

ASU System Policy

Effective Date: 09/07/07

Subject: Distribution of Information Regarding Sex Offenders

The Campus Sex Crimes Prevention Act (42 U.S.C. 1407j and 20 U.S.C. 1092(f)(1)) was passed by Congress in 2000 and provides for the tracking of convicted sex offenders enrolled at or employed by institutions of higher education. The State of Arkansas has passed specific statutes setting out the duties of local law enforcement agencies having jurisdiction to inform the public, including students attending institutions of higher education, of the presence of registered sex offenders. A.C.A. § 12-12-901, et. seq.

A.C.A. § 12-12-903(6) defines the local law enforcement agency having jurisdiction as the:

(A) Chief law enforcement officer of the municipality in which an offender:

- (i) Resides or expects to reside;
- (ii) Is employed; or
- (iii) Is attending an institution of training or education; or

(B) County Sheriff, if:

- (i) The municipality does not have a chief law enforcement officer; or
- (ii) An offender resides or expects to reside, is employed, or is attending an institution of training or education in an unincorporated area of the county.

The local law enforcement agency having jurisdiction makes the determination as to what information is disclosed regarding sex offenders. A written notification plan for each offender is prepared by the local law enforcement agency having jurisdiction 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. Final authority for the plan resides with the law enforcement agency having jurisdiction.

The Arkansas Higher Education Coordinating Board has 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. 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; and
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.

(Adopted by the Arkansas State University Board of Trustees on September 7, 2007, Resolution 07-59)