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Southern Virginia Higher Education Center Policy

Policy # **5104**

Policy Title: **SEX OFFENDER ADMISSIONS POLICY**

Responsible Oversight Director: **Director, Student Services and Partner Relations**

Creation Date: **September 2, 2015**

A. PURPOSE

The purpose of this Southern Virginia Higher Education Center (SVHEC) policy is to provide guidelines for handling a student applicant to a SVHEC Educational Program who is determined to be on the Sex Offender Registry (Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry File).

B. AUTHORITY

Virginia Code Section 23-231.24-29, as amended, grants authority to the Board of Trustees to establish rules and regulations for the institution. Section VIII (E) of the [Board of Trustees Bylaws](#) grants authority to the Executive Director to implement the policies and procedures of the Board relating to the SVHEC operations.

The policies of the SVHEC fall within the following framework and hierarchy and, therefore, are subject to compliance with laws and regulations instituted by higher levels of authority:

1. Federal laws and regulations
2. State laws and regulations
3. Board of Trustees policies
4. **SVHEC policies**
5. Departmental policies and procedures

In the event of a conflict between different levels in 1 through 5 above, the lower numerical heading shall take precedence over higher numerical heading.

C. DEFINITIONS

1. Sex Offender – A generic term for all persons convicted of crimes involving sex, including rape, molestation, sexual harassment and pornography production or distribution. In most cases convicted sex offenders are required to report to local police authorities.
2. Sex Offender Registry – Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry File.
3. SVHEC Educational Program – A non-credit, non-degree program or course offered by SVHEC that is not affiliated with any other institution of higher education. Students in programs offered by SVHEC's higher education partner institutions will be subject to the policies of such institution or institutions.
4. SVHEC Enrollment Assessment Team A team that will consider applications for admission to SVHEC Educational Programs and will be comprised of the following members: SVHEC Associate Director of the Center of Nursing Excellence, SVHEC Communications and Portfolio Manager, SVHEC Career & Academic Resource Services Coordinator, an SVHEC representative from the program the student is attempting to enroll in, and the SVHEC Director of Student Services. At the discretion of the members of the SVHEC Enrollment Assessment Team, a representative from the Halifax County Sex Offender Parole Office and a representative of the Southside Community Services Board may be consulted for guidance, without disclosure of the applicant's FERPA-protected personally identifiable information.

D. SCOPE

This policy is applicable to all applicants for admission to a SVHEC Educational Program and any currently enrolled students in a SVHEC Educational Program. Matters pertaining only to the internal procedures of a given department or office are not considered to be within the scope of this policy. For the consideration of the SVHEC policies, the website, <http://www.svhec.org/svhec-policies>, is the official location of SVHEC policies.

E. POLICY STATEMENT

The following statements will be on all SVHEC student applications:

1. The name, date of birth, gender, and student identification number of a student enrolled in or applying for admission to a SVHEC Educational Program may be submitted to the Virginia State Police for comparison against the Sex Offender Registry. Because SVHEC is not an institution of higher education as contemplated by Virginia Code §23-2.2:1, such submission is not legally required. However, the SVHEC Board of Trustees has approved voluntary compliance with the provisions of Virginia Code §23-2.2:1 by SVHEC to better ensure the safety and security of all members of the SVHEC community. All applicants consent to submission of the personally identifying information listed above to the Virginia State Police by initiating and continuing with the application process.
2. Have you been convicted of a felony? If "Yes" then explain charges convicted of and when conviction occurred: _____.
(If a student has been convicted of a felony and fails to answer this truthfully, this is considered grounds for the student to be administratively withdrawn from the SVHEC Educational Program.)

In the event an applicant to a SVHEC Educational Program or a student enrolled in a SVHEC Educational Program is determined to be on the Sex Offender Registry, the following procedures apply:

1. The applicant or enrolled student will be sent a letter to his/her mailing address on file that states, in part, "Due to your status as a sex offender listed on the National Crime Information Center Convicted Sexual Offender Registry File, you must meet with the SVHEC Enrollment Assessment Team."
2. The applicant or enrolled student must respond to the request within seven (7) days. If the applicant or enrolled student does not respond within seven (7) days, he/she will be denied admission or administratively withdrawn from any SVHEC Educational Program in which the student already is enrolled.
3. The applicant or enrolled student will be informed that he/she will be afforded an opportunity to address the SVHEC Enrollment Assessment Team and to provide information to support admission or continued enrollment. The applicant or enrolled student must provide, at a minimum, the following information when meeting with the Team:
 - a. The nature of the offense for which he/she was convicted,
 - b. Justification for consideration of admission or continued enrollment,
 - c. A statement acknowledging his/her understanding that his/her identify and status as a convicted sex offender will be available for review on the SVHEC campus upon request in accordance with federal and state laws if his/her admission or enrollment is continued.
4. The SVHEC Enrollment Assessment Team will review the totality of circumstances on a case by case basis. The information considered, after any consultation with Southside Community Services Board and the Sex Offender Parole Officer deemed by the Team to be necessary, will include, but will not necessarily be limited to, the nature and number of offense(s), date of last offense, treatment and/or counseling sought, and restitution completed. The Team will make a decision to continue admission or enrollment by a simple majority vote within twelve (12) working days of receiving the required information and will submit a recommendation to the Executive Director.
5. The Executive Director will inform the applicant or enrolled student by letter of the decision.
6. The applicant or enrolled student may appeal the decision by submitting a letter expressing an intent to appeal the decision to the Executive Director within seven (7) days of the date of the decision letter.
7. The Executive Director will review all documents provided by the Team and may, in his or her discretion, meet with the applicant or enrolled student. The applicant or enrolled student will be informed in writing of the decision of the Executive Director within seven (7) days from the date of receipt of the appeal letter. The decision of the Executive Director shall be final.

F. RELATED INFORMATION

¹Procedures are not a part of the policy document. They are maintained separately.

POLICY HISTORY

Director Policy Review Committee & Policy Responsible Oversight Director - Approval to Proceed:


Responsible Oversight Director's Signature

11-24-14
Date

Executive Director – Provisional Approval of Policy:


Executive Director's Signature

11-24-14
Date

Date of Presentation to Board of Trustees: September 2, 2015

Date of Approval by Board of Trustees: September 2, 2015

Default Approval Date (if necessary):

Board of Trustee – Approval of Policy:


Chairman's or Designee's Signature

9-2-2015
Date

Policy Revision Dates:

Scheduled Review Date: September, 2020