

West Virginia University Parkersburg Board of Governors

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; 135 C.S.R 23, *Basic Guidelines and Standards for Admissions and Community and Technical Colleges*
- 1.3. Effective Date – January 7, 2025
(Replaces version dated April 17, 2009)

Section 2. Purpose

- 2.1. It is the purpose of the Board of Governors to establish and regulate the Student Code of Conduct.
- 2.2. Convicted felons and registered sex offenders are not barred from enrollment at WVU Parkersburg, but the effect on 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.
- 2.3. Limitations on participation in extracurricular activities or class assignments must be reasonable and directly related to areas of potential risk. This policy exists to protect the campus community. 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.

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 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. The Registrar shall make an acceptance decision 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 WVU Parkersburg Police Department upon enrollment. If designated as a registered sex offender after enrollment, the student

must self-report within 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 in a secure file and add a note in the student record portal of date received.

Section 5 Records Access

- 5.1. No employee of WVU Parkersburg, other than the President, EVPAA, Registrar or Campus Police Lead Officer are allowed access to the letters of explanation.
- 5.2. After initial notification by the EVPAA or the Campus Police Lead Office, 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. Faculty, staff or administrators requesting such review shall provide a list of participants 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 faculty, staff or administrator 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 EVPAA, students so identified will not be allowed to participate in the activity.
 - 6.4.2. If the activity in question is a required academic activity, The College will not allow students so identified to participate and will provide such students with an alternate means of assessment.
- 6.5. A student aggrieved by a determination of incompatibility can appeal 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, EVPAA, Registrar, and Campus Police Lead Officer.

Section 7 Student Employees

- 7.1. Student employees of WVU Parkersburg 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 within three business days of such registration.
- 8.2. Registered 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 child care 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 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 must not assign the student employee to an area from which they are prohibited but shall instead assign another employee to complete the assignment.
- 8.4. 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.