

## **BAY de NOC COMMUNITY COLLEGE BOARD OF TRUSTEES POLICIES**

### **4000 STUDENT SERVICES**

#### **4013 ENROLLED STUDENTS LISTED ON THE SEX OFFENDER REGISTRY**

It is the policy of Bay de Noc Community College that all enrolled students, and/or students seeking admission, who have been convicted of a crime requiring registration on the sex offenders registry, participate in an individualized assessment for the purpose of determining whether the student poses a threat to the health, welfare and safety of the campus community and its constituents.

#### **PROCEDURE:**

- 4013.1 The Dean of Enrollment Management will be responsible for determining whether the continued presence of any enrolled or potential student, who is a registered sex offender, poses a serious threat to the well-being or safety of College personnel, students, or to the property or operation of the College and its functions. The President of the College may further designate any other College official to administer this policy as appropriate.
- 4013.2 Any Student, or potential student, at Bay College is required to disclose their status as a registered sex offender to the Dean of Enrollment Management. Students applying to Bay College are required to provide this notice at same time as they are submitting their application for admission. Enrolled students are required to provide this notice within ten days after the publication of this procedure on the College's Website. Any student, or potential student, failing to provide notice of their status as a registered sex offender to the College constitutes a violation of the Student Code of Conduct, and the student is subject to discipline, up to and including expulsion from the College.
- 4013.3 After providing notice of their status as a registered sex offender, such student is required to meet with the Dean of Enrollment Management, the Academic Deans, and the Vice President of Bay College West. This meeting will occur within ten (10) days after such notification. During the meeting, the following information is required to be provided:
  - a. Nature of the offense for which he/she has been convicted.
  - b. Justification, including written verification, for consideration of admission or continued enrollment.
  - c. Parole officer contact information and conditions of parole, if applicable.

It is the student's burden to provide the above information. The Dean of Enrollment Management, working from the advice of the other members of the committee, will make an admission and/or continued enrollment decision after meeting with the student. Criteria used to determine attendance will include, but not be limited to:

- a. Publically available police and court reports, including the terms of any sentencing;
- b. A documented pattern of behavior versus a single incident;
- c. Documentation provided by and/on behalf of the student, or person seeking admission or continued enrollment (e.g., parole officer reports, judicial/law enforcement recommendations, personal recommendations).

4013.4 If continuation enrollment is denied, the convicted sex offender who became an enrolled student prior to the College's notification of the individual's convicted sex offender status will receive a certified letter at the home address listed in the student information system. The written notification will require the individual to initiate an appeal of the Dean of Enrollment Management's decision within ten (10) calendar days from the date of mailing of the notification by the College in order to receive consideration to remain enrolled. The individual will remain provisionally enrolled and permitted to take classes pending the outcome of the appeal process. Failure by the convicted sex offender to follow the appeals process within ten (10) calendar days of notification from the College will result in written notice of administrative withdrawal of all current and future classes at the College, and forfeiture of the individual's right to appeal.

4013.5 The Appeal Process shall be as follows:

All appeals from the denial of continued enrollment must be submitted in writing to the Dean of Enrollment Management within ten (10) calendar days from the date of mailing of the notification of denial of continued enrollment. The Dean of Enrollment Management shall submit the appeal within two (2) business days to the Appeal's Committee Chairperson. A written appeal of the denial of continued enrollment must state the following:

- The student's name, student number, address, e-mail address, and phone number.

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Procedure Origin Date: 11/20/2013  
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- A clear statement that the student is appealing the denial of continued enrollment. The statement must also include all relevant and necessary facts related to the appeal.

The Appeals Committee shall be appointed by the College's President. The chairperson of the Appeals Committee is appointed by the College's President. The Appeals Committee will consist of two faculty members, two staff members, and one student to equal a total of five members. The College President may appoint alternates as becomes necessary. The chairperson, faculty/staff members, and student must be present to constitute a quorum and hear a case. To ensure a fair and impartial hearing, any member of the committee who has a direct interest in the case should recuse himself/herself from the committee, and an appropriate alternate shall serve on the committee for that case.

Upon a written (or alternative format) notice to the Appeal Committee of the Appeal, the Committee Chairperson shall within three (3) business days contact the committee members to arrange a hearing date, time, and place and will advise the Dean of Enrollment Management of such. The Dean of Enrollment Management will issue a written notice to the student via certified mail, return receipt requested at the mailing address stated on the appeal. The student shall be given no less than five (5) business days notice of the date, time and place of the scheduled hearing from the day the certified mail is delivered to the address included on the appeal request.

All Appeal Committee hearings will be conducted in private in order to protect the confidential nature of the proceedings. Any student or employee requiring accommodations for this hearing shall make the request for such accommodations to the Director of the Student Success Office at least three (3) business days prior to the hearing. In the event that an essential accommodation cannot be provided by the College by the date of the hearing, the hearing shall be rescheduled with the respective date to be no more than one week later. The chairperson will preside at the hearing, and be responsible for ensuring that procedural matters are followed. The hearing shall be of an informal nature and need not adhere to the rules of procedure or technical rules of evidence followed by courts of law.

Deviations from prescribed procedures will not necessarily invalidate a decision or proceeding unless significant prejudice to a student or the

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College. A written record of the proceedings will be kept by the committee chairperson. No audio recordings will be permitted. The record of the hearing will be filed in the office of the President and only for the purpose of appeal be accessible to the College and the student. Neither party shall be represented by counsel, however, both parties may have counsel present in the room as silent observers.

Hearings will proceed in the following order:

1. Reading of the Appeal Statement by the committee chairperson;
2. The Student's statement of position with respect to the Appeal (no more than 5 minutes);
3. The presentation of evidence relied upon by the Dean of Enrollment Management regarding the denial of continued enrollment decision, and questions by the Appeals Committee members (no more than 10 minutes total, including questions);
4. The presentation of evidence by the Student and questions by the Appeals Committee members (no more than 10 minutes, including questions);
5. Brief closing statements by both Student and the Dean of Enrollment Management (no more than 3 minutes with the Dean of Enrollment Management speaking first, followed by the Student).

Upon conclusion of the hearing, the Appeals Committee will consider the merits of the case. The Appeals Committee chairperson will transmit the Committee's findings and determinations in writing, to only the Student, and the Dean of Enrollment Management within three (3) business days. The decision of the Appeals Committee is final.

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