



**Pima County Community College District
Administrative Procedure**

<i>AP Title:</i>	Sex Offender Notification
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<i>Sponsoring Unit/Department:</i>	Chief of Police
<i>Policy Title(s) & No(s).:</i>	Institutional Security and Safety, BP 11.02
<i>Legal Reference:</i>	Campus Sex Crimes Prevention Act (section 1601 of Public Law 106-386), Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 USC §1092(f), Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act, 42 USC §14071, Violence Against Women ACT (VAWA) 34 U.S.C. 12291 and A.R.S. §13-3826 (community notification guidelines)
<i>Cross Reference:</i>	Pima Community College Police Department Operational Directive 329, Registered Offender Information

PURPOSE

Pima Community College (“College”) strives to provide a safe environment for its students, faculty, staff, visitors and guests. To promote the safety and welfare of its campuses and sites, the College will provide the College community with timely and appropriate notification of the presence of known Level 2 (intermediate

risk) and Level 3 (high risk) registered sex offenders who may be on College premises. This notification will be in accordance with current applicable state and federal laws.

AUTHORITY

Pursuant to BP 11.02, “Sexual Violence”, the Chancellor designates the Chief of Police as the Sponsoring Unit responsible for implementing this AP.

SECTION 1: Background Information

1.1 State and Federal Notification Requirements

Arizona law requires a convicted sex offender to register with the sheriff in the county where the sex offender resides. In addition, a sex offender who is a student, employee, or volunteer of the College; or who carries on a vocation at any college, university, or institution of post-secondary education; is required to register this information with the sheriff in the county where such institution is located.

As part of notifying the community, State law requires the Pima County Sheriff’s Department (“the Sheriff”) and the Tucson Police Department (“TPD”), along with other local law enforcement agencies, to notify the College of a registered Level 2 or Level 3 sex offender who is a student, employee, or volunteer of the College; or who carries on a vocation at the College. These agencies provide these alerts to the Pima Community College Police Department (“PCCPD”).

Once such notice is received, state law requires that the College notify the College community of Level 2 and Level 3 sex offenders on its premise (State law only allows notification on Level 1 sex offenders to those with whom the offender resides). In addition, Federal law requires institutions of higher learning to advise their communities as to where law enforcement agency information concerning registered sex offenders may be obtained.

The Federal Campus Sex Crimes Prevention Act designates that information concerning registered sex offenders is public information and, as such, is exempted from provisions of the Family Education Rights and Privacy Act (“FERPA”) and other federal and state laws that might otherwise prohibit the disclosure of such information.

1.2 Non-Retaliation

Under Arizona Law, Sex Offender Notification information shall not be used to threaten, intimidate, or harass a sex offender. Any use of Sex Offender Notification information to threaten, intimidate, or harass a sex offender should be reported immediately to PCCPD.

SECTION 2: Procedure

2.1 College Receipt of Sex Offender Notification

Within one (1) business day of receiving a Sex Offender Notification from the Sheriff, TPD, or other jurisdiction, PCCPD, shall conduct a search of College databases to determine if the sex offender referenced in the notification is a current student, employee, or volunteer, or carries on a vocation at the College.

If PCCPD determines that an identified sex offender is a current College student, employee, or volunteer, or is carrying on a vocation at the College, the notification responsibilities will be conducted in accordance with Sections 2 and 3 of this AP. If the sex offender is not a current College student, employee, or volunteer, or is not carrying on a vocation at the College, the notification will be filed in PCCPD records, and no further action shall be undertaken by the PCCPD, except as provided in Section 4 of this AP.

2.2 Posting and Notification of Sex Offender Information to the College Community

Within ten (10) business days after PCCPD determines that a Level 2 or Level 3 registered sex offender is a current student, employee, or volunteer of the College, or is carrying on a vocation at the College, the following notification procedure shall be completed. There are no exceptions to the time limit regarding notification to the College community.

A. Notice on PCCPD's Website

1. PCCPD shall post on its website a "Sex Offender Information Page." The Sex Offender Information Page shall contain the sex offender's name, picture, exact address, campus or site affiliation, a summary of the sex offender's status and criminal background, and whether the sex offender is a student, employee, or volunteer or carries on a vocation at the College.

2. Information concerning the existence and location of the College website that contains Sex Offender Information Pages will be published annually in the Student Handbook and the Employee Handbook.

B Notice on Campus and Site Bulletin Boards

1. PCCPD will distribute “Sex Offender Information Flyers” in accordance with Section 3 of this AP. The flyers will contain the sex offender’s name, picture, exact address, campus or site affiliation, a summary of the sex offender’s status and criminal background, and whether the sex offender is a student, employee, volunteer or carries on a vocation at the College. The Sex Offender Information Flyer shall also indicate that if anyone has any additional questions concerning the matter, PCCPD may be contacted by dialing 206-2700.
2. Each Campus Vice President, site director, or designee will be responsible for designating a minimum of one specific bulletin board at their respective locations as the official posting site for the Sex Offender Information Flyers. The designated bulletin board(s) will be in areas of high visibility known to the College community.
3. Information about the location of designated sex offender bulletin boards will be posted on the PCCPD website’s “Sex Offender Information Page.”

C. Print and Electronic Media

PCCPD will alert the College community by print and electronic media that a sex offender is a student, employee, or volunteer of the College, or is carrying on a vocation at the College. The College community shall be notified of the sex offender’s name, picture, exact address, a summary of the sex offender’s status and criminal background, and whether the sex offender is a student, employee, or volunteer, or carries on a vocation at the College. PCCPD will also assist the College’s media-relations office in preparing a press release to other print and electronic media.

D. Other Alerts

Nothing in this procedure shall restrict PCCPD from providing additional notifications concerning a Sex Offender, should PCCPD determine that a particular sex offender's case warrants.

SECTION 3: Dissemination of Information

The notification process to the College community must be completed within ten (10) business days of the initial Sex Offender Notification received by PCCPD. There are no exceptions to the time limit regarding notification to the College community. As a courtesy, the College will attempt to notify the Sex Offender of this process within the same ten (10) business day timeframe.

Notification concerning sex offenders will be made as follows:

3.1 Sex Offender Who Is a Student

1. PCCPD will provide all Campus Vice Presidents, the Provost, the Executive Vice Chancellor for Finance and Administration, and the Chief Human Resources Officer with a copy of the Sex Offender Notification regarding the Sex Offender.
2. Each Campus Vice President, site director, or designee will be responsible for ensuring that the notification process is carried out at their respective locations by the required deadline.
3. A Campus Vice President, along with a PCCPD police officer, will be responsible for notifying the Sex Offender of the impending notification process, preferably within the ten (10) business day period. If this cannot be done within the ten (10) business day period, it will be done as soon as reasonably possible.
4. Each Campus Vice President will be responsible for notifying College employees and affiliates on their respective campuses, of the presence of the Sex Offender.
5. Each Campus Vice President will be responsible for notifying the instructors on their respective campuses who work directly involved with the Sex Offender.

6. Each Campus Vice President, site director, or designee will be responsible for notifying any other employees or persons that the Campus President and/or site director deems appropriate of the presence of the Sex Offender.
7. It is the responsibility of the Campus Vice President to confirm to PCCPD via an electronic checklist of the completion of the notification process.
8. The Campus Vice President(s) of the applicable campus(es) will be responsible for determining if the student Sex Offender may continue in the program/classes for which the student is registered. Should the Campus Vice President determine that the Sex Offender should be removed from the program/class, the student Sex Offender may appeal this decision to the Provost whose determination will be final.

3.2 Sex Offender Who Is an Employee

1. PCCPD will provide the Chancellor and Chief Human Resources Officer with a copy of the Sex Offender Notification regarding the employee Sex Offender.
2. The Chief Human Resources Officer or designee will be responsible for notifying the Sex Offender of the impending notification process, preferably within the ten (10) business day period. If this cannot be done within the ten (10) business day period, it will be done as soon as reasonably possible. A PCCPD officer may accompany any College employee who is providing notification to a Sex Offender.
3. It is the responsibility of the Chief Human Resources Officer to confirm to PCCPD via an electronic checklist that the notification process is complete.
4. The Chief Human Resources Officer will be responsible for determining if the employee Sex Offender properly disclosed the employee's Sex Offender status on any employment application form. It is the responsibility of employee to disclose their Sex Offender status on Employment Applications. Should an employee fail to do so, the employee is subject to disciplinary or other administrative action up to and including revocation of an offer of employment and/or termination of employment.

5. The Chief Human Resources Officer or designee will be responsible for determining whether or not a Sex Offender will be able to continue to be employed by the College. Should the Chief Human Resources Officer or designee determine that the Sex Offender should be terminated, such recommendation shall be subject to any applicable College due process policy, including, but not limited to, appeal or review processes.

3.3 Sex Offender Who is a Volunteer

1. PCCPD will provide the Chief Human Resources Officer with a copy of the Sex Offender Notification regarding the volunteer Sex Offender.
2. The Chief Human Resources Officer or designee shall be responsible for notifying the Sex Offender of the impending notification process, preferably within the ten (10) business day period. If this cannot be done within the ten (10) business day period, it will be done as soon as reasonably possible. A PCCPD officer may accompany any College employee who is providing notification to a Sex Offender.
3. It is the responsibility of the Chief Human Resources Officer to confirm to PCCPD via an electronic checklist that the notification process has been completed.
4. The Chief Human Resources Officer shall determine whether the Sex Offender may continue to volunteer for the College. The Chief Human Resources Officer's decision shall be final.
5. If the Chief Human Resources Officer determines that a Sex Offender may not continue to volunteer for the College, the Chief Human Resources Officer shall be responsible for notifying, in writing, and if reasonably possible, in person, that the Sex Offender may not work as a volunteer for the College.

3.4 Sex Offender Who Carries on a Vocation at the College

1. College contracts shall include a provision prohibiting the contractor from using registered sex offenders on College property unless

express permission is provided by the Executive Vice Chancellor for Finance and Administration.

2. If a College contractor intends to have a Level 2 or Level 3 registered sex offender work at any College campus or site, the contractor must provide the Executive Vice Chancellor for Finance and Administration with ten (10) days advance written notice of such intention.
3. Upon receiving the written notice referenced in the preceding paragraph, the Executive Vice Chancellor for Finance and Administration shall determine whether the registered Level 2 or Level 3 sex offender may work at any College campus or site, and if so, under what conditions. This decision will be provided to the contractor by the Executive Vice Chancellor for Finance and Administration. The Executive Vice Chancellor for Finance and Administration's decision shall be final.
4. If the Executive Vice Chancellor for Finance and Administration determines that a Level 2 or Level 3 sex offender may work at a College building or on College property, the College community shall be notified as set forth in Sections 2 and 3 of this AP. In addition, the Executive Vice Chancellor for Finance and Administration shall notify PCCPD of the situation and shall require the contractor to inform the registered sex offender of the College's notification procedures.
5. It is the responsibility of the Executive Vice Chancellor for Finance and Administration to confirm to PCCPD via an electronic checklist that the notification process has been completed.

SECTION 4: Maintenance and Review of Records

PCCPD shall maintain records on all registered sex offenders covered under this AP and shall be responsible for verifying the offenders' status on a continuing basis as follows:

- 4.1 College databases for each Sex Offender who, at the time of initial notification, was not a student, employee, or volunteer, or an individual who was carrying on a vocation at the College, will be checked over a two-year period not less than twice a year dating from the receipt of initial notification

to determine if the sex offender's status has changed. If at any time during the two-year period PCCPD determines that the Level 2 or Level 3 registered sex offender has become a student, employee, or volunteer, or is carrying on a vocation at the College, the notification procedure set out in Sections 2 and 3 of this AP shall be followed.

- 4.2 For each Sex Offender who, at the time of initial notification, was a student, employee, volunteer, or was an individual carrying on a vocation at the College, PCCPD will determine a schedule to monitor the sex offender's ongoing relationship with the College. PCCPD will conduct a status check not less than twice a year to determine whether the Sex Offender remains a current student, employee, volunteer, or is an individual carrying on a vocation at the College.
 1. If the status check indicates that a Level 2 or Level 3 registered sex offender is no longer a student, employee, or volunteer, or is no longer carrying on a vocation at the College, this fact will be reflected in PCCPD records, and all information on the Level 2 or Level 3 sex offender shall be removed from the PCCPD Sex Offender Information Page.
 2. PCCPD will also notify the Campus Vice Presidents, site directors, and other appropriate College administrator's of the Level 2 or Level 3 registered sex offender's change of status. It will be the responsibility of the Campus Vice Presidents, site directors, and appropriate administrator's to ensure the removal of all applicable Sex Offender Information Flyers from College bulletin boards.
 3. For a period of two (2) years after the Level 2 or Level 3 registered sex offender is no longer a student, employee, or volunteer, or is not carrying on a vocation with the College, the procedure set out in Section 5 of this AP for Sex Offenders shall be followed to determine whether the individual has resumed a relationship with the College as a student, employee, or volunteer, or is carrying on a vocation at the College.
 4. If the status check indicates that the Sex Offender remains or resumes status as a student, employee, volunteer, or as an individual carrying on a vocation at the College, the notification procedure set out in Sections 2 and 3 above shall be repeated.

- 4.3 PCCPD may destroy records concerning any Level 2 or Level 3 registered sex offender two years after PCCPD determines that such individual was not or is no longer a student, employee, volunteer, or is not carrying on a vocation with the College.