
TITLE:	Notification of Convicted Sex Offenders or Kidnapping Offenders
NUMBER:	704 (replacing prior 407, 3015)
AUTHORIZED BY PRESIDENT:	10/18/93
AMENDED BY PRESIDENT	10/2/12

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/presence of convicted sexual and/or kidnapping offenders. This notification shall be in accordance with applicable state law and shall be in such a manner that maintains safety without creating excessive anxiety among students and staff.

Authority:

When local law enforcement officials provide the college with relevant and necessary information regarding the presence of convicted sex and/or kidnapping offenders, as defined in the statute (RCW 9A.44.130), the College is authorized, but not required, to release information to its employees and students regarding a sex offender or kidnapping offender.

Purpose of Notification:

An informed public is a safer public. Notification is not intended to increase fear. 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.

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. 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)).

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

Level I

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.

Level I offenders are generally *not* the subject of general public notification to the campus 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:

- Key administrators
- Behavioral Intervention Team
- Any individual college community member upon request

Level II

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.

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.

Level II offenders are generally *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:

- President's Cabinet, key administrators, and the Behavioral Intervention Team
- Tutoring Center, Library, Learning Center, and Student Center
- Faculty in the classes that the student is enrolled
- Students may be notified in all the classes in which the offender is enrolled
- 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, refused treatment and 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:

- President's Cabinet and key administrators
- Tutoring Center, Library, Learning Center, and Student Center
- Faculty in the classes that the student is enrolled
- Students may be notified in all the classes that the student is enrolled
- Any individual college community member upon request.
- All students and employees may be notified

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

Procedure:

1. All communication from law enforcement officials regarding convicted sexual offenders shall be directed to the Vice President for Educational Services or designee. All official notifications to the college community shall also come from the Office of the Vice President for Educational Services or designee. Requests for additional information will be referred to the appropriate law enforcement agency.
2. Working with appropriate law enforcement officials, the Vice President for Educational Services or designee will assess the campus safety issues related to registered sex and/or kidnapping offenders who have been identified as students or potential students.
3. Known sex offenders/or kidnapping offenders, who are attending Whatcom Community College, may be required to meet with the College Vice President of Educational 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 or a 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 Admission:** Convicted sex or kidnapping offenders may be admitted on a conditional basis. Conditional or restricted admission may require a behavior contract, safety plan, site restrictions, College public notifications, or other restrictions determined important to safety.
 - b. **Denial of Admissions:** The Vice President or designee may deny a prospective student 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."

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5. 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-120).