

POLICY D-53

CAMPUS PARTICIPATION OF STUDENTS WITH FELONY AND SEXUAL OFFENSE RECORDS

Section 1. General.

- 1.1. Scope – This Rule regulates the participation of students with felony and sexual offense convictions in academic and extracurricular activities and provides faculty and staff with a procedure for reviewing the appropriateness of student participation in academic activities without violating student privacy.
- 1.2. Authority – Family Educational Rights and Privacy Act; ~~WV State Code §15-12-2(d)~~; ~~CCTGE Title 135, Series C.S.R. 23, Basic Guidelines and Standards for Admissions at Community and Technical Colleges~~
- 1.3. ~~Effective Date – April 17, 2009~~ October 22, 2024
- 2.1. ~~(Replaces version dated April 17, 2009)~~

Section 2. Purpose

- 2.2.2.1. ~~\_\_\_\_\_~~ It is the purpose of the Board of Governors to establish and regulate the Student Code of Conduct.
- 2.3.2.2. ~~\_\_\_\_\_~~ Convicted felons and registered sex offenders are not barred from enrollment at ~~West Virginia University at WVU~~ Parkersburg, but the effect of an applicant's criminal record will depend on the nature of the offense(s) and the potential risk posed to the institution by the admission of the applicant.
- 2.4.2.3. ~~\_\_\_\_\_~~ Limitations on participation in extracurricular activities or class assignments must be reasonable and directly related to areas of potential risk. This policy will exist to protect the campus community ~~and to comply with the West Virginia Code. The College will not tolerate~~ use of such information as compliance with the policy may generate to harass a student convicted of a felony or a registered sex offender ~~will not be tolerated.~~

Section 3 Self-Reporting of Felony Convictions

- 3.1. Application – All prospective students must complete a section on all applications that asks if the prospective student has ever been convicted of a felony.
- 3.2. Students who answer in the affirmative ~~will be required to~~ shall submit a letter of explanation to the Office of the Registrar prior to being accepted and prior to being allowed to register for class. ~~Upon receipt of the letter of explanation, if the student meets all other admission requirements~~ The Registrar shall make an acceptance decision ~~will be made by the Registrar~~ based on, inter alia, the

nature of the offense and the potential risk posed to the institution by the admission of the applicant.

- 3.3. All registered sex offenders are required to self report their status to the ~~West Virginia University at WVU~~ Parkersburg Police Department upon enrollment. If designated as a registered sex offender after enrollment, the student must self-reporting ~~must occur~~ within ~~one~~ three working days of the designation. Failure to self-report may result in disciplinary action up to and including expulsion.

#### Section 4 Record Keeping

- 4.1. Campus Police shall retain all letters of explanation ~~will be kept under a double lock protocol in two locations consisting, at minimum, of a locked container within a locked office in a sealed envelope secure file with Campus Police and add a note will be added in the student record portal of date received.~~

~~The Office of the Registrar will keep the original Letters of Explanation in a separate filing location from all academic and financial records.~~

~~4.1.1. The only Student Services personnel that will have access to the Letters of Explanation will be the Registrar and the Dean of Students Executive Vice President for Academic Affairs (EVPAA), on a purposeful, need to know basis.~~

~~4.1.2. Certified copies of the Letters of Explanation will be given to the campus police lead officer who will be the only other institutional officer allowed direct access to the Letters of Explanation files.~~

#### Section 5 Records Access

- 5.1. No employee of ~~West Virginia University at WVU~~ Parkersburg, other than the President, ~~Dean of Students EVPAA~~, Registrar, or Campus Police Lead Officer ~~will be~~ are allowed ~~to see~~ access to the letters of explanation files.
- 5.2. After initial notification by the EVPAA or the Campus Police Lead Officer, letters of explanation may not be accessed without a clear and immediate need to know as determined by the President.

#### Section 6 Activity Participant Vetting Process

- 6.1. Faculty, staff, or administrators may request to have their activity participant list vetted by the Campus Police to screen for potential incompatibility between the proposed activity (academic or extracurricular) and a felony conviction or registration on the sex offender registry of one of the proposed participants.
- 6.2. ~~If~~ Faculty, staff, or administrators ~~wish to use this process, requesting such review shall provide~~ a list of participants ~~will be given~~ to the Campus Police Lead Officer at least one week before the event.
- 6.3. The Campus Police Lead Officer will, in a secure setting, review the list against the letters of explanation files to determine if the nature of any felony conviction or registration on the sex offender registry precludes participation in an institutional activity.

- 6.4. The Campus Police Lead Officer will supply the requesting ~~employee~~ (faculty, staff or administrator) ~~will be supplied~~ with a list of those students whose felony record or registration on the sex offender registry is incompatible with the scheduled activity.
- 6.4.1. Upon review of the ~~Dean of Students~~ EVPA, students so identified will not be allowed to participate in the ~~extracurricular~~ activity.
- 6.4.2. If the activity in question is a required academic activity, the College will not allow students so identified ~~should not be allowed~~ to participate and ~~should be~~ will provide such students with an alternate means of assessment.
- 6.5. A student aggrieved by a determination of incompatibility can ~~be~~ appealed to the Office of the President. The President's decision is final.
- 6.6. Under no circumstances will the nature of the felony conviction be made known to anyone but the President, EVPA Dean of Students, Registrar, ~~or~~ and Campus Police Lead Officer.

## Section 7 Student Employees

- 7.1. Student employees of ~~West Virginia University at WVU~~ Parkersburg ~~should~~ shall not be placed in any position that would be incompatible with a specific felony conviction or registration on the sex offender registry. Supervisors or those with hiring authority may use the Activity Participant Vetting Process (Section 6, see above) to determine eligibility.

## Section 8 Sex Offenders

- 8.1. Any person who is required to register as a sex offender in West Virginia shall provide notice of such registration to the Campus Police Lead Officer ~~as required under WV State Code §15-12-2(d)~~ within three business days of such registration.
- 8.2. Registered ~~convicted~~ sex offenders are prohibited from working in or being upon the premises without authority of any area of the College that is designated to provide service/care to children. This prohibition includes, but is not limited to, pre-school or childcare facilities, high school or elementary school events, family style community events, or performance events that involve minors. The College may also prohibit registered sex offenders from attending or participating in other locations and/or events may be added at the discretion of WVU at Parkersburg Administration if, in the President's sole discretion, such attendance or participation would create an unreasonable risk to the institution.
- 8.3. Supervisors of registered sex offenders ~~should~~ must not assign the student employee to an area from which they are prohibited ~~if other employees are available~~ but shall instead assign another employee to complete the assignment. ~~If the assignment of the sex offender is essential, their immediate supervisor must escort them for the entire time that they are working in the prohibited location.~~
- ~~8.4. Registered Sex Offenders are prohibited from working in and participating in events associated with the Children's Room or campus productions or events that include or are~~

~~directed at minors. This includes off campus events funded or produced by West Virginia University at Parkersburg.~~

~~8.5.8.4. Individuals Students on the sex offender registry must notify their instructor(s) as soon as possible if an assignment or activity is given that they cannot complete and the affected instructor will offer an alternative assignment will be offered.~~

~~8.6.8.5. The state registry database is made available to alert possible victims of potential danger, not to punish or embarrass offenders. Use of such information to harass a sex offender will not be tolerated.~~

~~8.7.8.6. A hyper-text link to the sex offender registry of the West Virginia State Police will be placed on the web site of the West Virginia University at WVU Parkersburg Campus Police.~~