



## ADMINISTRATIVE POLICY

# Sex Offender Policy (PS 2)

## POLICY STATEMENT

Federal and state laws govern the requirement for certain sex offenders to register with local law enforcement and statewide registry for community notification purposes. Institutions of higher education must comply with applicable requirements, including but not limited to the Campus Sex Crimes Prevention Act and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). Existing Board policy requires that NSHE police departments comply with federal requirements of the Clery Act, including crime reporting and certain notification requirements regarding dangerous individuals (Title 4, Chapter 1, Section 12).

In 2015, the NSHE Student Affairs Committee (SAC) recommended the creation of a working group to develop a system-wide policy governing the enrollment and employment of registered sex offenders. The working group – led by the Vice Chancellor for Legal Affairs and the Vice Chancellor for Academic and Student Affairs – included campus representatives from law enforcement and student affairs. After reviewing practices at individual institutions and the requirements of federal and state law, the working group recommended the adoption of a new Board policy on registered sex offenders, which would define registered offenders, require registered offenders to self-report, and require that each college/university president develop procedures governing registered sex offenders' application, admission, enrollment, employment, and/or other presence on campus, including but not limited to volunteers and vendors. The institutional procedures adopted must also comply with state and federal laws governing registered sex offenders.

In 2016, the Board of Regents approved NSHE's recommendation to amend Title 4, Chapter 1 to add a new Section 34 establishing Board policy on registered offenders. Based on the nature of the offense and risk level of the registered offender, the policy authorizes institutions to deny admission, revoke admission, limit enrollment, and/or restrict the activities of a student, employee, or other individuals on campus who are registered offenders. The policy also requires each president to develop procedures governing these activities and requires registered offenders to self-identify to the institution.

The purpose of this policy is to promote a safe and secure campus environment for all students, faculty, and staff. In addition, this policy requires Nevada State College to comply with federal and state law and policies set forth by the Board of Regents governing registered sex offenders, which are defined to include any individual required to register as a sex offender or offender convicted of a crime against a child.

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## DEFINITIONS

**Registered Offender:** As used in this section, "registered offender" refers to any individual required to register as a sex offender or offender convicted of a crime against a child under federal or state law, including Chapter 179D of Nevada Revised Statutes, regardless of whether that individual is under supervision by any agency of a local, state, or federal government. Definitions of Tier I, II, and III offenders can be found in Chapter 179D of the Nevada Revised Statutes:

<https://www.leg.state.nv.us/NRS/NRS-179D.html#NRS179DSec113>

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## PROCEDURES

### I. Self-Reporting Required by Registered Offender

Nevada State College (NSC) requires that registered offenders report their offender status and additional relevant information to UNLV Police Services, which currently provides police services for NSC. Registered offenders should register in-person with UNLV Police, located at 1325 E. Harmon Ave., Las Vegas, NV 89119. Registered offenders can also contact UNLV Police via telephone (702-895-3668) to request more information regarding the registration process. Required additional information may be requested by UNLV Police. Such information may include, but is not limited to, contact information; changes in residence and employment; and the name and address of the supervising agency, if any. Failure to self-report may result in immediate removal from campus and/or disciplinary action, including sanctions authorized by this section, and being subject to arrest by UNLV Police.

### II. Notification Process and Potential Restrictions Placed on Offender

UNLV Police will notify the Dean of Students (or designee) of any Tier II or Tier III offenders (as defined in NRS 179D.115 and 116: <https://www.leg.state.nv.us/NRS/NRS-179D.html#NRS179DSec113>) affiliated with Nevada State College within 7 calendar days (Tier I offenders are not included because Tier I offender information is not disclosed to the public).

The Dean of Students (or designee), in consultation with UNLV Police and designated NSC staff members, will review available documentation and determine if restrictions are necessary. The offender will be required to meet with UNLV Police (and the Dean of Students at his/her discretion) to review restrictions. UNLV Police will coordinate with the offender and Dean of Students to ensure compliance and enforcement of any restrictions. Any registered offender shall refrain from participation in any activities involving minors (including any classroom or other NSC-sponsored activities). Restrictions may include but are not limited to:

- A. *Restriction on Enrollment:* NSC may withdraw, restrict, or change student enrollment in courses, including distance education courses, in which a registered offender is enrolled based on the presence of or potential to interact with a minor, and/or other restrictions placed on the registered offender under state or federal law, as a condition of parole or probation, or by the Nevada Division of Parole and Probation of the Department of Public Safety.
- B. *Restricted Areas/Locations:* NSC may restrict registered offenders from working or being present in specified areas or locations on the campus based on the presence of minors or other restrictions placed on the registered offender by NSC or pursuant to state or federal law, as a condition of parole or probation, or by the Nevada Division of Parole and Probation of the Department of Public Safety. Such locations include, but are not limited to, any children's programs.
- C. *Restriction on Employment:* In accordance with the Board of Regents Code, Title 2, Chapter 6, NSC may deny, terminate, or change the duties of employment of a registered sex offender based on the presence of or potential to interact with a minor, and/or other restrictions placed on the registered offender by NSC or pursuant to state or federal law, as a condition of parole or probation, or by the Nevada Division of Parole and Probation of the Department of Public Safety.
- D. *Restriction on Extracurricular or Co-curricular Activities:* NSC may restrict the participation of a registered offender in extracurricular or co-curricular activities based on the presence of or potential to interact with a minor, and/or other restrictions placed on the registered offender by NSC or pursuant to state or federal law, as a condition of parole or probation, or by the Nevada Division of Parole and Probation of the Department of Public Safety.

- E. *Restrictions on Institutional Housing*: NSC may deny or restrict a registered offender from working, visiting, or living in residence halls or other institutional facilities for housing.
- F. *Meeting with Institutional Designee*: NSC may require registered offenders to meet with a person designated by NSC upon application, admission, enrollment, employment, and/or other presence, including but not limited to volunteers and vendors, and/or as requested or determined necessary by NSC.

### III. Appeals Process

An offender who provides written notice of an objection to any restriction imposed pursuant to the institutional policy may appeal directly to the President (or designee). The appeal should identify the specific restriction(s) the individual is objecting to, reasons why the individual disagrees with the restriction(s), and any supporting documentation that would be helpful in the appeals process. Such restrictions may include, but are not limited to, the denial or revocation of admission or administrative withdrawal from classes. Pending appeal, all restrictions imposed by the institution remain in place. The President's (or designee's) appeal decision is considered final.

### IV. Policy Applicability and Sanctions

All students, faculty, staff, and other members of the NSC campus community are subject to this policy. Individuals who violate this policy are subject to discipline up to and including termination and/or expulsion, in accordance with this section; the NSHE and/or NSC Student Code of Conduct; and/or, in the case of classified employees, the Nevada Administrative Code. Other, lesser sanctions may be imposed, depending on the circumstances.

If a student, employee, or other member of the campus community fails to self-report in accordance with this policy prior to any admission, employment, or other association with NSC, said individual will be immediately removed from campus, and/or face disciplinary action or criminal charges where and if appropriate.

## FORMS/INSTRUCTIONS

N/A

## CONTACTS

OFFICE/UNIT	CONTACT	PHONE	EMAIL
Office of the Provost	Gwen Sharp	702-992-2645	<a href="mailto:Gwen.sharp@nsc.edu">Gwen.sharp@nsc.edu</a>
Joshua Delvalle – UNLV Police	Detective	702-895-5780	<a href="mailto:Joshua.Delvalle@unlv.edu">Joshua.Delvalle@unlv.edu</a>

## RELATED INFORMATION

Nevada Revised Statutes Chapter 179D – Registration of Sex Offenders and Offenders Convicted of a Crime Against a Child (<https://www.leg.state.nv.us/NRS/NRS-179D.html>)

Nevada Revised Statutes Chapter 179B – Statewide Registry of Sex Offenders and Offenders Convicted of a Crime Against a Child (<https://www.leg.state.nv.us/NRS/NRS-179B.html>)

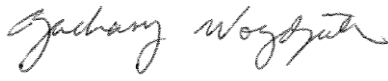
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## HISTORY


No previous policy on sexual offenders exist at NSC.

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## APPROVAL SIGNATURES PAGE

  
Faculty Senate (Chair's Signature) 3/23/18 Date

Recommended: (Circle One)  
 Approval Denial\* Approval\*  
w/condition

  
Office of the Provost (Provost's Signature) 4/9/18 Date

Recommended: (Circle One)  
 Approval Denial\* Approval\*  
w/condition

  
Office of the President (President's Signature) 10/8/18 Date

(Circle One)  
 Approval Denial\*

\*Attach rationale for denial or conditional approval