

POLICY

Effective Date: June 1, 2004
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 Approved By: President Bruce Shepard

Authority: [20 U.S.C. §1092\(f\)](#); [34CFR668.46](#)
[RCW 9A.44](#); [RCW 4.24.550](#);
[RCW 71](#); [RCW 10.77](#)

Cancels: POL-U5620.02 Sex Offender Notification Policy and Procedures

See Also: [PRO-U5620.02A](#) Notifying Campus About Sex and Kidnapping Offenders
[POL-U5400.08](#) Conducting Background Checks
[POL-U5615.01](#) Responding to Campus Violence or Threats of Violence
[UPD website](#) Sex Offender and Kidnapping Offender Notices
 Student Rights and Responsibilities Code

POL-U5620.02 NOTIFYING CAMPUS COMMUNITY ABOUT SEX AND KIDNAPPING OFFENDERS

Western is committed to protecting the campus community from sex and kidnapping offenders by providing timely notice and relevant information.

Definition:

Sex Offender or Kidnapping Offender – Any person:

- a) Adjudicated or convicted of a sex offense or a kidnapping offense as defined by RCW [9A.44.128](#),
- b) Under the jurisdiction of the indeterminate sentence review board as the result of a sex offense or kidnapping offense,
- c) Committed as a sexually violent predator under chapter RCW [71.09](#) or as a sexual psychopath under chapter RCW [71.06](#),
- d) Found not guilty of a sex or kidnapping offense by reason of insanity under RCW [10.77](#), or
- e) Found incompetent to stand trial for a sex or kidnapping offense and subsequently committed under chapter RCW [71.05](#) or [71.34](#).

1. University Police Department Ensures a Convicted Sex and Kidnapping Offender Notification Program is Maintained

The University Police Department (UPD) will operate an on-going program, in coordination with other law enforcement agencies, in which it may provide notices concerning convicted sex and kidnapping offenders in accordance with its procedures.

2. Registered or Convicted Sex and Kidnapping Offenders Must Disclose Offender Status

A person must disclose an offense if (1) found to have been committed or if convicted of any sex or kidnapping offense, or (2) found not guilty by reason of insanity under RCW [10.77](#) of committing any sex or kidnapping offense when such information is requested by a

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University department at the time of student admission, or for employment, or for any other University-related purpose.

Self disclosure is also required to University Police at any time when the offense occurs:

- a) Between the date a person submits an application to attend any class at Western, and the date when the person is no longer enrolled as a student at Western, or
- b) Between the date of submitting a criminal conviction verification form for the purpose of employment or volunteering at Western, and the date when the person is no longer employed or volunteering at Western.

Offenders must register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington State, the county of the person's school, or place of employment or vocation within three business days:

- c) Prior to arriving at a school or institution of higher education to attend classes,
- d) Prior to starting work at an institution of higher education, or
- e) After any termination of enrollment or employment at a school or institution of higher education.

3. Notifications Based on Relevant and Necessary Information

Upon notification of a convicted sex or kidnapping offender, the UPD may disclose the presence of offender to members of the campus community when it is determined that disclosure of the information is relevant and necessary to protect the University. The extent of the public disclosure shall be rationally related to:

- a) Level of risk posed by the offender to the community,
- b) Locations where the offender resides, expects to reside, or is regularly found, and
- c) Needs of the affected community members for information to enhance their individual and collective safety

Notice determinations shall be made in accordance with the *Notifying About Sex and Kidnapping Offenders* (PRO-U5620.02A).

4. University Police Department Maintains Notification Records

The UPD will maintain records on all notices received. The files will include, but are not limited to:

- a) Copies of all files, photos, and other correspondence provided by other parties,

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- b) A record of all notifications made,
- c) Copies of all community advisory flyers or other public notices, including press clippings, and
- d) Copies of any UPD case files or follow-up investigation reports concerning the offender.

5. Use of Information to Threaten, Intimidate, Harass, or Injure Prohibited

Employees and students are prohibited from using released information to threaten, intimidate, harass, or injure a convicted sex or kidnapping offender or cause damage to their property.

Such actions can result in criminal charges, employee discipline up to and including termination, or student disciplinary action, as applicable, under the *Student Rights and Responsibilities Code*.

6. Western Provides Information Regarding Sex and Kidnapping Offender Registries

Students and employees can find information on how to access federal, Washington State, and local county sex and kidnapping offender registries on/in the:

- a) University Police Department website, and
- b) [Western's Annual Security and Fire Safety Report](#).

7. Western and University Employees Immune from Civil Liability

Per RCW 4.24.550, a public agency and its employees are immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith.