

SECTION: GENERAL

SUBJECT: SEX OFFENDERS

Background: This policy covers procedures to be used for registered sex offenders who are employed by the college, attending classes, and/or applying for campus student housing.

Point of Contact: Director of Security

Other LCSC offices directly involved with implementation of this policy or significantly affected by the policy: Vice President for Finance and Administration, Vice President for Student Affairs, Directors of Human Resource Services and Residence Life

Date of approval by LCSC authority: April, 2013

Date of State Board Approval: N/A

Date of Most Recent Review: April, 2013

Summary of Major Changes incorporated in this revision to the policy: Defines primary point of contact and chain of notifications as well as incorporating suggestions by the Department of Correction Bureau of Probation and Parole for “safety plans” for the registered offenders.

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1. Purpose: To protect the safety and welfare of the students and staff of Lewis-Clark State College. This will be achieved by screening applicants of the residence halls, education and nursing programs, and by providing timely and appropriate notification of the presence of a convicted sex offender to the appropriate departments. This notification shall be in accordance with applicable state law and shall be in such a manner that addresses safety and minimizes anxiety among students and staff.
 2. Authority: Pursuant to SEXUAL OFFENDER REGISTRATION NOTIFICATION AND COMMUNITY RIGHT-TO-KNOW ACT 18-8302, Lewis-Clark State College is authorized to notify the College community when knowledge is received that a registered sex offender may be expected on or near the College campus, including off-site buildings. The adult law is codified as [Title 18, Chapter 83](#), Idaho Code (sections 18-8301 through 18-8331) and the juvenile law is codified as [Title 18, Chapter 84](#) Idaho Code (sections 18-8401 through 18-8414).
 3. Immunity: Public employees and/or public agencies are immune from civil liability for damages for any discretionary decisions or release of relevant and necessary information regarding a registered sex offender, unless it is shown that the employee or agency acted with gross negligence or in bad faith as outlined in [18-8326](#) or [18-8413](#) of the Idaho Code.
 4. Notification: Idaho law requires that registered sex offenders notify the state police when they intend to work and/or study within an area under the state police’s jurisdiction. Upon notification of enrollment or employment of a registered sex offender, the Idaho State Police will, in turn, notify Lewis-Clark State College Security Department. The Security Office will verify records to determine if the offender is a registered student or a college employee and/or communicate the offender status to

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the Vice President for Finance and Administration, Vice President for Student Affairs, Directors of Human Resource Services and Residence Life, and Director of Kinder College (child care).

5. **Student Sex Offender Responsibility:** Idaho Sexual Offender Registration requires that, within two working days of enrollment, the student must notify the sheriff for the county where the person resides of intent to attend the college. The student must disclose sex offender status to Residence Life when applying for campus housing. LCSC requires that an enrolled college student must notify the Director of Security within two working days of their status as a sex offender.
6. **Employee Sex Offender Responsibility:** Idaho law requires that a prospective college employee must notify the sheriff for the county where the employee resides of the intent to accept a position at the college within two working days of employment. LCSC requires that a college employee must notify the Department of Human Resource Services their status as a sex offender within two working days of accepted employment.
7. **Disclosure:** The extent of disclosure by LCSC offices of relevant and necessary information shall be directly related to:
 - A. The potential level of risk posed by the offender to the LCSC campus.
 - B. The locations where the offender resides, expects to reside, or is regularly found.
 - C. The needs of the affected LCSC campus members for information to enhance their individual and collective safety.
8. **Record Keeping:** Any record received from local law enforcement agencies shall be maintained in the Campus Security Office.
9. **Procedure:** Upon notification to Campus Security from law enforcement that an individual has registered as an offender with the intent to work or attend school or is currently working or attending school at LCSC, Security will inform the President's Office; Provost; Vice President for Finance and Administration; the Vice President for Student Affairs; and the Directors of Human Resource Services, Residence Life, and KinderCollege. Official notifications to the college community outside of this group shall be approved on a case-by-case basis by the Vice President for Finance and Administration (VPFA), and the notifications will be made by the VPFA (or his/her designee). Requests for additional information, when deemed necessary, will be referred to the appropriate law enforcement agency.
 - A. Upon learning of the enrollment/presence of a convicted sex offender at Lewis-Clark State College, the Director of Security will take the following steps:
 - (1) Obtain additional information, as necessary, from local law enforcement agencies and information from college units about the offender's enrollment and employment intentions (or past history) on campus.
 - (2) Notify the Director of Human Resources to meet with the offender to discuss any access or employment restrictions to be imposed, e.g., KinderCollege restrictions if the offender is an employee.

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- (3) Notify the Vice President for Student Affairs to meet with the offender to create a safety plan, if the offender is a student. The safety plan will articulate the activities in which the offender should avoid participating and/or will restrict access to certain area of campus (e.g. day care, residence halls, etc.). The plan will help ensure the safety of the campus community as well as protect the rights and interests of the offender.
 - (a) A safety plan will be written in consultation with a student's probation officer or other law enforcement officer as needed. A copy of the plan will be kept with Campus Security.
 - (4) Inform the President's Office who will inform the Cabinet (President, Provost, VPFA and VPSA) of the presence of the registered sex offender and, as necessary, review relevant information to assess safety issues posed for currently enrolled students, KinderCollege, and employees.
 - (5) Notify the convicted offender to make him/her aware of the notification procedure and assure them that other than the notification procedure, convicted sex offenders will receive the same rights and privacy protections provided to all students or staff.
- B. Notification will occur in the following order with applicable information
- (1) President's Cabinet
 - (2) Provost or applicable instructional deans will provide notification to the division chairs and instructors of the classes in which the offender is enrolled if a safe plan has been implemented
 - (3) Selected Student Affairs staff as needed
10. Individuals or offices that have questions about the above policies or need to consult on how to handle a specific situation should contact the Director of Security (ext. 2226). Safety of students, staff, and members of the general public is paramount, but care should be taken, to the extent possible, to protect the privacy and legal rights of students or employees who are registered sex offenders.