


## BBCC ADMINISTRATIVE PROCESS

<b>Title:</b> Notification of Sex Offenders Attending BCC	<b>AP 7707</b>	<b>Implementing Board Policy:</b> 7700
<b>Originating Department:</b> Safety & Security	<b>Originated:</b> 5/2015	<b>Effective Date:</b> 6/9/15
<b>Previous Revisions:</b>	<b>Approved:</b>  President	

### 1.0 Purpose

- 1.1 Big Bend College considers the protection of our community from sex offenders to be a matter of significant importance. The 1990 Community Protection Act allows the College to provide notice to the community concerning sex offenders who are or will be attending classes or working on the campus and to assist our community members in developing constructive plans to prepare themselves and their children residing near released sex offenders.

### 2.0 Authorities and References

- 2.1 Implementing Board Policy 7700.
- 2.2 Pursuant to RCW 4.24.550, Big Bend Community College is authorized to notify the College community when information is received that a registered sex offender may be expected on or near the College campus, including off-site buildings and associated College activities.
- 2.3 Information that is relevant and necessary to protect the public and to counteract the danger created by a particular offender may be released pursuant to RCW 4.24.550.
- 2.4 The extent and content of the disclosure of relevant and necessary information shall be related to:
  - 2.4.1 The level of risk posed by the offender to the community;
  - 2.4.2 The location where the offender resides, expects to reside or is regularly found; and
  - 2.4.3 The needs of affected community members for information to enhance their individual and collective safety.

### 3.0 Purpose of Notification

- 3.1 An informed public is a safer public. Notifications are intended as information items only, and there is no additional action required nor is the information intended to create excessive anxiety among students and staff.
- 3.2 Sex/kidnap offenders have always lived in our communities. The purpose of the Community Protection Act of 1990 was to assist local law enforcement agency efforts to protect communities by providing relevant and necessary information.
- 3.3 By providing the public adequate notice and information, community members can develop constructive plans to prepare themselves and their children for the offender's release.

### 4.0 Records Maintenance

- 4.1 Campus Safety and Security maintains records of sex offenders who have been brought to the attention of the College by the sheriffs' offices in our service district.

- 4.2 Additionally, the Grant County Sheriff's Office maintains an online registry of Level III sex offenders who are registered to live in Grant County.
- 4.3 Members of the campus community can review the current list of level III Sex Offenders registered in Grant County and Adams County on the Grant County Sheriff's website and Adams County Sheriff's website.

#### **5.0 No Tolerance for Harassment of Registered Sex Offenders**

- 5.1 Any actions taken against the individuals named in the notification, including vandalism of property, verbal or written threats of harm; or physical violence against this person, his or her family, or employer, are violations of the BBCC Student Code of Conduct and may result in disciplinary proceedings. In addition, criminal violations may lead to arrest and criminal prosecution.
- 5.2 It is against the law (RCW 9A.44.130) to use this information in any way to threaten, intimidate, or harass registered offenders, and such actions will not be tolerated by Big Bend Community College.

#### **6.0 Immunity (RCW 4.24.550(7))**

- 6.1 Public employees and/or public agencies are immune from civil liability for damages for any discretionary risk-level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith.

#### **7.0 FERPA (20 U.S.C. 1232g(b)(7))**

- 7.1 Nothing in the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. Section 1232g, prevents educational institutions from disclosing information concerning registered sex offenders provided under the Wetterling Act, October 25, 2000, including information made available under the Campus Sex Crimes Prevention Act (CSCPA) 42 U.S.C. 14071(j), amendment (October 28, 2002) to that Act and information otherwise made available under Washington State sex offender registration and community notification programs.

#### **8.0 Risk Classification**

- 8.1 The Department of Corrections, the Juvenile Rehabilitation Administration, and the Indeterminate Sentence Review Board are required to classify all sex offenders released from their facilities into levels of risk (low, moderate, or high). These agencies then issue to appropriate law enforcement agencies narrative notices regarding the pending release of sex offenders.
- 8.2 The narrative notices describe the identity and criminal history behavior of the offender and shall include a risk-level classification for the offender.
- 8.3 Upon receiving a narrative notice, local law enforcement agencies review all available information and assign risk-level classifications to all sex offenders about whom information will be disseminated for the purpose of community notification.

##### **8.3.1 Level I**

- 8.3.1.1 The vast majority of registered sex offenders are classified as Level I offenders. They are considered at low risk to re-offend. These individuals may be first time offenders, and they are usually known by their victims. They normally have not exhibited predatory type characteristics and most have successfully participated or are participating in approved treatment programs
- 8.3.1.2 Level I offenders are generally *not* the subject of general public notification. The extent and types of notifications for Level I sex offenders may be adjusted on a case-by-case basis, but the college community and Level I sex offenders can generally expect the following types of notifications to be made:

- Campus Safety and Security

- President
- Vice Presidents
- Campus child care centers
- Director of Residence Halls
- Any individual college community member upon request

### 8.3.2 Level II

- 8.3.2.1 Level II offenders have a moderate risk of re-offending. They generally have more than one victim, and the abuse may be long term. These offenders usually groom their victims and may use threats to commit their crimes, and they have a higher likelihood of re-offending than the Level I offenders. They are considered a higher risk to re-offend because of the nature of their previous crime(s) and lifestyle (drug and alcohol abuse and other criminal activity). Some have refused to participate or failed to complete approved treatment programs. Typically these individuals do not appreciate the damage they have done to their victims.
- 8.3.2.2 Washington State law may allow the Public Disclosure of Level II Registered Sex Offenders under certain conditions. Level II notifications including relevant, necessary and accurate information may be disclosed to public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found.
- 8.3.2.3 Level II offenders are generally *not* the subject of general public notification.
- 8.3.2.4 The extent and types of notifications for Level II sex offenders may be adjusted on a case-by-case basis, but the college community and Level II sex offenders can generally expect the following types of notifications to be made:
- All who receive Level I notifications
  - Faculty and staff in whose program and/or course the student is enrolled

### 8.3.3 Level III

- 8.3.3.1 Level III offenders are the greatest risk to the community. Most are predatory, have other violent crime convictions, refused treatment, and may be substance abusers. Community notification is the most extensive.
- 8.3.3.2 Washington State law permits notifications about Level III offenders that include relevant, accurate and necessary information. This information is permitted to be disclosed to the public at large.
- 8.3.3.3 The extent and types of notifications for Level III sex offenders may be adjusted on a case-by-case basis, but the college community will receive the following notifications:
- All college employees via internal mail/e-mail
  - College bulletin boards
  - Faculty in whose course the Level III sex offender is enrolled
  - Students attending classes in which the Level III sex offender is enrolled

## 9.0 Notification Procedures

- 9.1 The Vice President of Instruction and Student Services and the Director of Campus Safety and Security review all relevant and necessary information provided to us by law

enforcement personnel and assess the safety issues posed for students, employees, and all minors on campus.

- 9.2 The Vice President of Instruction and Student Services and the Director of Campus Safety and Security interview all Level I, Level II and Level III Sex Offenders attending Big Bend Community College, as well as enrolled sex offenders who are known to be attending BBCC or for whom local law enforcement agencies have provided notice to the College. Based on the information received from law enforcement, and at the conclusion of the interview, BBCC may impose conditions of enrollment which the offender must abide by while attending BBCC. Violation of these conditions may result in disciplinary action and will result in notification of law enforcement.
- 9.3 The Vice President of Instruction and Student Services and the Director of Campus Safety and Security release the identity and information according to the above guidelines.

## 10.0 Admission to College

- 10.1 **Conditions of Enrollment:** All registered sex offenders are required to:
  - 10.1.1 Complete all of the required steps in the admissions process.
  - 10.1.2 Self-disclose their status to the Vice President of Instruction and Student Services as a condition of enrollment.
  - 10.1.3 Provide or cause to be provided, as deemed necessary by the Vice President of Instruction and Student Services, any other information deemed to be important to safety. Information may include, but not be limited to, risk classification, victim profiles, compliance history, and treatment specifics.
- 10.2 **Regular Admissions:** The Vice President of Instruction and Student Services may grant regular admission to an offender with no restrictions other than those associated with notification requirements outlined in this procedure.
  - 10.2.1 Regular admission will be granted to Level 1 offenders unless, at the discretion of the Vice President of Instruction and Student Services, safety issues warrant restricted admission.
- 10.3 **Conditional or Restricted Admission:** The Vice President of Instruction and Student Services may admit students on a conditional basis. Conditional or restricted admission may require, at the discretion of the Vice President of Instruction and Student Services, a behavior contract, site restrictions, or other restrictions determined important to safety.
  - 10.3.1 The Vice President of Instruction and Student Services shall have the final authority regarding conditional admissions.
  - 10.3.2 Refusal to comply with admission restrictions/conditions may be cause for denial of admission at the discretion of the Vice President of Instruction and Student Services.
- 10.4 **Denial of Admissions:** The Vice President of Instruction and Student Services may deny a prospective student admission under RCW 28B.50.090(3)(b) if, in his or her judgment, "the student would not be competent to profit from the curriculum offerings of the college, or would, by his or her presence or conduct, create a disruptive atmosphere within the college not consistent with the purposes of the institution."
  - 10.4.1 The Vice President of Instruction and Student Services is the final authority regarding admission decisions under this policy.
- 10.5 **Dismissal**
  - 10.5.1 In the event the Vice President of Instruction and Student Services determines that the sex offender has broken any commitment he or she made as a condition of enrollment, the Vice President of Instruction and Student Services may modify the behavioral contract or initiate a student conduct procedure which includes the process of discipline or dismissal under the Student Code of Conduct. Grounds



for dismissal or modification of the behavioral contract under this procedure may include, but are not limited to:

- 10.5.1.1 Failure to have disclosed offender status prior to enrollment.
- 10.5.1.2 Any violation of the behavioral contract.
- 10.5.1.3 Offenses or behavior, based on faculty, student, or staff reports, which in the opinion of the Vice President of Instruction and Student services violates the Student Code of Conduct (WAC 132R-04).
- 10.5.1.4 Any recommendation of the Community Corrections Officer.

## **11.0 Student's Rights**

- 11.1 Students have the right to be informed of the presence of a sex offender in the college. This right may be afforded through regular and required postings of offender lists, self-disclosure by the offender, or information provided by an appropriate instructor or staff member. Level I offenders may not be the subject of general public notification at the discretion of the Vice President of Instruction and Student Services.
  - 11.1.1 Dependent on the facts and circumstances, the Vice President of Instruction and Student Services may determine that the sex offender may not be placed in classes with Running Start, Gateway, or other students under the age of 18.
  - 11.1.2 Running Start Student Notification: As part of the pre-enrollment process, a statement will be included regarding general safety precautions.

## **12.0 Non-Student Sex Offenders**

- 12.1 Early Childhood Development/Head Start Premises: In buildings where childcare, child development, Head Start, or related programs are offered, the following public notice will be conspicuously posted at the main entrance:

### Public Notice

If you have been convicted of certain felonies, you may be prohibited from entering this building per WAC 170-295. Please contact the Head Start or Early Head Start Manger at [insert phone number] to discuss your status and restrictions.

- 12.2 In college buildings where such programs coexist with other college programs, the Vice President of Instruction and Student Services will confer regarding the management of sex offenders potentially accessing the shared premises.
- 12.3 Head Start center managers will receive periodic training on this procedure and requirements/restriction under this procedure and relevant state and federal law.

