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**Policy #5104**

**Title: SEX OFFENDER ADMISSIONS**

**Responsible Oversight Director: Director, Student Services & Partner Advancement**

**Original Policy Creation Date: November 24, 2014**

**Date of Current Revision: July 2024**

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**A. PURPOSE**

This policy provides information to applicants to SVHEC training programs regarding sex offender status and guidelines for evaluating an applicant to an SVHEC training program or an SVHEC training program participant who is determined to be on the Virginia Sex Offender and Crimes against Minors Registry.

**B. AUTHORITY**

Virginia Code [Section 23.1-3120 through 23.1-3124](#), 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

**Sex Offender** - Persons convicted of crimes involving sex, including, but not limited to, rape, molestation, sodomy, carnal knowledge of a minor, aggravated sexual battery, and pornographic production or distribution. In accordance with the Virginia Sex Offender and Crimes against Minors Act, Va. Code § 9.1-900 et seq., convicted sex offenders are required to report to local authorities and are listed in a public-access searchable state registry maintained by the Virginia Department of State Police.

**Sex Offender Registry**- A searchable database maintained by or under the authority of the Virginia Department of State Police for the purpose of providing public access to a list of convicted sex offenders

**SVHEC Enrollment Assessment Team**- A group of individuals selected to evaluate requests for enrollment from convicted sex offenders. Membership is made up of SVHEC staff and external subject matter experts, as appropriate.

**SVHEC Partner-Enrolled Student**- An individual who is enrolled with one or more SVHEC education partners and takes classes at the SVHEC through the respective partner(s). SVHEC partner enrolled students are subject to the policies of their own institution(s) as well as those of the SVHEC.

**SVHEC Training Program** - Any workforce training course, class, workshop or set of multiple courses, classes, and workshops for which SVHEC training program participants enroll with the Southern Virginia Higher Education Center. This does not include programs, classes, courses, or workshops for which SVHEC training program participants are enrolled via an SVHEC education or training partner.

**SVHEC Training Program Participant** - Individual who enrolls in an SVHEC training program.

## D. SCOPE

This policy applies to all applicants and participants enrolled in SVHEC training programs. SVHEC partner-enrolled students are subject to the background checks and sex offender admissions policies of the enrolling institution(s). SharePoint 365 is the official location of SVHEC internal staff policies. Policies that affect students/visitors are kept on the SVHEC website <https://www.svhec.org/student-resources/campus-life/policies/>.

## E. POLICY STATEMENT

All applicants to SVHEC training programs will be subject to the following processes to be considered for enrollment. Consent to these processes and use of applicant's personal identifiable information is implicit in completion of the application for enrollment.

1. The applicant's name, date of birth, and gender will be compared with the Virginia State Police Sex Offender and Crimes Against Minors Registry. Because the SVHEC does not grant degrees, it is not statutorily mandated by Virginia Code § 23.1-407 to report to the registry. However, the SVHEC Board of Trustees has approved voluntary compliance with provisions of Virginia Code § 23.1-407 by the SVHEC to better ensure the safety and security of all members of the SVHEC community.



2. The applicant's personally identifying information including Social Security Number may also be submitted to the Department of State Police for a criminal background check.

In the event that an applicant to an SVHEC training Program or a SVHEC training program participant is determined to be on the Virginia Sex Offender and Crimes against Minors Registry, the following will apply:

1. A letter will be sent to the applicant or SVHEC training program participant 's home address of record, stating, in part: "Due to your status as a sex offender listed on the Virginia State Police Sex Offender and Crimes Against Minors Registry (<https://vasheriffsinstitute.org/public-resources/sex-offender-registry/>) you must meet with the SVHEC Enrollment Assessment Team to review your continued application process (or "continued enrollment," in the case of an already enrolled SVHEC training program participant who is found to be listed on the registry)."
2. The applicant or SVHEC training program, participant must respond within five business days. If the applicant or participant does not respond within five days, he/she will be denied enrollment or dismissed from any SVHEC training program in which the participant is already enrolled.
3. The applicant or SVHEC training program participant 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 for enrollment or continued enrollment. The applicant or participant must provide, at a minimum, the following information when meeting with the SVHEC Enrollment Assessment Team:
  - a. The nature of the offense for which he/she was convicted;
  - b. Justification for consideration for enrollment or continued enrollment;
  - c. A statement acknowledging his/her understanding that his/her identity and status as a sex offender will be available for review on the SVHEC campus in accordance with federal and state laws if his/her admission for enrollment is granted 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 that is deemed necessary, will include but not necessarily be limited to, the nature and number of offense(s), date of last offense, treatment and/or counseling obtained, and restitution completed. The SVHEC Enrollment Assessment Team will make a decision on whether to allow applicant to continue admission or, in the case of an SVHEC training

program participant, to continue enrollment, by a simple majority vote within twelve (12) business days of the applicant or participant meeting with the SVHEC Enrollment Assessment Team and submitting the required information. The SVHEC Enrollment Assessment Team will submit a recommendation to the Executive Director.

5. The Executive Director will inform the applicant or participant of the decision by letter sent to the individual's home address of record by certified U.S. mail.
6. The applicant or SVHEC training program participant may appeal the decision by submitting a letter of appeal to the Executive Director within five (5) business days of the date of the decision letter.
7. The Executive Director will review all documents provided by the SVHEC Enrollment Assessment Team and may at his/her discretion, meet with the applicant or SVHEC training program participant. The applicant or participant will be informed of the decision of the Executive Director by letter sent to the individual's home address of record by certified U.S. mail within five (5) business days from the date of receipt of the appeal letter. The decision of the Executive Director shall be final.

POLICY HISTORY

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

*Antonia M Nelson*

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Responsible Oversight Director's Signature

11/24/2014  
Date

Executive Director-Provisional Approval of Policy:

*Betty A Adams*

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Executive Director's Signature

11/24/2014  
Date

Executive Director-Provisional Approval of **REVISED** Policy:

*Betty A Adams*

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Executive Director's Signature

10/11/2016  
Date

Date of Presentation to Board of Trustees: **December 6, 2017**

Board Action: Approve the Policy

*Matthe M Cowan*

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Chairman's or Designee's Signature

12/6/2017  
Date

Policy Creation Date: **November 24, 2014**

Last Revision Date: **October 1, 2016**

Scheduled Review Date: **October 1, 2021**

**POLICY HISTORY**

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

*Patricia M. Nelson*

Responsible Oversight Director's Signature

11/24/2014  
Date

**Executive Director – Provisional Approval of Policy:**

*Betty A. Adams*

Executive Director's Signature

11/24/2014  
Date

**Executive Director – Provisional Approval of **REVISED** Policy:**

*Betty A. Adams*

Executive Director's Signature

10/1/2016  
Date

**Date of Presentation to Board of Trustees: December 6, 2017**

**Board Action:**  Approve the Policy

Reject the Policy

*Matthe M. Cowan*

Chairman's or Designee's Signature

12/6/2017  
Date

**Policy Creation Date: November 24, 2014**

**Last Revision Date: October 1, 2016**

**Scheduled Review Date: October 1, 2021**



# POLICY HISTORY (Revision of Policy)

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Revisions Author's Signature

6/12/2024  
Date


  
Responsible Oversight Director's Signature

6/12/2024  
Date

## Executive Director – Provisional Approval of **REVISED** Policy:

  
Executive Director's Signature

08/19/24  
Date

Does this policy need to go before the Board for this revision approval?	
<input type="checkbox"/> Yes	
<input checked="" type="checkbox"/> No	
<u></u> PRC Chairman Signature	<u>7/25/2024</u> Date

Policy Creation Date: **November 2014**

This Revision Date: **June 2024**