

UNIVERSITY OF CENTRAL ARKANSAS
BOARD POLICY

Policy Number: 419

Subject: Sex Offender Notification

Date Adopted: 05/09 Revised: 08/13

1. Purpose

The purpose 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 herein. In addition, this policy is designed to implement provisions of Ark. Code Ann. § 12-12-913(g)(1)(4) which requires the board of trustees of an institution of higher education to adopt a written policy regarding the distribution to students of information regarding a sex offender in accordance within established guidelines and in compliance with federal and state law.

2. Policy

The UCA chief of police or designee will serve as the point of contact for the receipt of information concerning registered sex offenders who are employed by or attend the University of Central Arkansas. The UCA chief of police or designee will, in coordination with the City of Conway chief of police or designee and relevant campus officials, participate in the preparation of a written notification plan taking into consideration the provisions of Arkansas Code Annotated § 12-12-901, et seq., and the guidelines established by the Arkansas Sex Offender Assessment Committee, specific needs of the campus, and other relevant information as may be determined by law enforcement and/or campus officials. The written notification plan shall include the names of those participating in the plan, and the date the plan was completed. A sex offender notification letter and sheet will also be prepared for each offender. In the event there is a concern with the notification plan from either law enforcement or campus non-law enforcement officials, final authority for the plan rests with law enforcement.

3. Authority

- a. 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.

- b. Ark. Code Ann. § 12-12-913(b) provides that “local law enforcement agencies having jurisdiction shall disclose, in accordance with guidelines promulgated by the [Arkansas] Sex Offenders Assessment Committee, relevant and necessary information regarding offenders to the public when the disclosure is relevant and necessary for public protection.”
- c. 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.”
- d. 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’ Internet home page by the Arkansas Crime Information Center (ACIC).
- e. Ark. Code Ann. § 12-12-913(g)(1)(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.
- f. Ark. Code Ann. § 12-12-913(g)(1)(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.
- g. 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.

4. Procedure

- a. Any person who is required to register as a sex offender in Arkansas shall provide notice as required under state law. The offender is required to report such information concerning their enrollment or employment with the university and to make this information available promptly to the University of Central Arkansas Police Department (UCAPD).
- b. Students and employees who are required to register as a sex offender in Arkansas and who fail to do so will be subject to immediate arrest and exclusion from the University of Central Arkansas.
- c. In consultation with the Conway Police Department or other appropriate law enforcement agencies, the UCAPD 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 Central Arkansas.

- d. A standing Sex Offender Notification Committee will be convened by the vice president for finance and administration in order to assist the UCAPD 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 purpose of the university. The vice president for finance and administration, in collaboration with other appropriate university officials, will convene the Sex Offender Notification Committee when necessary. The Sex Offender Notification Committee shall be composed of the following university administrators:
 - i. vice president for finance and administration (chair)
 - ii. vice president for student services (co-chair if sex offender is a student)
 - iii. provost or designee
 - iv. chief of police
 - v. general counsel
 - vi. dean of students
 - vii. associate vice president for human resources
 - viii. director of housing
 - ix. director of counseling center
 - x. director of admissions
- e. A written summary of campus guidelines and the notification plan for each offender will be maintained in the University of Central Arkansas Police Department. Determinations regarding notifications will be made by UCAPD, in consultation with the committee and other appropriate campus officials (e.g., head of the affected unit), local 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.
- f. Consistent with state guidelines, the notification plan should include who will be notified and who participated in preparation of the plan, the approval of the UCA chief of police 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.
- g. The dean of students and director of housing will be notified whenever the UCAPD has received notice of any student who has been designated a Level 3 or Level 4 offender who resides in university-affiliated housing. In compliance with state law, any such offender shall be required to vacate any university-affiliated housing immediately, including all residence halls and fraternity/sorority housing. 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.

- h. Any concerns or disagreements about notification plans or procedures between the university and local law enforcement agencies shall be discussed and resolved between the UCA chief of police and the head of the relevant agency, or their respective designees.
- i. Information regarding all public notices of level 3 and level 4 sex offenders who are registered with the University of Central Arkansas Police Department is available on the police department website at <http://www.uca.edu/ucapd> and the official Sex Offender Registry in Arkansas at the Arkansas Crime Information Center website at <http://www.acic.org/Registration/index.htm>.