

TITLE: Notification of Registered Sex Offenders or Kidnapping Offenders
NUMBER: 704 (replacing prior 407, 3015)
AUTHORIZED BY PRESIDENT: 10/18/93
AMENDED BY PRESIDENT: 10/2/12, 01/08/19, 07/30/25

Purpose:

To increase the safety and welfare of students and staff of Whatcom Community College by providing timely and appropriate notification upon learning of the enrollment or presence of registered sex offenders (RSOs) and/or kidnapping offenders (KOs).

Consistent with registration requirements for sex and kidnapping offenders under RCW 9A.44.130, and pursuant to RCW 4.24.550, Whatcom Community College is authorized to notify the College community when information is received about the presence of an RSO or KO on or near the college campus or any of its sites.

This notification shall be in accordance with applicable state law and shall be in such a manner that upholds the rights and responsibilities among students and employees. The notification is intended to be relevant and necessary to protect the public and mitigate potential danger associated with a particular offender, while also providing formerly incarcerated individuals an opportunity to focus on their education. The notification policy applies to students, employees, volunteers, and individuals contracted by the college.

Authority:

The College is authorized to release relevant and necessary information to its employees and students regarding a sex offender or kidnapping offender.

This applies to any information regarding:

- Any person convicted of a sex offense (RCW 9A.44) or a kidnapping offense (RCW 9A.40);
- Any person under the jurisdiction of the indeterminate sentence review board as the result of a sex or kidnapping offense;
- Any person committed as a sexually violent predator (RCW 71.09) or as a sexual psychopath (RCW 71.06);
- Any person found not guilty of a sex or kidnapping offense by reason of insanity (RCW 10.77);
- Any person found incompetent to stand trial for a sex or kidnapping offense and subsequently committed under RCW 71.05 or RCW 71.34 (RCW 4.24.550(1)); and
- Any other offense required to report as listed under RCW 9A.44.130.

In addition, the College is required to advise the campus community where to obtain law enforcement agency information provided by a state under §121 of the Child Protection and Safety Act (42 U.S.C. 16921) concerning registered sex offenders. (34 CFR 668.46(b) (12)).

This procedure aligns with the Washington Association of Sheriffs and Police Chiefs (WASPC) Model Policy on Sex Offender Registration and Community Notification established guidelines for risk-level classifications and dissemination of information about sex offenders:

1. Lowest Risk to Re-Offend (Level I):

Information is maintained by local law enforcement agency and is disseminated to other appropriate law enforcement agencies.

2. Moderate Risk to Re-Offend (Level II):

In addition to Level I dissemination, information is also released to any businesses or organizations who serve families and children. These include, but are not limited to, public schools, private schools, day care facilities, and public service organizations. In addition, it is recommended that there are community notification meetings.

3. Highest Risk to Re-Offend (Level III):

Includes all notification dissemination for Level I and Level II offenders. In addition, the public may be notified through press releases to local news media outlets.

The Whatcom County Sheriff's Office maintains an online registry of Sex Offenders who are registered to live in Whatcom County at: http://www.sheriffalerts.com/cap_main.php?office=54493

Immunity:

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. (RCW 4.24.550(7))

Offender Responsibilities:

Intent to Enroll:

RSOs and KOs must provide written intent to enroll and required documentation based on level:

- Level 1 RSOs and all KOs must provide written intent to enroll and required documentation to the Whatcom County Sheriff's Office (WCSO) or appropriate law enforcement agency at least one (1) month prior to the start of the term of admission.
- Level 2 RSOs must provide written intent to enroll and required documentation to the WCSO or appropriate law enforcement agency at least two (2) months prior to the start of the term of admission.
- Level 3 RSOs must provide written intent to enroll and required documentation to the WCSO or appropriate law enforcement agency at least three (3) months prior to the start of the term of admission.

For individuals currently under community custody, documentation must include contact information for their probation officer or community custody officer, any existing restrictions, and proof of at least six (6) months without high-level community custody violations as defined by the Washington State Department of Corrections (or substantial equivalent in other states). For individuals no longer under community custody, documentation must include written verification of current registration status and any restrictions imposed by court order or other legal authority. The law enforcement agency then notifies the College's Campus Safety and Security Director (RCW 9A.44.138) who will work with the College's Community Standards Manager and Vice President of Student Services to facilitate the RSOs/KOs intake. For each subsequent term, RSOs and KOs must provide updated documentation at least one (1) month prior to the start of the term to the College's Community Standards Manager. Failure to provide information in a timely fashion may result in denial of enrollment. Any of the aforementioned requirements in this section may be modified by the Vice President of Student Services or their designee on a case-by-case basis. Students, employees and volunteers are obligated to notify the appropriate office upon conviction in accordance with state registration notification requirements (RCW9A.44.128).

- Between the date a person submits an application to attend any class at the College, and the date the person is no longer enrolled as a student notification shall be provided to Campus Safety and Security
- Between the date of submitting a criminal conviction verification form for the purpose of employment or volunteering at the College, and the date the person is no longer employed, or volunteering notification shall be provided to Human Resources.

College Responsibilities:

Notification:

The extent and types of college notifications are determined on a case-by-case basis, after direct consultation with law enforcement and depending upon the offender risk factors.

Law enforcement agencies issue narrative notices regarding the pending release of sex offenders. The narrative notices describe the identity and criminal history behavior of the offender and shall include a risk level classification for the offender.

Employees and students are prohibited from using released information to threaten, intimidate, harass, or injure a convicted sex and/or kidnapping offender or cause damage to their property. Such actions can result in criminal charges, employee discipline up to and including termination, or student disciplinary action, as applicable, under the Whatcom Community College Student Rights and Responsibilities Policy (WAC 132U-126).

Level I

The vast majority of registered sex offenders are classified as Level I offender. This classification is based on the determination that the registered offender is considered a 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.

Level I offenders are generally not the subject of general public notification to the College community. 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:

- President's Cabinet and key administrators
- Campus Safety and Security
- Community Standards
- Residence Life
- Behavioral Intervention Team
- Human resources and Title IX
- Any individual college community member upon request

Level II

Level II offenders are classified by law enforcement based on the determination the offender has a moderate risk of reoffending. They generally have more than one victim, took advantage of a position of trust and authority, and/or the abuse may have been long term.

Level II offenders are general not the subject of general public notification to the campus community. 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 Level I notifications
- Tutoring Center, Library, and Learning Centers
- Student Life and Development
- K-12 Partnerships
- Academic Advising and Career Services
- Early Childhood Education Program
- Student Recreation and Athletics
- On campus childcare facilities
- Faculty in the classes that the student is enrolled
- Students may be notified in all the classes in which the offender is enrolled
- Any other program or office with whom the student has or is likely to have contact
- Any individual college community member upon request.

Level III

Level III offenders are the greatest risk to the community. Most are predatory, have other violent crime convictions, refuse treatment and/or are known substance abusers. Community notification is the most extensive.

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. The extent and types of notifications for Level III sex offenders may be adjusted on a case-by-case basis, but the College community may receive the following notifications:

- All Level I and II notifications
- All College employees via internal mail/email
- College newspaper
- College bulletins and bulletin boards
- Any individual college community member upon request
- All students and employees may be notified

Level III Offenders are required to:

- Submit written notification to Campus Safety and Security of the intent to enroll at the College at least three (3) months prior to actual enrollment.
- Have at least six (6) consecutive months without any violations of their registration conditions leading up to enrolling at the College.

The college will:

- Notify the campus community approximately six (6) weeks before the start of the offender's enrollment at the College
- Monitor the offenders campus activity through various methods which may include campus access planning
- Introduce the offender to each class they attend as a Level III Sex Offender.

Procedure:

1. All communication from law enforcement officials regarding convicted sexual offenders shall be directed to the Director for Campus Safety and Security or designee. Prior to notification, the Director of Campus Safety and Security may, when deemed advisable, contact appropriate law enforcement officials to obtain information to guide notification actions.

2. All official notifications to the College shall come from the Office of the Vice President for Student Services or designee. The Vice President for Student Services, or designee, shall make the appropriate notification if the offender is enrolled or deemed likely to enroll in, or to attend, a course, program, or other activity or event that is controlled or sponsored by the College. Requests for additional information shall be referred to the appropriate law enforcement agency.
3. Known sex offenders/or kidnapping offenders, who are attending Whatcom Community College, may be asked to meet with the Vice President of Student Services or designee to review the notification procedure and conditions of enrollment, according to the above guidelines. The extent of the College public disclosure of relevant and necessary information shall be directly related to the:
 - a. Level of risk posed by the offender to the community;
 - b. Locations where the offender resides, expects to reside, or is regularly found;
 - c. Needs of the affected community members for information to enhance their individual and collective safety.
4. The Vice President for Student Services or designee may also develop a safety plan that includes specific limitations, restrictions, behavioral conditions, or any other factors determined important for campus safety.
 - a. **Conditional or Restricted Enrollment:** Convicted sex or kidnapping offenders may be admitted on a conditional basis. Conditional or restricted enrollment may require a behavior contract, safety plan, site restrictions, College public notifications, or other restrictions determined important to safety.
 - b. **Denial of Admissions to Selective Entry Programs:** Selective Entry Program Administrator or designee may deny admissions under respective program handbooks.
 - c. **Denial of Admissions:** The Vice President of Student Services or designee may deny admission under RCW 28B.50.090(3)(b) if “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.” *See also* WAC 131-12-010.
5. The Office of Safety and Security will maintain the following records on all registered sex offenders covered under this policy:
 - a. Copies of all files
 - b. Photos and other correspondence provided by other agencies
 - c. A record of all notifications made
 - d. Copies of all community advisory flyers or other public notices

In the case of a College employee, the Executive Director for Human Resources, or equivalent officer, shall maintain a similar file and, with consultation of the President or designee, shall coordinate notification.

6. Refusal to comply with the conditional or restricted admission requirements may result in suspension or expulsion of the student based upon the Whatcom Community College Student Rights and Responsibilities (WAC 132U-126).