

West Virginia University at 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 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); CCTCE Title 135, Series 23
- 1.3. Effective Date – 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 West Virginia University at Parkersburg.
- 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. Use of such information as 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 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 an acceptance decision will be made.
- 3.3. All registered sex offenders are required to self report their status to the West Virginia University at Parkersburg Police Department upon enrollment. If designated as a registered sex offender after enrollment, the self-reporting must occur within one working day of the designation. Failure to self-report may result in disciplinary action up to and including expulsion.

Section 4 Record Keeping

- 4.1. 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.
 - 4.1.1. The Office of the Registrar will keep the original Letters of Explanation in a separate filing location

from all academic and financial records.

4.1.2. The only Student Services personnel that will have access to the Letters of Explanation will be the Registrar and the Dean of Students, on a purposeful, need to know basis.

4.1.3. 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 Parkersburg, other than the President, Dean of Students, Registrar or campus police lead officer will be allowed to see the Letters of Explanation files.

5.2. After initial notification Letters of Explanation may not be accessed without a clear and immediate need to know.

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 of one of the proposed participants.

6.2. If faculty, staff or administrators wish to use this process, 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 precludes participation in an institutional activity.

6.4. The requesting employee (faculty, staff or administrator) will be supplied with a list of those students whose felony record is incompatible with the scheduled activity.

6.4.1. Upon review of the Dean of Students, 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, students so identified should not be allowed to participate and should be provided with an alternate means of assessment.

6.5. A determination of incompatibility can be appealed to the Office of the President.

6.6. Under no circumstances will the nature of the felony conviction be made known to anyone but the Dean of Students, Registrar or campus police lead officer.

Section 7 Student Employees

7.1. Student employees of West Virginia University at Parkersburg should not be placed in any position that would be incompatible with a specific felony conviction. 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 to the Campus police lead officer as required under WV State Code §15-12-2(d).

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 child care facilities, high school or elementary school events, family style community events or performance events that involve minors. Other locations and/or events may be added at the discretion of WVU at Parkersburg Administration.

- 8.3. Supervisors of registered sex offenders should not assign the student employee to an area from which they are prohibited if other employees are available 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. Individuals must notify their instructor if an assignment or activity is given that they cannot complete and an alternative assignment will be offered.
- 8.6. 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. 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 Parkersburg Campus Police.