 5-14-128 makes it unlawful for a Level 3 or Level 4 registered sex offender to reside within 2,000 feet of property on which any public or private elementary or secondary school or daycare facility is located. All University-affiliated residential facilities on the University campus fall within this restriction.

Notification Procedures: In consultation with the appropriate local law enforcement agencies, such as the Fayetteville Police Department, as appropriate, the University of

Arkansas Police Department (UAPD) shall have primary responsibility for preparing and carrying out a notification plan that is appropriate with regard to specific registered sex offenders enrolled in, attending or employed by the University of Arkansas. In order to assist UAPD in applying the state guidelines to the University setting, the Vice Provost for Student Affairs (VPSA) or his/her designee, will convene a standing Community Notification Committee. The committee will meet annually, generally within the first thirty (30) days of the Fall semester. The VPSA or designee, in collaboration with other appropriate university officials, may call additional meetings when necessary. This committee shall be representative of appropriate University components involved in student and/or employee matters. This committee will include the below listed offices and personnel or their designees: VPSA, Provost, the Director of the University of Arkansas Police Department, the Director of Counseling and Psychological Services, the Executive Director of University Housing, the Compliance Officer with the Office of Equal Opportunity and Compliance, and the Associate Vice Chancellor for Human Resources. The Office of General Counsel will serve as legal advisor to the Committee. The Office of University Relations will be represented when appropriate. The purpose of this committee shall be to advise UAPD in developing general guidelines and practices concerning notification procedures and in determining the extent and method of notification that may be appropriate with regard to specific offenders in compliance with state and federal law and consistent with the educational mission of the University.

A written summary of campus guidelines and the notification plan for each offender will be maintained in the University of Arkansas Police Department. Determinations regarding notifications will be made by UAPD, in consultation with the Committee and other appropriate campus officials (e.g., head of the affected unit), law enforcement officials, or treatment specialists on a case-by-case basis and shall be guided by the offender's risk assessment level in accordance with guidelines established by the Arkansas Sex Offenders Assessment Committee. Consistent with state guidelines, the notification plan should include who will be notified, who participated in preparation of the plan, the approval of the Director of UAPD or designee, and the date the plan was made. Furthermore, the plan should include a sex offender notification letter and sex offender notification sheet. The record should also indicate the dates of notification.

When the risk assessment is not available or has not yet been completed, a review of all available information will occur, which may include consultation with an appropriate professional, and notification may be made on the basis of the available information pending the assignment of a risk assessment level by state officials.

Any concerns or disagreements about notification plans or procedures between the University and local law enforcement agencies shall be discussed and resolved between the Director of UAPD and the head of the relevant agency, or their respective designees.

Housing Procedures: UAPD shall notify the Dean of Students whenever UAPD has received notice of any student that has been designated a Level 3 or Level 4 offender. In compliance with state law, any such offender shall be required to vacate any University-affiliated housing immediately, including all residence halls and fraternities and sororities. Furthermore, the

University reserves the right to exclude from University-affiliated housing, or to modify the housing assignment for, any other student who is required to register as a sex offender.

Contact Person: The UAPD contact for implementation of this policy shall be UAPD's public information officer. The contact person shall participate in the preparation of any notification plan consistent with the provisions of this policy.

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