

BOARD OF REGENTS  
BRIEFING PAPER  
**Registered Sex Offenders**

**BACKGROUND & POLICY CONTEXT OF ISSUE:**

Federal and state laws govern the requirement for certain sex offenders to register and for community notification. 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 September 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 Vice Chancellor for Legal Affairs, Brooke Nielsen and Vice Chancellor for Academic and Student Affairs, Crystal Abba – included campus representatives from law enforcement and student affairs. After reviewing practices at individual institutions, as well as the requirements of federal and state law, the working group is recommending the adoption of a new Board policy on registered sex offenders to define registered offenders, require registered offenders to self-report, and require that each president develop procedures governing the application, admission, enrollment, employment and/or other presence, including but not limited to volunteers and vendors, on campus of a registered offender. The institutional procedures adopted must also comply with state and federal laws governing registered sex offenders.

**SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:**

Amend *Title 4, Chapter 1* to add a new *Section 34* establishing Board policy on registered offenders. Specifically, the policy establishes NSHE’s commitment to promoting a safe and secure environment at all of its institutions and requires institutions 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. 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 the 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. Institutions must document any restrictions placed on the registered offender, and these restrictions may include, but are not limited to housing, extracurricular activities, course enrollment, restricted areas on campus, and required meetings with institutional representatives.

In addition, amend *Title 4, Chapter 1, Section 12*, which requires that all NSHE police departments comply with the federal requirements under the Clery Act. The proposed policy requires that public safety offices serving an institution also comply with the Clery Act and adds a link to the federal handbook that provides more specific guidelines to institutions of higher education for compliance. The proposed policy also requires each president to designate an employee of the police department or public safety office to be the contact person for law enforcement agencies. This individual must inform law enforcement agencies of any restrictions placed on registered offenders by an institution and annually transmit to the Nevada Division of Parole and Probation the required inventory of all programs or activities at the institution that involve children under the age of 18 years.

Finally, delete *Chapter 4, Section 12* of the *NSHE Procedures and Guidelines Manual*, which sets setting forth compliance with the notification requirements federal Campus Sex Crimes Prevention Act – which is part of the Clery Act – but is now outdated.

(See the attached policy proposal.)

**IMPETUS (WHY NOW?):**

The SAC working group has completed its work and proposes the adoption of a new policy governing the application, admission, enrollment, employment and/or other presence, including but not limited to volunteers and vendors, on campus of a registered offender.

**BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:**

- Institutions currently have registered offenders as students and employees on campus. Each institution takes steps to protect the campus community, but Board policy does not address this issue, and thus the institutions may each take a very different approach. A Board policy requiring presidents to adopt institutional policy utilizing the certain guidelines will establish a more consistent approach to the application, admission, enrollment, employment of registered offenders.
- The policy clarifies that institutions may take steps to limit the admission, enrollment, and residence hall living situations of registered sex offenders.
- The policy requires registered offenders to self-identify, which will allow staff, including law enforcement, at the institution to determine the appropriate steps (notification, restriction on courses, etc...) to better protect the community based on the risk level of the registered offender.
- Requiring presidents to designate a representative to interact with outside law enforcement will ensure better communication and interaction between campus law enforcement and outside law enforcement agencies that will serve to better protect the campus community.

**POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:**

None have been presented.

**ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:**

Do not adopt the recommended policy.

**COMPLIANCE WITH BOARD POLICY:**

- Consistent With Current Board Policy: Title # \_\_\_\_\_ Chapter # \_\_\_\_\_ Section # \_\_\_\_\_
- X Amends Current Board Policy: Title 4, Chapter 1, new Section 34; Title 4, Chapter 1, Section 8
- X Amends Current Procedures & Guidelines Manual: Chapter 4, Section 12
- Other: \_\_\_\_\_
- X Fiscal Impact: Yes \_\_\_\_\_ No X \_\_\_\_\_  
Explain: \_\_\_\_\_

**POLICY PROPOSAL**  
**TITLE 4, CHAPTER 1, *New* SECTION 34**  
**Policy on Registered Offenders**

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

**Section 34 – Policy on Registered Offenders**

**1. Policy Statement**

*The Nevada System of Higher Education is committed to promoting a safe and secure environment at all of its institutions. Each institution shall comply with federal and state law and policies set forth by the Board of Regents governing registered offenders, as defined by this section.*

*Pursuant to this section and based on the nature of the offense and risk level of the registered offender, institutions may deny admission, revoke admission, limit enrollment and/or restrict the activities of a student, employee or other individuals on the campus who are registered offenders.*

**2. Definition of “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.*

**3. Institutional Procedures Governing Registered Offenders**

*Each president shall develop procedures governing the application, admission, enrollment, employment and/or other presence, including but not limited to volunteers and vendors, on campus of a registered offender. These procedures must comply with state and federal law governing registered offenders and must include, but are not limited to, the following:*

**a. Self-Reporting Required by Registered Offender**

*Institutions must require registered offenders to report their offender status and provide other information required by the institution to the institution’s police or security services and/or other individual or department designated by the institution. Failure to self-report may result in immediate removal from campus and/or disciplinary action, including sanctions authorized by this section. Other information required by the institution may include, but is not limited to, contact information; changes in residence and employment; and name and address of supervising agency, if any.*

**b. Restrictions Placed on Registered Offender by Institution**

*Institutions must document any restrictions placed on the registered offender as a condition of application, admission, enrollment, employment and/or other presence, including but not limited to volunteers and vendors. The restrictions may include but are not limited to:*

**i. *Restrictions on Institutional Housing***

***Institutions may deny or restrict a registered offender from working, visiting, or living in residence halls, apartments or other institutional facilities for housing.***

**ii. *Restriction on Enrollment***

***Institutions may withdraw, restrict or change student enrollment, 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.***

**iii. *Restricted Areas/Locations***

***Institutions 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 the institution 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.***

**iv. *Restriction on Employment***

***In accordance with the Board of Regents Code, Title 2, Chapter 6, institutions may deny, terminate or change the duties of employment of a registered offender based on the presence of or potential to interact with a minor, and/or other restrictions placed on the registered offender by the institution 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.***

**v. *Restriction on Extracurricular or Co-curricular activities***

***Institutions 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 the institution 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.***

**vi. *Meeting with Institutional Designee***

***Institutions may require registered offenders to meet with a person designated by the institution 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 the institution.***

**c. *Student Appeal Process***

***Institutions must establish an appeals process under which an offender who provides written notice of an objection to any restriction imposed pursuant to the institutional policy may appeal. Such restrictions may include, but are not limited to, the denial or revocation of admission or the administrative withdrawal from classes. Pending appeal, all restrictions imposed by the institution remain in place.***

**d. *Policy Applicability and Sanctions***

***All students, faculty, staff, and other members of the 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 Code (or applicable Student Code of Conduct); in the case of classified employees, the Nevada Administrative Code; or in the case of DRI technologists, the Technologists Manual. Other, lesser sanctions may be imposed, depending on the circumstances.***

**POLICY PROPOSAL**  
**TITLE 4, CHAPTER 1, SECTION 12**

NSHE Police and Security Forces – Institutional Designee for Communication with  
Law Enforcement Agencies and Compliance with the Jeanne Clery Disclosure of  
Campus Security Policy and Campus Crime Statistics Act

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

**Section 12. NSHE Police and Security Forces**

1. Mission

The mission of NSHE police and security forces shall be 1) to provide for the safety and security of students, employees, and guests on each campus, 2) to protect NSHE property, 3) to create an atmosphere of respect, friendliness, and community on the campus, and 4) to provide the most efficient, extensive security for each campus within the resources available.

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13. ***Campus Reports and Compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act***

All NSHE police departments *or public safety office serving the institution* must comply with federal requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act , 20 U.S.C. §1092(f), 34 CFR 668.46 and shall provide widely disseminated monthly reports on campus crime to all members of the campus community through email or other mechanisms. Immediate warnings to the campus community shall be provided if the police departments have reliable information about dangerous individuals in the area or of crimes in the immediate vicinity of the institution that are not yet solved.

*Available resources to assure compliance with the Act include, but are not limited to, the Handbook for Campus Security and Reporting (<https://www2.ed.gov/admins/lead/safety/handbook.pdf>)*

14. ***Sex offenders and Registered Offenders: Institutional Designee for Communication with Law Enforcement Agencies***

*Each president must designate an employee of the police department or public safety office serving the institution who will be the contact person for law enforcement agencies, including the Nevada Department of Parole and Probation, concerning sex offenders and registered offenders, as defined under Title 4, Chapter 1 of the Handbook. The institutional designee must inform the appropriate local, state, or federal law enforcement agencies, including the Nevada Division of Parole and Probation of the Department of Public Safety, of any restrictions placed on a sex offender or registered offender as a condition of enrollment, employment, or presence at the institution.*

*At least annually, each institution shall transmit to the Nevada Division of Parole and Probation of the Department of Public Safety the inventory required pursuant to Title 4, Chapter 22 of the Handbook of all programs or activities that involve children under the age of 18 years, including but not limited to high schools or other partnerships/affiliations with school districts, daycare facilities, summer camps and programs, sport camps, research studies, and other activities or programs that are specifically intended to involve children under the age of 18 years.*

**15. External Evaluation**

At least every five years, all NSHE police departments shall be reviewed by an entity external to the NSHE, approved by the chancellor on recommendation from the president. The purpose of these reviews will be to assure that the police departments and their employees are operating in an appropriate and effective manner consistent with the welfare of the institution of which they are a part. These reviews shall be presented to the Board of Regents by the external reviewer.

~~[45]~~ **16. Review Boards**

The Board of Regents shall, for each institution, either establish a review board or ensure that an alternate mechanism is in place to address the concerns raised by NRS 396.3291. If established, the membership and function of this board will be consistent with the stipulation set forth in NRS 396.3291 and the board shall annually present a report to the chancellor on its activities.

*NSHE Procedures and Guidelines Manual*

**CHAPTER 4, SECTION 12**

Campus Sex Crimes Prevention Act Compliance (formerly CM 02-05)

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

**DELETE SECTION 12 [Campus Sex Crimes Prevention Act Compliance (formerly CM 02-05)] AND RENUMBER SECTIONS 13 THROUGH 19 AS 12 THROUGH 18.**