

## GUIDELINES FOR THE NOTIFICATION OF SEX OFFENDERS

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Arkansas Code Annotated §12-12-913 requires the Arkansas Higher Education Coordinating Board to promulgate guidelines for the disclosure to students of information regarding registered sex offenders who are employed by or attend an institution of higher education. These guidelines are to be used by institutions of higher education in the development of a written policy approved by the institution's board of trustees.

### Guidelines

Each institution of higher education shall develop a policy regarding sex offender notification. The policy should include the following:

- ⊖ Authority: Citation to federal and state statutes relevant to an institution's responsibilities concerning registered sex offenders.
  - A.C.A. §12-12-903 (6) defines the "local law enforcement agency having jurisdiction" as follows:
    - (A) Chief law enforcement officer of the municipality in which an offender:
      - (i) Resides or expects to reside;
      - (ii) Is employed; or
      - (iii) Is attending an institution of training or education; or
    - (B) County sheriff, if:
      - (i) The municipality does not have a chief law enforcement officer; or
      - (ii) An offender resides or expects to reside, is employed, or is attending an institution of training or education in an unincorporated area of the county.
  - A.C.A. §25-17-304 (a)(b) provides that the president or chancellor of an institution of higher education is authorized and empowered to employ certified law enforcement officers to exercise the powers provided by law for city and county sheriffs for the protection of the institution.
  - A.C.A. §12-12-913 (b) states that "in accordance with guidelines promulgated by the Sex Offenders Assessment Committee, local

law enforcement agencies having jurisdiction shall disclose relevant and necessary information regarding sex offenders to the public when the disclosure of such information is necessary for public protection.”

- A.C.A. §12-12-913 (e)(1) states that “a local law enforcement agency having jurisdiction that decides to disclose information under this section shall make a good faith effort to conceal the identity of the victim or victims of the sex offender's offense.”

The role of an institution of higher education is to assist the local law enforcement agency having jurisdiction in the distribution of information concerning a sex offender. While it is clear that the local law enforcement agency having jurisdiction, meaning the law enforcement agency of the municipality or county within which the college or university is located, has the responsibility and liability to notify the institution concerning a registered sex offender, the plan for disclosure on the campus should be a joint effort between the law enforcement agency and the institution of higher education. The law enforcement agency will determine which sex offenders to notify the IHE about and what information will be disseminated; it should be the campus personnel who determine how the information should be disseminated.

- A. C. A. §12-12-913 (g) (2) states that “the Arkansas Higher Education Coordinating Board shall promulgate guidelines for the disclosure to students of information regarding a sex offender when such information is released to an institution of higher education by a local law enforcement agency having jurisdiction.

A.C.A. §12-12-913(g)(4) states that “in accordance with guidelines promulgated by the Arkansas Higher Education Coordinating Board, the board of directors of an institution of higher education shall adopt a written policy regarding the distribution to students of information regarding a sex offender.”

- The Campus Sex Crimes Prevention Act (section 1601) and (42 U.S.C., 14071j and 20 U.S.C., 1092 (f) (1) (I)) is a federal law enacted on October 29, 2000 which provides for the tracking of convicted sex offenders enrolled at or employed by institutions of higher education. This federal law 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 further requires that institutions of higher education issue a statement advising the campus community of the availability of this information.

❖ Procedures: The procedures should include:

- The name of the person(s) on campus who will be the contact person(s) with the local enforcement agency and will receive the information and plan of disclosure of sex offenders.
- A written notification plan for each offender will be determined by the local law enforcement agency with jurisdiction and will take into consideration the guidelines established by the Arkansas Sex Offenders Assessment Committee, including the individuals to be notified, those participating in the preparation of the plan, and the date the plan was made.
- A Sex Offender Notification Letter and Notification Sheet for each offender.
- A process for concerns with the plan to be addressed between the law enforcement agency and members of the campus administration. Final authority for the plan resides with the law enforcement agency.
- A process for the notifications required by state and federal law to be made.