

ASU System Policy

Effective Date: 09/07/07; Revised 9/18/2015

Subject: Distribution of Information Regarding Sex Offenders Policy and Residential Restrictions for Registered Sex Offenders

Category: IT, Security, Privacy & Records 3.03

The federal Campus Sex Crimes Prevention Act of 2000 provides for the tracking of, and availability of, notification information to the campus community about convicted registered sex offenders enrolled at or employed by institutions of higher education. See 42 U.S.C. 14071(j) and 20 U.S.C. 1092(f) (1).

The State of Arkansas requires a sex offender to register in each law enforcement jurisdiction where he or she lives, attends school, is employed, or volunteers. See Ark. Code Ann. §12-12-906(e). For example, a convicted sex offender who is a college student must register with law enforcement (chief of police or sheriff) in the jurisdiction in which he or she lives, and the campus police or safety office, and possibly a third jurisdiction if working in a different city or county.

The State of Arkansas requires local law enforcement agencies having jurisdiction to inform the public, including students attending institutions of higher education, of the presence of registered sex offenders. See Ark. Code Ann. §§12-12-901-27. The local law enforcement agency makes a determination as to what relevant and necessary information is disclosed regarding sex offenders. A written notification plan for each offender is prepared by the local law enforcement agency in accordance with guidelines established by the Arkansas Sex Offenders Assessment Committee and includes a Sex Offender Notification Letter and a Sex Offender Notification Sheet.

The Arkansas Higher Education Coordinating Board issued guidelines establishing that the role of an institution of higher education is to assist the local law enforcement agency having jurisdiction in the distribution of information concerning a sex offender. See Ark. Code Ann. §12-12-913(g)(2). To meet this requirement, each campus in the Arkansas State University System shall:

1. Designate a person on that campus who will be the contact person with the local law enforcement agency having jurisdiction and who will receive the information and plan of disclosure of sex offenders from that agency;
2. Authorize the designated person to address concerns with the written plan to the local law enforcement agency having jurisdiction; and

3. Develop a process with the local law enforcement agency having jurisdiction for implementation of the plan established by that agency by which the information contained within the notification plan will be disseminated.

Residential Restrictions for Registered Sex Offenders

Under Arkansas law, it is unlawful for a Level 3 or Level 4 registered sex offender to reside, by dwelling permanently or continuously, within 2,000 feet of property on which any public or private elementary or secondary school, public park, youth center, or daycare facility is located. See Ark. Code Ann. §5-14-128.

The Chief of the University Police or designated safety officer shall notify the Vice Chancellor for Student Affairs whenever he or she has received notice of any residential student that has been designated a Level 3 or Level 4 offender. To the extent that certain residential facilities in the Arkansas State University System fall within this restriction, any such residential offender may be required to vacate any ASU System-affiliated housing immediately in compliance with state law.

Furthermore, the ASU System reserves the right to exclude from ASU System-affiliated housing, or to modify the housing assignment for, any other student who is required to register as a sex offender.

(Adopted by the Arkansas State University Board of Trustees September 7, 2007, Resolution 07-59 and revised by the Arkansas State University Board of Trustees September 18, 2015, Resolution 15-34)