

THE INTEGRATION OF JUVENILE SEX OFFENDERS
INTO HIGHER EDUCATION INSTITUTIONS

By

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A thesis submitted in partial fulfillment of
the requirements for the degree of

MASTER OF ARTS IN EDUCATION

WASHINGTON STATE UNIVERSITY
College of Education

AUGUST 2008

To the Faculty of Washington State University:

The members of the Committee appointed to examine the thesis of JESSE RYAN ANDREWS find it satisfactory and recommend that it be accepted.

Chair

ACKNOWLEDGEMENT

Countless people have guided me and provided me support in the process of writing this thesis and I would like to acknowledge a few key people. First, I want to extend my sincerest gratitude to Dr. Len Foster for always providing constructive criticism, pushing me to produce my best work, and urging me to follow my passion. I must also extend my appreciation to Katie. You provided me with moral and emotional support throughout this entire process. Through the long hours and late nights your support never wavered and I could not have done this without you.

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Abstract

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August 2008

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This study provided a review of literature relevant to juvenile sex offenders and their inclusion at higher education institutions (HEI's). Additionally, this study looked at five institutional policies governing the procedures for handling juvenile sex offenders enrolling at the institution and sought to determine if the policies corresponded with insights from the literature.

The results of this study indicate a majority of the institutional policies follow insights in the literature on peer involvement, but all of the policies differ from the literature and either mandate or allow for community notification. Further, this study provides recommendations to university administrators for writing institutional policies that balance the right to an education and the need for safety of juvenile sex offenders and campus communities.

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Dedication

This thesis is dedicated to Nathan. Working with you was a transformative experience both personally and professionally. You taught me more about this topic than anyone ever could and you inspired me to stand up.

CHAPTER ONE

INTRODUCTION

The sexual abuse of children receives substantial attention through the media and has motivated lawmakers to respond with new laws (Center for Sex Offender Management, 1999a). A subset of child sexual abuse is abuse of children, by children. According to Federal Bureau of Investigation (FBI) statistics, nearly 16% of arrests for forcible rape in 1995 involved children under the age of 18 and juveniles under 18 years old accounted for 17% of all other sexual offenses that same year (Righthand & Welch, 2001). Some of these juvenile offenders will pursue their education upon completion of their incarceration and rehabilitation, and in doing so, many will face serious challenges including social isolation, bullying, harassment and acts of violence (Merritt, 2007).

Since 1994, when the *Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act* was introduced, there has been an on-going and aggressive push to protect children from sexually violent predators – “the new bogeymen” (Lotke, 2003 ¶ 2). This law, the first federal law of its kind, mandated individual states establish and maintain a registry of sexual offenders living in a community (Turrentine, Stites, Campos, & Henke, 2003). Following the *Wetterling Act*, additional legislation gave rise to increased conditions and restrictions sex offenders would face upon release from incarceration or rehabilitation. Enacted in 1996, *Megan’s Law* required states to notify community members when a convicted sex offender was being released into their community (Center for Sex Offender Management, 1999a). Notification, commonly in the form of flyers around a neighborhood as well as news reports before and after the offender’s release, may lead to negative responses from the

community, including isolation and vigilante justice, making it difficult for a convicted offender to peacefully co-exist in any community (Freeman-Longo, 1996a). Several legal cases against *Megan's Law* have discussed the physical and emotional harm it imposes on juvenile sex offenders (Trivits & Repucci, 2002). Two separate incidences that gained notoriety illustrate the potential dangers of this law to sex offenders. In the state of Washington, a sex offender's house was burned to the ground, and in New Jersey, an innocent man, assumed to be a registered sex offender was attacked by a father and son after they broke into a sex offender's house (Steinbock, 1995).

Prior to 2002, notification was limited to residential communities. However, in 2002 the *Campus Sex Crimes Prevention Act* expanded notification requirements from the community to colleges and universities. In addition to notifying law enforcement when moving to a new community, sex offenders now must notify local law enforcement when they enroll at or become employed at a college or university. Law enforcement must then notify the campus safety office or university police department of the individual's legal status as a sex offender (O'Donnell & Parker, 2005). The institution then has discretion over further notification. Future notification will vary on the sex offender's risk of re-offense and the individual institutional policy. This release of student information is made possible by an amendment to the *Family Educational Rights and Privacy Act (FERPA)* of 1974, contained within the *Campus Sex Crimes Prevention Act* that allows for release of sex offender records and information. While institutions of higher education may impose further conditions, the *Campus Sex Crimes Prevention Act*, at minimum requires campus law enforcement to make the location of the state sex offender registry available to the public (O'Donnell & Parker).

Need for the Study

Access to higher education is growing increasingly important. Between 2000 and 2010, the number of jobs requiring at least an associate's degree is expected to rise to 32% while the number of jobs requiring a bachelor's degree will rise by almost 22% (U.S. Department of Labor, 2003). For students seeking higher education, the ability to complete their education is becoming more necessary to secure employment upon graduation.

The challenge of accommodating juvenile sex offenders is relatively new to institutions of higher education. Research has been done on the importance of higher education in the socialization of young people and on the increasing need for a college degree in order to advance in a career. There has also been extensive research on juvenile sex offenders, including studies on recidivism rates, strategies for rehabilitation, and the effectiveness of community notification laws. However, there has been little research comparing the newly implemented policies at higher education institutions, the effects of these policies on juvenile offender students, and the literature on juvenile sex offenders.

Purpose of the Study

The purpose of this study was twofold. First, it provided a review of the literature relevant to the integration of juvenile sex offenders in higher education. Second, it compared insights advanced in the literature to what is being implemented at institutions of higher education (both with and without integration programs). The primary research question of this study was:

Do the policies of higher education institutions regarding the integration of juvenile sex offenders correspond with the insights in the literature?

Summary

Special attention from lawmakers and the media has been given to laws and policies governing registered sex offenders (Center for Sex Offender Management, 1999a). This attention, fueled by public outrage, has created a “culture of fear” and has prompted the passing of several laws intended to protect the community (Singleton, 2006). Although this legislation is meant to protect community members from sexual predators, it may be unjustly harming juvenile offenders trying to rehabilitate (Freeman-Longo, 1996a). The *Campus Sex Crimes Prevention Act* widened community notification and sex offender registration laws to include higher education institutions (HEI’s). With the knowledge of a sex offender on campus, colleges and universities are challenged to create policies and procedures for the handling of such information.

While there has been research conducted on juvenile sex offenders, there has been little research in the area of the university policies that affect their enrollment at these institutions. The purpose of this study was to compare the relevant literature available on juvenile sex offenders and their inclusion in higher education with the policies being created by HEI’s. Through a review of the relevant literature and a descriptive content analysis of institutional policies, this study compared the institutional policies with the insights put forth in the literature about juvenile sex offenders.

CHAPTER TWO

LITERATURE REVIEW

Laws regarding sex offenders have become very popular with citizens and activists since they were first enacted (Berliner, 1996). As a result, research and our understanding of sex offenders has increased. However, while literature reveals marked differences between adult and juvenile sexual offenders (Center for Sex Offender Management, 1999b), legislation and public policy continue to include juveniles in policies originally intended for adult sex offenders. The current practices, including registration and community notification have distinct negative effects on juvenile offenders and their development that are not present in adult offenders (Freeman-Longo, 1996b). Discussed in this review will be the current laws and policies affecting adult and juvenile sex offenders, the differences between the two groups, and the negative effects the laws have on juvenile sexual offenders. Additionally, recent instances of juvenile offenders on university campuses will be presented, with attention given to liability and best practices for institutions of higher education.

Sex Offender Laws and Policies

The first federal legislation attempting to manage released sex offenders was the *Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act* (Turrentine, Stites, Campos, & Henke, 2003). The *Wetterling Act* went into effect in 1994 and required individual states to maintain a database with the directory information of convicted sex offenders. States were also obligated to notify law enforcement officials when an offender was being released into a community (Turrentine, Stites, Campos, & Henke). Not long after its enactment, the *Wetterling Act* underwent its first amendment. *Megan's Law*, enacted in 1997 established the right for states to notify community members when a convicted sex offender was being released

into a neighborhood (Tysver, 2000). The law, intended to warn community members of a potential threat was met with mixed reactions. Concerned about acts of vigilantism, critics claim the law is too broad and that it violates the rights of the released offender. However, proponents of the law maintain the intention is to safeguard the community at large from dangerous individuals who may re-offend (Tysver). Following Megan's Law, additional legislation was passed that broadened community notification to include institutions of higher education.

The *Campus Sex Crimes Prevention Act* of 2002 extends the reach of *Megan's Law*. This amendment to *Megan's Law* requires local law enforcement agencies to notify colleges and universities when a convicted sex offender self identifies as being enrolled or employed at an institution. It also amended *FERPA*, giving colleges and universities the right to notify the campus community of a sex offender's presence (Center for Sex Offender Management, 1999a).

Before it was passed, the *Campus Sex Crimes Prevention Act* went through several versions, each one outlining different requirements for colleges, universities, and state government. An early version of the law would have made colleges and universities responsible for notifying the community of the presence of a sex offender on campus. This would have required the matching of state registries with student body rosters, volunteer lists, and all staff rosters (Burd, 2000).

When the law was finally drafted, it was not without opposition. The American Civil Liberties Union (ACLU) and a group of defense attorneys in California claimed the law violated the civil rights of those convicted of a sexual offense. Regardless, universities were forced to comply with this new law. The legislation required universities to identify those individuals on campus who are sex offenders, or "risk losing 10% of the money they received under federal criminal-justice grants" (Boston, 2001, p. 52). The ACLU continued to emphasize that the law

would serve “only to stigmatize people who have been judged to no longer pose a danger, and may even discourage them from getting the education many need to reform their live” (Boston, 2001, p. 52).

Bosslett (2003) indicates that this law applies to anyone working, enrolled at, or volunteering on a university campus. The responsibility falls on the offenders to report their conviction to local law enforcement. Colleges and universities are only required to make public the location of the state registry of sex offenders, not collect data and interrogate prospective students, employees, or volunteers, as earlier versions of the law proposed. Bosslett also discusses the varying ways universities are complying with the *Campus Sex Crimes Prevention Act*. Many colleges choose to make paper copies of the registry available in the campus security office, or distribute pamphlets with the registry’s location, while others may opt for full notification of the university community. More recent legislation, passed in 2006, established a classification system for registered sex offenders.

Located within the *Sex Offender Notification and Registration Act* is the *Adam Walsh Child Protection and Safety Act*. The *Adam Walsh Act* classifies sex offenders into one of three levels according to the nature of their offense as well as their risk of re-offense (Weiss & Watson, 2008). The level of risk may dictate the amount of community notification mandated by the legislation. Offenders are organized into Level 1-low risk offenders, Level 2 – medium risk offenders, and Level 3 – high risk offenders (Matson & Lieb, 1996; Swearingen, 1997). While the classification system is consistent, Markman (2007) indicates, determining what classifies as a sexual offense is not as consistent. She cites that “many states have vastly different definitions of ‘sexual offenses’” (p.15). In some states, a minor offense, such as public urination, or making obscene phone calls, may lead to being charged as a sexual offender (Markman). According to

current legislation, those offenses may result in lifelong registration as a convicted sexual offender.

In addition to the laws regarding notification and registration, 17 states have passed local ordinances restricting where released sex offenders are allowed to live and congregate, with 11 more states considering residency statutes (Singleton, 2006). These statutes place strict boundaries on released offenders living, working, or spending time where children congregate. Although the stated goal of these statutes is to protect children by preventing convicted offenders from watching or targeting children, it is argued that they are enacted out of fear perpetuated by media and not because of their effectiveness in protecting children (Singleton). These laws also may not distinguish juvenile offenders from adult offenders. Unlike adult offenders, the effects of residency restrictions are far greater for juvenile offenders, isolating them from their peers, a component of rehabilitation that Trivits & Repucci (2002) claim is critical to the success of juvenile sex offenders.

Characteristics of Juvenile Sex Offenders

Juvenile sex offenders are a unique population with unique needs. The Center for Sex Offender Management (CSOM) reports that “juveniles who sexually offend are distinct from their adult counterparts” (1999b, Introduction section, ¶ 1). They contend that juvenile offenders do not mirror many of the characteristics of adult offenders, such as type of sexual offenses committed, why and how they were committed, effective treatments, and the rates of recidivism or re-offense. Research by the CSOM indicates juvenile sex offenders parallel other juvenile non-sex offenders more closely than they do adult sexual offenders. These distinctions, and others, are the foundation for the case for juvenile sex offenders to be considered a unique group and not be subjected to the same laws and policies governing adult sex offenders.

Miranda and Corcoran (2000) also described the differences between male juvenile and adult sexual offenders in a study that included 16 juvenile sex offenders and 19 adult sexual offenders living in a Florida community. The offenders were of mixed age, ethnicity, and marital status, and were receiving psychotherapy at a Florida agency. The study found that juvenile sex offenders were more likely to engage in sexual abuse of family members living in the same household than adult offenders. Juveniles were also less likely to engage in vaginal, anal, or oral intercourse, but were more likely to use force in their abuse and engage in fondling activities. Juvenile offenders reported engaging in fondling offenses 71% of the time while adult offenders reported fondling behavior only 37% of the time. While the sample size was limited and the data relied on self reporting, several of the findings are validated by a study by the Center for Sex Offender Management (1999b) that also found that juveniles were more likely to engage in fondling and to use force than their adult counterparts. Under current law, a juvenile offender convicted of a fondling offense may be subject to the same registration requirements as an adult offender convicted of something more severe. Further research also reveals a difference in the reasons adults and juveniles sexually offend.

Sexually abusive behavior in children and adolescents is linked to their exposure to sexual violence, pornography and sexual victimization (North Carolina Division of Social Services and the Family and Children's Resource Program, 2002). Numerous studies cite the victimization of sexual abuse as one of the risk factors leading juveniles to engage in inappropriate sexual conduct. A report prepared by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) suggests between 40 to 80% of juvenile sexual offenders were the victims of sexual abuse prior to committing their first sexual offense (Becker & Hunter, 1997, as cited in Righthand & Welch, 2001). This may be explained by Sutherland's theory of

differential association that asserts criminal behavior “is learned in association with those who have criminal attitudes and values” (Jeffery, 1965, p. 294). Juveniles exposed to abuse and violence are more likely to abuse other children than juveniles not exposed to those environmental conditions (Jammi, 2007).

Becker and Hunter (1997) also found that physical abuse was prevalent among juvenile sex offenders. They suggest between 25 to 50% of all juvenile sex offenders have a history of physical abuse. While not all children subjected to physical and sexual abuse become juvenile sex offenders, these abuses may increase the risk by limiting the juvenile’s exposure to positive role modeling necessary to form socially acceptable norms (Fagan & Wexler, 1988). In addition to physical and sexual abuse, the literature also indicates that juvenile sex offenders have a high proportion of other types of family dysfunction in their background. The presence of weapons in the home, violence between other family members, and the witnessing of emotional or verbal abuse increase the risk that a child will commit some form of sexual offense (Dhawan & Marshall, 1996; Langevin, Wright, & Handy, 1989; Martin & Pruett, 1998). Being exposed to behavior such as extreme violence and aggression leads children to model the violent behavior and increases the likelihood of sexually offending (Fagan & Wexler, 1988). As Johnson (2000) points out, almost all children who sexually abuse and molest have come from chaotic homes and have witnessed physical and emotional abuse. This history of abuse and victimization is so widespread among juvenile sex offenders that many experts consider it a nearly universal trait. Freeman-Longo (20002) writes, “As I think back to the thousands of sex offenders I have interviewed and the hundreds I have treated, I cannot think of many cases in which a patient didn’t have some history of abuse, neglect, family dysfunction, or some form of maltreatment within his or her history” (as cited in North Carolina Child Welfare Workers, ¶ 4). While prior

abuse, family dysfunction, and victimization are not excuses for future victimization, Jammi (2007) suggests the need for more discretion allowed in individual cases of juveniles who sexually offend. Additional reasons for sexual offenses by juveniles are explained in research on the social functioning of juvenile offenders.

Hunter, Figueredo, Malamuth, and Becker (2003) administered questionnaires to 206 juvenile offenders about their offenses and motivation for committing such an act. Their research indicates that juveniles who offend against younger and prepubescent children have a deficit of psychosocial functioning. Validated by the large sample size, this research is also supported by Martin and Pruett (1998) who offer this explanation:

A social skills deficit and peer isolation are primary risk factors that may predispose adolescents to sexual crimes against young children. Specifically, as a result of isolation from their own peer group, juvenile child molesters may turn to younger children for interactions they perceive as socially and emotionally safer, and easier to control. (p. 296)

A separate study conducted by Miner and Munns (2005) attempted to determine levels of isolation and lack of social norms associated with juvenile sex offenders. This study included 78 juvenile sex offenders from a mix of inpatient and outpatient treatment programs and used face-to-face interviews. They found that juvenile sex offenders had greater feelings of peer and school isolation than adult offenders and concluded that the sexual offenses of these juveniles should be seen as socially unacceptable behavior meant to achieve a socially acceptable goal, such as a relationship or intimate contact. While this data supports earlier research (Martin & Pruett, 1998; Ryan, 2000), there were several limitations to the study, including the reliance on self-reporting, and the selection of juvenile sex offenders being treated in residential treatment facilities. Additionally, it was unclear whether the feelings of isolation reported by the participants was a

predictor of behavior, or a result of the social stigma placed on sexual offenders. Although reasons for committing a sexual offense vary for juveniles and adults, the treatment and rehabilitation programs do not reflect those differences.

Many treatment programs for juveniles are based on those intended for adult sexual offenders (Goocher, 1994). There is a need for programs developed specifically for juvenile sex offenders, as assumptions about juvenile offenders have been made founded in research on the characteristics and treatment of adult sex offenders (Letourneau & Miner, 2005). Though research reveals the need for juvenile offenders to associate with their peer group (Trivits & Repucci, 2002), many treatment programs continue to isolate these offenders from social networks. Letourneau and Miner (2005) note that treatment programs in “institutional settings may reduce treatment effectiveness (and/or increase the likelihood of iatrogenic effects)” (p.304). Miner and Crimmins (1995) suggest that the most effective treatment programs are those that do not socially isolate offenders and instead allow offenders to be involved in treatment programs while in a normal setting. The research appears to indicate that juveniles going through treatment benefit from being around socialized peers and would thus benefit from being able to assimilate into a higher education environment.

One specific treatment approach being studied is Multisystemic Therapy (MST) and involves both community and family based interventions and therapy (Center for Sex Offender Management, 1999b). A study by Borduin, Henggeler, Blaske, and Stein (1990) examined the re-arrest rates for sixteen juvenile offenders undergoing either Multisystemic Therapy, or individual therapy, during a 3 year period. Those offenders undergoing MST were found to have a re-arrest rate half that of juveniles undergoing individual therapy. Multisystemic Therapy attempts to change the behavior of juvenile offenders by relying on an existing social support network. As

Lotke (2003) states, juveniles involved in these specialized programs “respond positively to treatment, indicating that treating sex offenders as soon as they are identified can prevent an escalation of their pathology” (§ 16). It would seem that sex offenders benefit from the modeling and social support of socialized peers and positive social norms.

One common public concern is the possibility of re-offense. Furby, Weinrott, and Blackshaw’s (1989) study of sex offender recidivism rates and treatment effectiveness criticized existing studies of recidivism claiming “despite the relatively large number of studies on sex offender recidivism, we know very little about it” (p. 27). They discussed the many complexities of recidivism and indicated that most of these studies were inconclusive (Furby, Weinrott, & Blackshaw). As Lotke (2003) writes, “politicians and the mass media picked up this judgment, often converting it to the claim: ‘Nothing works!’” (§ 13), which would appear to be driving current policy. The limitation of Furby’s study is the lack of distinction between juvenile sex offenders and adult sex offenders. Since Furby, several studies have contrasted the recidivism rate for juvenile and adult sex offenders.

Juvenile offenders have a much lower rate of re-offense than adult offenders in both sexual and nonsexual offenses (Hanson & Bussiere, 1998). Recidivism rates are repeatedly cited as low as 7 to 13% (Alexander, 1999; Caldwell, 2002; Hunter, 2000). In contrast to these re-offense rates for juveniles, adult offenders have a higher rate of recidivism, especially over a long period of time. Much of the perception of juvenile sex offenders comes from studies of adult sex offenders who, over a 25 year period, may have a re-offense rate of between 39 and 52% (Prentky, Lee, Knight, & Cerce, 1997). Juvenile offenders are treated as though they will continue to offend into adulthood (Center for Sex Offender Management, 1999b). This approach “ignores developmental psychology related to adolescent sexual development and behavior,

which supports adolescent characterological malleability” (Waite, Keller, McGarvey, Wieckowski, Pinkerton, & Brown, 2005, p. 314). Waite’s study reveals that juveniles are less likely to re-offend than previously suggested and supports the efficacy of treatment and rehabilitation programs for juveniles.

Effects of Community Notification

Matson and Lieb (1996) organize community notification laws into three categories and it is important to make the distinction between each type. They cite the following:

- Broad community notification – This category includes authorizing the broad release of sex offender information to the public. This type of notification is authorized in 13 states.
- Notification to organizations and individuals at risk – In this version of notification, information is released based on the need to protect an individual or vulnerable organization from a specific offender. Laws allowing this type of notification exist in eight states.
- Access to registration information – The 11 states in this category allow access by citizens or organizations to sex offender information through local law enforcement. (§ 1).

Responses and opinions about notification laws vary, but in a telephone survey by the Social and Economic Sciences Research Center of Washington State University (1998), 6 out of 10 respondents felt the notification laws forced released offenders to “behave better than they would if no one in the community knew their background” (Phillips, 1998, ¶ 2). Conversely, the same telephone survey revealed 75% of residents believed community notification laws did in fact make it more difficult for offenders to find employment and ultimately assimilate into

society, and more than half of those surveyed said they believe released offenders should be given the same opportunities to establish themselves as law-abiding citizens (Phillips). In a 10-year follow up survey, 54% of respondents felt that notification laws made harassment of offenders easier and 78% of participants indicated that special care should be taken to prevent harassment of offenders (Lieb & Nunlist, 2008). The one noticeable limitation of both surveys was their limited dissemination to residents only in the state of Washington. However, the results reveal mixed opinions about community notification laws imposed on offenders.

Another purpose of the community notification laws is to provide law enforcement agencies with a method of regulation of convicted sex offenders. The requirement to register with local law enforcement allows agencies to understand who is living in the community. However, some researchers question the efficacy of this regulation. According to Miller (1998), an initial study in the state of Washington showed that 8 months after its enactment, only 57% percent of released offenders were in compliance with *Megan's Law*. After 1 year, that number jumped to 70%, but still allowed for a large number of released offenders not in compliance. Miller argues the effectiveness of community notification laws is lost when they become too broad and limit registries to the most serious offenders. State departments do not have the resources to monitor everyone required to register and without the resources to maintain the registries, community notification is not as effective as intended (Miller).

One significant concern is a lack of distinction between adult sex offenders (ASO's) and juvenile sex offenders (JSO's) in laws and policies. Research reveals there are distinct differences between adult sex offenders and juvenile sex offenders, and the failure of community notification policies to distinguish may have harmful effects on juveniles (Center for Sex Offender Management, 1998; Miner & Munns, 2005; Miranda & Corcoran, 2000). The inclusion

of juvenile offenders into notification appears to contradict “the juvenile court’s traditional goal of non-punitive intervention” (Trivits & Reppucci, 2002, p.690). The juvenile justice system has historically focused on a rehabilitative model of treatment for juvenile offenders and community notification constitutes punishment and not rehabilitation (Swearingen, 1997). Hindman (1997) contends that offense information for adult offenders is public, making notification of juvenile offenders legitimate, while Trivits and Repucci (2002) argue that juvenile proceedings have long been confidential and records sealed, therefore community notification laws for juveniles act in contrast to the court’s practices for other offenses. Markman (2007) indicates this as rationale for the creation of a juvenile justice system:

Children are less culpable for conduct and more amenable to rehabilitation. Further, a child’s misconduct was believed to be based on factors beyond their control. Those factors included: economic status, home life, environment, genetics, immaturity leading to impulsivity, inability to assess consequences and lack of experience and judgment (p.13).

Another criticism is that community notification may also include the notification of a juvenile sex offender’s presence in school systems, including colleges and universities, which may have detrimental effects on the student (Lowe, 1997). If schools and communities are notified about a juvenile offender, that student may be socially ostracized from his or her peers which is critical to the rehabilitation and treatment of juvenile sex offenders (Miner & Crimmins, 1995). Additionally, Lowe predicts that parental pressure on the school from parents upset about the presence of a registered sex offender may create pressure to move the student to an alternative setting, potentially compromising his or her quality of education. Hiller (1998) also

argues against notification to schools, claiming the state has a duty to protect students against public humiliation and degradation.

A third critique is the constitutionality of community notification. Community notification laws have been challenged on two grounds: the offender's right to privacy and on the basis it violates the Eighth Amendment and creates continuing punishment for offenders once released (Trivits & Repucci, 2002). However, both these challenges were upheld in the 1995 case of *Doe v. Poritz*. The court ruled there was no violation of privacy because sex offenders are not entitled to the same right to privacy as those not convicted of a crime. Additionally, the courts maintained the registration and community notification laws did not constitute cruel and unusual punishment and that they were regulatory instruments, rather than punitive (Sabin, 1996).

A regular argument against community notification laws is the possibility of vigilante justice. On multiple occasions overzealous citizens have committed violent acts against released offenders. In the state of Maine, two registered sex offenders were killed by a 19 year old community member. In April of 2006, Stephen Marshall found the address of Joseph Gray and William Elliot, two registered sex offenders and, within six hours, shot and killed both men (Lewis, 2006). Many citizens and community members take the law into their own hands when they prohibit sex offenders from living peacefully. In a recent news report, John Stossel interviewed Petra Luna, a woman living in Los Angeles, CA, who contacts members of the community and distributes flyers and listings of all registered offenders in the area. She also maintains a website that publishes the addresses of registered sex offenders and enlists people to join her cause (Sloan, 2008). The actions by concerned citizens pose a danger to released sex

offenders. *Megan's Law*, requiring the public notification of a released offenders address, gives these individuals the means to commit acts of violence.

Community notification, while meant to serve a good purpose, may end up harming more individuals and posing more of a risk than expected. Community notification laws have negative effects on juveniles and do not account for the age of the offender or the variations in adult and juvenile offenders (Freeman-Longo, 1996a). Juvenile offenders attempting to complete their education at a college or university may be subjected to social isolation and peer harassment that is made possible by public notification. This inability to form a social support network may affect a juvenile's ability to focus and succeed personally and academically at a higher education institution.

University Liability and Sex Offenders on Campus

As higher education institutions face the question of admitting students with sexual offenses, caution must be taken not to open the university up to claims of liability. As Davies (2000) points out, "a student or staff member who is the victim of crime in the higher education institution environment may seek to bring an action against the institution if the institution can be shown to have taken insufficient care in relation to security or other protective measures" (p.145). Institutions that knowingly admit a dangerous student and do not take care to notify or protect the rest of the student body may be held responsible if that student commits a crime. This liability is taken into consideration when institutions face the decision to notify the campus population about the presence of a sex offender. In a somewhat related situation, Ruth Wyner and John Brock, employees of a charity house for homeless persons were convicted of a drug offense because of drug activity that was taking place on the premises of the charity. The courts contended that Wyner and Brock "took insufficient steps to report to the police suspected drug-related activities

on the Wintercomfort premises” (Davies, 2000, p. 148). In this case, the two managers of the charity were held liable and ultimately served sentence for failing to act on activities knowingly occurring under their control. Following this case, Davies posed the question, “could an HEI which places its students and staff in close proximity to a student with convictions for serious offenses find itself in the same position” (p.147)?

Legislation may help to protect higher education institutions from an abundance of lawsuits. Courts have recently referenced universities as being under the same legislation as private business (Stokes & Groves, 1996). Like private businesses, institutions of higher education have a duty of care to caution and warn students about dangerous conditions on the campus. A college or university may lessen the amount of liability if procedures were followed to alert students of the condition. However, this does not release HEI’s of all liability to students. If a student is the victim of a foreseeable crime, the university may be considered negligent and held liable for the crime (Stokes & Groves). The negligent act Stokes and Groves (1996) indicate is the “admission of a student with a known prior propensity for violence” (p.60). Some courts have agreed that the admission of the dangerous student can be considered the negligent act. This concept of negligent admission has university administrators working to determine how to interpret a variety of laws and create policies that safeguard the campus community.

Several institutions that have chosen to admit students with sexual offenses serve as examples of the complexity of the law and decisions institutions must make. In Manhattan, Kansas, Tyler Hughes was dismissed from the Kansas State University men’s basketball team after the athletics department and the university learned of a prior sexual offense committed when he was a minor and before he was a student at Kansas State University. However, the university’s athletics department states “if a student athlete is involved in conduct that brings public

disrespect, contempt or ridicule” (Sulzen, 2006, p.2) towards Kansas State or the athletics department, the student’s place on the team and possibly scholarship is up for revocation. Hughes was not dismissed from the university for his actions, but did lose his scholarship to play on the basketball team. Although Hughes committed his crime before he was a student and was allowed to attend classes and play on the basketball team for three years, he was dismissed from the team as soon as the athletics department was made aware of his offense jeopardizing his ability to complete his education (Sulzen, 2006).

In another case that demonstrates the danger of ambiguous sex offender laws, Raphael Edwards was allowed to live in the residence halls at Ohio University in Athens, Ohio, but was subjected to community notification for his crime. Edwards was convicted of having consensual sex with a 13 year old girl. The girl in the case came forward and admitted it was consensual and not forced, and Edwards claimed the girl lied about her age. Regardless, Edwards had to register on the same list as violent sexual predators and have his information disclosed to the community (“Sex Offender,” 2004). This case demonstrates the ambiguity in sex offender laws and the lasting effects of blanket policies for sex offenders. Raphael Edwards was convicted of a sexual offense but is not being distinguished from violent sexual predators (“Sex Offender”). Community members who access the registry may not be able to differentiate Edwards from violent offenders.

A case at the University of Miami also illustrates the complexities of sex offender laws. It also illustrates the necessity for higher education institutions to understand the laws and develop policies congruent with them. Eighteen year old Sean Penny had consensual sex with a 14 year old male the summer before he began as a student at the University of Miami. The following spring in April 2002, Penny agreed to a plea bargain and thus was never convicted of a crime.

However, according to Florida law, a plea bargain is sufficient evidence to require registration on the state's sex offender database. Penny complied and must register until 2012 when he can ask a judge to remove him from the registry. The University of Miami found out about Penny's prior history and asked him to move out of student housing. In a letter to Penny, the director of housing, Robert Redick stated "Because of your past actions, I have concluded your continued residence in University of Miami student housing would not be in the best interests of other students at the University" (Londono, 2003, p. 2). Following the filing of an appeal, Penny was immediately expelled from the University. Even after Penny's psychologist wrote a letter to the University claiming Penny was no longer a threat to any students, Penny's appeals for readmission were rejected. Additionally, Penny was evicted from his off-campus apartment and denied admission to another local university. Just recently, the law that allowed the University of Miami to expel Penny was found unconstitutional on the grounds it lacked a minimal procedure; it did not outline specific steps required before removal from the university could occur. (Londono, 2003).

The case at the University of Miami illustrates the lingering effects of sex offender registration. Penny was expelled from one institution, rejected from another, and evicted from his apartment for his crime. He faced numerous obstacles to getting an education; something that is becoming more of a necessity in society (U.S. Department of Labor, 2003). Penny's situation, along with the Raphael Edwards incident, are examples of the lack of distinction in sex offender laws and the deleterious effects of broad registration categories.

A fourth example from Washington State University reveals the negative social effects made possible by broad community notification policies. In 2005, a student enrolled at the institution and moved into the residence halls with the intention of finishing a college education

that had been started at a community college near his hometown. Students in a neighboring residence hall found his picture and address on the state sex offender registry and began spreading the news. When the information reached the student's roommate and local media, he became front page news in the state of Washington for several weeks. Harassed and verbally abused by students and faculty, he was forced to leave the university without finishing his education (J.R. Andrews, personal communication, 2006). Although the student committed his crime several years before enrolling at Washington State University, the social isolation and harassment by students and faculty contributed to his not being able to complete his education.

Summary

Beginning in 1994 with the *Wetterling Act*, registered sex offenders have been subject to additional rules and restrictions after being released from incarceration. The *Wetterling Act* established the need for states to create and maintain a sex offender registry database (Turrentine, Stites, Campos & Henke, 2003). Released offenders were forced to register on the database as a convicted sexual offender. Not long after, in 1996 *Megan's Law* also passed, amended the *Wetterling Act* and required registered offenders to notify local law enforcement agencies each time they moved into a new neighborhood. It also allowed for community notification when a registered offender was being released into a community (Tsyver, 2000).

The *Campus Sex Crimes Prevention Act of 2002* expanded the authority of law enforcement agencies to release information about sex offenders to colleges and universities and required those institutions to make available to the public the location of the state sex offender registry (Center for Sex Offender Management, 1999a). The most recent law governing registered sex offenders is the *Sex Offender Registration and Notification Act*, known for the notable *Adam Walsh Act* contained within. This act established a classification system for sex

offenders based on their risk of re-offending in the community and the nature of their offense (Weiss & Watson, 2008). Although research reveals differences between juvenile and adult sex offenders, laws and policies do not distinguish between the two populations (Center for Sex Offender Management, 1999b).

Juvenile sex offenders and adult sex offenders showed marked differences from each other (Trivits & Repucci, 2002). Miranda and Corcoran (2000) discuss the differences in offenses between juveniles and adults, while others explain the divergences in reasons for committing sexual offenses, most notably the exposure to dysfunction, poor family support, abuse, and being victims of abuse themselves (Becker & Hunter, 1997; Fagan & Wexler, 1988; Johnson, 2000). Additionally, juveniles who commit sexual offenses consistently have a lack of social skills and inappropriate role modeling of acceptable societal norms (Martin & Pruett, 1998; Miner & Munns, 2005). The laws that govern sexual offenders have more negative effects on juvenile offenders than they do on adult offenders (Lowe, 1997).

Community notification laws and registration requirements have been shown to have deleterious effects on developing juveniles (Lowe). Juveniles who need to assimilate into their peer group in order to have a higher chance of rehabilitation (Trivits & Repucci, 2002) are subject to social embarrassment and peer isolation when forced to disclose their status as a sex offender to the university community (Lowe, 1997). When successful treatment options are available, juvenile sex offenders have a much lower rate of re-offense than adults (Hanson & Bussiere, 1998; Lotke, 2003). As juvenile offenders enter higher education institutions to continue their education, peer acceptance is increasingly important to their success. An additional concern is the possibility of vigilante justice. Examples given by Lewis (2006) illustrate the potentially fatal dangers of broad community notification laws. The differences

between juvenile and adult offenders revealed in the research serve as foundation for recommended revisions in registration and notification laws.

CHAPTER THREE

METHODOLOGY

Overview

The purpose of this study was to identify literature relevant to the integration of juvenile sex offenders into higher education institutions and to compare insights in the literature with current practices at colleges and universities. The researcher conducted a review of literature pertinent to the integration of juvenile sex offenders into higher education institutions. This was accomplished by reviewing and analyzing published journals, articles, and theses/dissertations and identifying themes relevant to the topic area and research question. Research was done through internet searches and scholarly databases using a variety of search terms and phrases.

Identifying institutions with policies that outline the protocol for the handling of juvenile sex offenders was accomplished through a general internet search using search databases with key terms including but not limited to: juvenile, adolescent, child, sex offender, sex crime, abuse, molestation, policy, protocol, college, university, institution, housing, enrollment, and admission. Various orders and combinations of terms were used to increase the search range.

Approach to Analyzing Policy at Identified Institutions

To analyze the policies of selected institutions, the researcher used a descriptive content analysis method. This approach allowed for the identification of significant concepts and themes within the institutional policies. Using this method, the researcher had to be careful not to make inferences or assumptions about the identified concepts. The policies were reviewed according to their requirements for juvenile sex offenders to enroll and/or secure residential housing at the institution. This analysis led to a comparison of the presence of conditions or requirements

placed upon juvenile sex offenders enrolling at higher education institutions, and the insights put forth in the literature about the effects of such conditions on juveniles.

Approach to Comparing Policy to Literature

Having drawn conclusions from the literature about the effects of laws and policies on juvenile sex offenders, this study compared those effects with the practices of institutions of higher education. Significant conditions or requirements on the juvenile offender were discussed in relation to the insights put forth by the literature. The existence or non-existence of conditions reviewed helped to answer the primary research question:

Do the policies of higher education institutions regarding the integration of juvenile sex offenders correspond with the insights in the literature?

Following this comparison, the researcher put forth recommendations discussed in chapter five.

Summary

A review of literature pertinent to the integration of juvenile sex offenders into higher education institutions was conducted using published articles, journals, theses/dissertations, and other forms of media. Additionally, through a basic internet search using variations and combinations of key search terms, this study identified higher education institutions with protocols for the handling of juvenile sex offenders available online. Those policies, examined and reviewed for conditions and requirements imposed on juvenile sex offenders enrolled at the institution, were compared with recommendations from the literature review on the effects of such conditions on juvenile offenders. That comparison was critical to answering the primary research question of this study.

CHAPTER FOUR

SUMMARY OF FINDINGS

The first purpose of this study was to conduct a review of literature relevant to the integration of juvenile sex offenders into colleges and universities. This was accomplished through the research and analysis of published journals, articles, theses, and dissertations. Topic areas relevant to this research included an overview of the current laws and policies sex offenders must comply with, including a brief description of the three classifications of registered sex offenders. Also discussed were the characteristics of juvenile sex offenders and the divergences between juvenile sex offenders and adult sex offenders, the effects of community notification laws on juveniles, and issues of liability for higher education institutions and examples of sex offenders that have been enrolled on a college campus.

The second purpose of this study was to compare insights and recommendations from the literature with current institutional policies through a descriptive content analysis. Policies were reviewed for the presence of conditions or requirements found discussed within the current research reviewed. Those policy characteristics: community notification, behavioral contracts, student/peer involvement, program evaluation methods, and distinction between juvenile and adult offenders, are discussed within the context of their individual policy as well as within the context of the literature.

Selected Institutions

Following an extensive internet search using multiple varieties and combinations of selected key terms and phrases, five institutions were selected for this research. Eastern Kentucky University (EKU) is a public, 4 year institution located in Richmond, Kentucky with an enrollment of approximately 15,700 students. According to the Carnegie Classifications, ECU

was listed as a primarily residential campus with a very high undergraduate student population. The second institution is Great Basin College, located in Elko, Nevada. It is an exclusively undergraduate institution with population of approximately 2,500 students. Great Basin College is classified as a primarily non-residential campus. Also a non-residential campus, Eastern Oregon University is located in LaGrande, Oregon and has a very high undergraduate population and a large number of transfer students. Enrollment at Eastern Oregon University (EOU) is approximately 3,500 students.. One of the larger institutions in the study, Western Washington University (WWU) has a student enrollment of just over 14,000 students. Located in Bellingham, Washington, WWU is a primarily residential campus with a high undergraduate population and a high rate of transfer students. The fifth institution studied was Linfield College in McMinnville, Oregon. The only privately controlled institution studied, Linfield College is a highly residential campus with an exclusive undergraduate population of 1,700 students (“Carnegie Classifications”, 2006).

Each of the policies was located on the institutional website, allowing for public access, availability, and a presumed wider dissemination of the policy. While other institutions had publicly available policies, these five institutions were selected because of the in depth descriptions of their policies and the step-by-step outline of their procedures.

Community Notification

Community notification laws are controversial. Trivits and Repucci (2002) indicate community notification for juveniles contradicts the educational and rehabilitative emphasis the juvenile court system has long held. Juvenile offenders subjected to community notification may be hindered from socializing and assimilating with their peer group (Lowe, 1997), which is

critical to their rehabilitation (Miner & Crimmins, 1995). Table 1 indicates the presence of community notification requirements at the five selected institutions.

Table 1

Presence of Community Notification

Institution	Eastern Kentucky University	Great Basin College	Eastern Oregon University	Western Washington University	Linfield College
Community Notification Required?	Yes	Yes	No	Yes	No

As Table 1 reveals, three of the five selected institutions require community notification of sex offenders enrolled or employed at the institution. Although the research indicates the potential harmful effects of community notification for juvenile offenders (Hiller, 1998; Lowe, 1997; Markman, 2007), three institutions mandate a form of notification of sex offenders enrolled or employed. The policy at Eastern Kentucky University requires registered sex offenders to be identified on the university police department website and notifies immediate supervisors of sex offenders employed at the institution (“Eastern Kentucky University”, 2008). While the policy at Eastern Kentucky University does not vary on offender level, the policy at Great Basin College has varying scopes of notification depending on the level of offender.

Level 1 offenders are subject to notification of the president of Great Basin College and all vice presidents. In addition, the name of the offender will be posted to the campus safety website with information on the offender’s residence and if they are a student or an employee. For each subsequent level of offense, these same procedures are followed, with additional notifications. The presence of a Level 2 offender will prompt the notification of the housing

coordinator, officers in the Student Government Association (SGA), as well as the director of the Child Care Center. The president and vice presidents are once again notified and the student's information is posted to the website. Additionally, Level 2 offenders may have a picture and description of their crime posted on the website, at the discretion of the Elko police department ("Great Basin College," 2006).

As expected, Level 3 offenders are subject to the highest level and most expansive community notification procedures. In addition to the requirements for Level 2 offenders, Level 3 offenders are subject to general community notification through email, flyers, or any other methods necessary to notify the public ("Great Basin College"). Western Washington University also notifies university and community members depending on the level of offender.

If a Level 1 sex offender registers with the university, all Western Washington University police officers are notified, along with the vice-president for business and financial affairs, all classified staff members, the vice-president for student affairs, and the dean of students. For Level 2 sex offenders enrolled or employed on campus, all procedures for Level 1 offenders are followed, with the addition of notification to the President and the Provost. If the offender is employed on campus, the director of Human Resources is also notified. The director of University Residences is notified if the student resides on campus, is employed in food service, or in the Viking Student Union building. The Child Care Center is also notified of the sex offender's presence on campus as is the director of any department that is directly affected by the offender's presence. For all other departments, a community advisory flyer is distributed with an expectation it is only to be shared with department staff. Finally, all police and security officers are notified. As with Level 1 offenders, general public notification is not required for offenders posing an intermediate risk to the community.

High risk, level 3 offenders at Western Washington University are subject to all the requirements of level 2 offenders as well as community advisory flyers posted in all department offices and university residences. Notices are sent to student media, including newspaper and radio stations, and a notice is posted on the WWUPD website. Finally, notices may be posted in public areas throughout campus (“Western Washington University”, 2004).

The policies at Eastern Oregon University and Linfield College do not require community notification of registered sex offenders. However, both policies do allow for it in their policy should the university administration consider it to be necessary. Notification may include a description of the individual, a description of their crime, directory information, and a photograph of the person and may be distributed to administrators at the director level and any other necessary personnel (“Eastern Oregon University”, 2008; “Linfield College”, 2008).

Behavioral Contracts

A behavioral contract is an agreement between the offender and the institution of limitations placed on the offender. This contract appears to be a positive way to secure areas on campus that may have vulnerable populations, set guidelines and boundaries for the juvenile offender, but not expose the student offender to potential harassment. Compliance with a behavioral contract is easy because it likely does not require disclosure to the university about the sex offender’s presence (N.P. Sterr, personal communication, December, 2007). Typically, written after conversations with the juvenile offender, the contract limits liability for university administration while maintaining a level of privacy for the juvenile without revealing his or her status as a sex offender. Table 2 indicates which institutions require sex offenders to sign such an agreement.

Table 2

Requirement of Behavior Contracts

Institution	Eastern Kentucky University	Great Basin College	Eastern Oregon University	Western Washington University	Linfield College
Behavioral Contract	No	No	Yes	No	Yes

While the effects and implications of a behavioral contract for juvenile offenders were not discussed in the literature, such a contract is common for student offenders at both Eastern Oregon University and Linfield College. The information available on both institutional websites does not outline the specific conditions or restrictions within a behavioral contract. The policy at Eastern Kentucky University, while not specifically describing a behavioral contract, does place location restrictions on registered sex offenders being around the university children center (“Eastern Kentucky University”, 2008).

Student or Peer Involvement

Research by Letourneau and Miner (2005), and Lotke (2003), indicates rehabilitation of juvenile sex offenders is most successful when treatment programs limit isolation and allow juvenile offenders to return to normalcy. This includes limiting information disseminated to peers, who may ridicule and harass the offender (Merritt, 2007). The policies at four of the five institutions do not notify students unless general campus notification is required. Table 3 reveals that Great Basin College notifies selected students at the institution earlier than other institutions.

Table 3

Notification of Student Population

Institution	Eastern Kentucky University	Great Basin College	Eastern Oregon University	Western Washington University	Linfield College
Student Notification	No	Yes	No	No	No

When Great Basin College receives notification of a level 2 sex offender enrolled, or employed on campus, in addition to university administrators, the policy allows for officers in the Student Government Association to be notified of the offender’s presence.

Program Evaluation and Review

The lack of program evaluation methods was common to each of the five institutions. The policies available online did not discuss any method of review or evaluation of the institutional policy to determine effectiveness, as Table 4 reveals.

Table 4

Program Evaluation or Review

Institution	Eastern Kentucky University	Great Basin College	Eastern Oregon University	Western Washington University	Linfield College
Evaluation Methods	No	No	No	No	No

According to the information available on the institutional website, none of the policies outline a manner of evaluation or assessment. Because this study relied on information available online and contact was not made to the institutions, it is possible an evaluative tool is present, but not outlined online.

Distinction Between Adult and Juvenile Offenders

Several researchers have made arguments for laws and policies that make distinctions between juvenile and adult sex offenders. The differences between adult and juvenile offender characteristics, offenses, and rate of recidivism are stark enough to warrant laws and policies tailored to each population (Freeman-Longo, 1996b; Miranda & Corcoran, 2000). Table 5 reveals that none of the five institutions make a distinction between juvenile and adult offenders.

Table 5

Separate Policy for Juvenile and Adult Offenders

Institution	Eastern Kentucky University	Great Basin College	Eastern Oregon University	Western Washington University	Linfield College
Separate Policies	No	No	No	No	No

Juvenile sex offenders are distinctly different from adult sex offenders (Center for Sex Offender Management, 1999b). However, the institutional policies in this study do not make any distinction between juvenile sexual offenders and adult sexual offenders in their policies.

Supporters of federal registration laws explain that community notification and registration mandates are meant to protect the public from all offenders and serve as a way for the public to be involved in their own safety (Berliner, 1996). Additionally, Diane Gelbach (as cited in Lewis, 2007) who runs a support program for victims of sexual assault notes that registries are one way to transfer power from the sexual offender to the victim and the community.

Summary

The institutions selected for this study were chosen because of their in-depth descriptions of their policies regarding enrolled sex offenders available to the public on the institutional website. The policies at Eastern Kentucky University, Great Basin College, Eastern Oregon University, Western Washington University, and Linfield College were reviewed for the presence of community notification requirements, behavioral contracts, student and peer involvement in policy formation, program evaluation methods, and any distinctions made between adult and juvenile offenders. Table 6 summarizes the results from the review of the institutional policies studied.

Table 6

Summary of Results

Institution	Community Notification	Behavioral Contract	Student Notification	Program Evaluation	Distinction Between Adults and Juveniles
Eastern Kentucky University	Yes	No	No	No	No
Great Basin College	Yes	No	Yes	No	No
Eastern Oregon University	No	Yes	No	No	No
Western Washington University	Yes	No	No	No	No
Linfield College	No	Yes	No	No	No

This study revealed that all five of the institutions have allowances for community notification of the presence of a sex offender. Eastern Kentucky University, Great Basin College, and Western Washington mandate community notification for all offenders. The policies at Eastern Oregon University and Linfield College allow for discretion by the university administrators on community notification. These policies are congruent with many state and federal laws allowing for community notification, but are in contrast to the research by Hiller (1998), Lowe (1997) and Markman (2007) that describe the harmful effects of community notification on juveniles.

Behavioral contracts, seen as another method to regulate sex offenders at an institution, are present at both Eastern Oregon University and Linfield College. The information available online does not outline the behavioral contract, presumably because many behavioral contracts are individualized to the offender, depending on the type of offense and recommendations from

therapists and psychologists working with the offender (J.R. Andrews, personal communication, September 2005). Eastern Kentucky University may have a behavioral contract, as they do prohibit the offender from being near the university children's center ("Eastern Kentucky University", 2008).

In contrast to the other institutions studied, Great Basin College was the only institution to notify students prior to general community notification. Although research by Letourneau and Miner (2005) and Lotke (2003) reveals the need for assimilation with peer groups as being critical to the success of treatment and rehabilitation, Great Basin College notifies officers in their student government each time a Level 2 offender is present on campus. The remaining four institutions do not describe any student notification, unless the community at large is being notified as well.

The results of the study for regarding program evaluation and a distinction between adults and juveniles were consistent with all five institutions. First, none of the institutions described a method to evaluate their program for its effectiveness. Additionally, none of the policies made a distinction between juvenile and adult offenders. Research by Hanson and Bussiere (1998) and Miranda and Corcoran (2000) indicate several differences between juvenile and adult offenders. However, these five institutional policies make no distinction in the conditions and requirements for offenders whether they are juveniles or adults. This study revealed that in many of the significant concepts identified in the literature, the institutional policies do not correspond with the recommendations and conclusions put forth in the literature.

CHAPTER FIVE CONCLUSIONS AND RECOMMENDATIONS

Current research provides evidence of a distinction between adult sex offenders and juvenile offenders. This includes the nature of the offense, the motivation for the offense, and the response and effectiveness to early intervention. Juvenile offenders demonstrate very little commonality with adult sex offenders (Center for Sex Offender Management, 1999b; Miranda & Corcoran, 2000). Research indicates that while adults offend for sexual reasons, juveniles offend more often because of peer isolation, a lack of appropriate social cues, and a desire to have a relationship (Miner & Munns, 2005). Additionally, the prevalence of abuse in the lives of juvenile offenders supports evidence that the theory of differential association is a reasonable explanation for juvenile offenses. However, none of the five institutions sampled have separate policies for juvenile and adult offenders. For juvenile offenders to rehabilitate successfully, research indicates the need to return to normalcy and to assimilate into their peer group (Miner & Crimmins, 1995). University policies that treat juvenile offenders in the same manner as adult offenders and subject them to broad community notification policies may be limiting their ability to assimilate with their peer group and may hinder their ability to successfully rehabilitate.

Institutions of higher education are challenged to create policies that balance the needs and rights of the general campus community while simultaneously respecting the needs and rights of the juvenile offender. The juvenile sex offender seeks privacy and a reasonable amount of anonymity while the campus community seeks and deserves a sense of security and safety. Ambrosion (2005) suggests “It’s difficult when you’re talking about children as the offenders...You have a responsibility to provide for the educational needs of all children. But at the same time, you need to err on the side of safety” (as cited in Stover, p.13). Ambrosion’s quote illustrates the struggle between the educational mission of higher education institutions and the

responsibility to protect students attending the institution. In order to balance the rights of both populations, current policies need to be reviewed and revised to become more congruent with current research. With the following recommendations in mind:

First, higher education institutions should consider revising their policies to allow for differences in juvenile and adult sexual offenders. Multiple studies (Miner & Munns, 2005; Miranda & Corcoran, 2000) cite major distinctions between juvenile and adult offenders, and support rationale for the existence of separate policies. Furthermore, Markman (2007) discusses the contradiction between juvenile sex offender policies that release criminal information and the historical mission of the juvenile justice system, meant to protect juveniles and focus on education and rehabilitation, rather than punishment.

Second, institutional policies, specifically those policies governing community notification, should allow for exceptions to notification based on the nature of offense. The policies at Western Washington University, Eastern Oregon University, and Linfield College allow for university officials to judge if notification is necessary. The policies at these three institutions support Markman's (2007) assertion of the ambiguity in the classification of sex crimes. Under a revised policy, a student found responsible for public urination, or making obscene phone calls, would not be subject to the same notification conditions as one found responsible of assault or rape.

Third, there is a need for a method of evaluation of current policies and practices. None of the institutional policies studied provided information on evaluating the effectiveness of their institutional policies. An evaluation surveying affected populations, including the campus community and the juvenile offender, will provide an understanding of the impacts of the given policy.

Research in this area is in its early stages. Further research is needed to continue the expansion of knowledge of the affects of institutional policies on juvenile sex offenders and campus community members. Future researchers should consider studying the experiences of the juvenile sex offender and the campus community exposed to the offender, including both quantitative data such as academic performance and attrition rate, as well as qualitative data documenting the feelings of both populations during their co-enrollment. The understanding of these experiences and this data will lend itself to the development of institutional policies that protect the safety and security of the campus while still affording the juvenile offender the opportunity to attain a college degree.

This research will provide valuable information to university administrators charged with the responsibility of policy formation. The results begin to provide information on policy conditions that are the most effective and beneficial for affected populations. The creation of balanced policies is a necessary step to providing educational opportunities for all students.

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Appendix A

Eastern Kentucky University Sex Offender Policy

Under the provisions of the Family Educational Rights and Privacy Act, as amended by the Campus Sex Crimes Prevention Act, Eastern Kentucky University will disclose information concerning registered sex offenders.

The purpose of this reporting is to ensure that members of the campus community have information available concerning the presence of registered sex offenders. Any person who is required to register as a sex offender in Kentucky shall provide notice as required under state law. The state is required to report such information concerning registered sex offender's enrollment or employment and to make this information available promptly to the ECU Police Department.

The Registry of Sex Offenders in Kentucky can be obtained by checking the State Police website at <http://ksp.sor.state.ky.us>. Upon receipt of notification, the Police Department will notify the Director of Human Resources if the registered offender is an employee, or Judicial Affairs if the registered offender is a student. Human Resources/Judicial Affairs will contact the employee/student to clarify his/her status and to advise him/her of applicable University policy and procedure.

Procedures

- Registered Sex Offenders are not barred from employment or enrollment with ECU. Limitations and restrictions on employment must be both reasonable, job related, and directly related to areas of potential risk.
- Registered sex offenders will be posted on the web site of the University Police Department upon confirmed notice.
- All registered sex offenders are required to self report their status to the Police Department upon employment or enrollment. If designated as registered sex offender, after employment or enrollment, the self-reporting must occur within one working day of the designation. Failure to self-report may result in disciplinary action up to and including termination of employment or expulsion.
- Registered/convicted Sex Offenders are prohibited from working in or being upon the premises without authority of any area of the University that is designated to provide service/care to children. This prohibition includes, but is not limited to, Model School and the Burrier Child Development Center. Other locations and/or events may be added at the discretion of University Administration.
- Supervisors of registered sex offenders should not assign the employee to an area from which they are prohibited if other employees are available to complete the assignment. If the assignment of the sex offender is essential, their immediate supervisor must escort them for the entire time that they are working in the prohibited location.
- Registered Sex Offenders are prohibited from working or living in University Housing and University Housing will not be provided to, or required of, any Registered Sex Offenders.

- Registered Sex Offenders are prohibited from being within the living areas of the University's Residence Halls and the Brockton Efficiency Apartments.

The state registry database is made available to alert possible victims of potential danger, not to punish or embarrass offenders. Pursuant to Kentucky Revised Statutes 525.070 and 525.080, use of such information to harass a sex offender is a criminal offense and is punishable by up to 90 days in the county jail or more severe criminal penalties may apply for more severe crimes committed against a sex offender.

Appendix B

Great Basin College Sex Offender Policy

POLICY AND PROCEDURE

Procedure:	CAMPUS SEX CRIMES PREVENTION ACTION PROGRAM
Policy No.:	4.24
Department:	Administrative Services
Contact:	Director of Health, Safety and Security

Policy

Great Basin College and the Nevada System of Higher Education (NSHE) will comply with the *Campus Sex Crimes Prevention Act*, also known as the *Clery Act*. This act includes registration of sex offenders, registration of crimes against children offenders and sex offender notification.

Procedures

This program outlines the procedures for identifying and registering offenders convicted of sexual crimes and crimes against children.

Definitions:

- **Crimes Against Children Offender:**

Crimes against children are defined by NRS 179D.210. This includes a non-resident student or worker within the state.

- **Sex Offender**

A sex offender is defined under NRS 179D.400. This includes a non-resident student or worker within the state.

- **Offender**

For purposes of the program, the term "offender" refers to either a sex offender or crimes against children offender, as defined above.

Registration Required. *Section 1601 of Public Law 106-386* requires all offenders who are required to register pursuant to State law to provide notice as required under State law of each institution of higher education at which the person is employed, carries on a vocation, or is a student and of each change in enrollment or employment status of such person at an institution of higher education in the State.

Offenders who are students or workers as defined by *NRS 179D.110* and *179D.120* and all offenders who are present for forty-eight hours or more on the Great Basin College campus properties pursuant to *NRS 179D.240* and *179D.460*, must comply with the registration requirements of *NRS Chapter 179D* and register with the local law enforcement agency that has jurisdiction over that campus.

Registration Procedure. Offenders must identify themselves, in person, at the sheriff's office in Elko County, White Pine County, Lander County, Nye County or the Winnemucca police

department to complete the registration procedure. Each offender must complete an offender registration form, complete a set of fingerprints using the Federal Bureau of Investigation fingerprint standards and be photographed. Case files pertaining to offender registration will be maintained by the sheriff's office or police department, who will in turn notify the community.

Sex Offender Notification—Elko. Sex offender notification in Elko County will be made by the Elko police department by fax to the Great Basin College safety and security department. The director of safety and security will notify the appropriate police or sheriff's department of any person(s) who self-identify when registering for classes or upon being offered employment.

Should the director of safety and security be notified by the Elko police department that a Tier 1 offender has registered, the director will notify the president and all vice presidents. The offender's name will be posted to the safety and security website including identifying whether the offender is living in the area, is a student or an employee.

Should the director of safety and security be notified by the Elko police department that a Tier 2 offender has registered, the director will notify the president and all vice presidents. The offender's name will be posted to the safety and security website including identifying whether the offender is living in the area, is a student or an employee. The web site posting may include the offender's picture and a description of the crime should the Elko police determine that the offender may be a danger to the Great Basin College community. The housing coordinator, SGA officers and director of the child center will be notified of the offender's presence in the community.

Should the director of safety and security be notified by the Elko police department that a Tier 3 offender has registered, the director will notify the president and all vice presidents. The offender's name will be posted to the safety and security website including identifying whether the offender is living in the area, is a student or an employee. The web site posting will include the offender's picture and a description of the crime advising that the offender may be a danger to the Great Basin College community. The housing coordinator, SGA officers, director of the child center and other members of the College community will be notified of the offender's presence in the community by email, flyers and any another means necessary to ensure that those persons likely to encounter the sex offender will be notified.

Sex Offender Notification in Battle Mountain, Ely, Pahrump, and Winnemucca. Sex offender notification will be to the campus directors in Battle Mountain, Ely, Pahrump, and Winnemucca. Notification at all four campuses will only be for those offenders who are determined by the local agency to pose a threat to persons in the area immediately surrounding the college or to those persons working at or attending the college. The director of safety and security will notify the appropriate police or sheriff's department of any person(s) who self-identify when registering for classes or upon being offered employment (see forms, attached).

Should the campus director be notified by the sheriff or police department that a Tier 1 offender has registered, the director will notify the president, all vice presidents, and the director of safety and security. The offender's name will be posted to the safety and security website including identifying whether the offender is living in the area, is a student or an employee.

Should the campus director be notified by the sheriff or police department that a Tier 2 offender has registered, the director will notify the president, all vice presidents, and the director of safety and security. The offender's name will be posted to the safety and security website including identifying whether the offender is living in the area, is a student or an employee. The web site posting may include the offender's picture and a description of the crime should the sheriff/police determine that the offender may be a danger to the Great Basin College community.

Should the campus director be notified by the sheriff or police department that a Tier 3 offender has registered, the director will notify the president, all vice presidents, and the director of safety and security. The offender's name will be posted to the safety and security website including identifying whether the offender is living in the area, is a student or an employee. The web site posting will include the offender's picture and a description of the crime advising that the offender may be a danger to the Great Basin College community. Members of the college community will be notified of the offender's presence in the community by email, flyers and any another means necessary to ensure that those persons likely to encounter the sex offender will be notified.

Interagency Coordination. The director of safety and security and/or the campus director will be responsible for coordinating with the sheriff or police department for any necessary notifications. The sheriff or police department will be responsible for any notifications that are required of the businesses and residents off of Great Basin College property. The director of safety and security will be responsible for notification of the appropriate persons within the campus community.

Confidentiality of Victim. The identity of the victim of a sex offender shall not be disclosed, except as provided for by state law. In no case will the identity of the victim be released as part of any community or campus notification under this general order.

Student Sex Offender Notification. Any student registered for classes at Great Basin College is hereby notified that this college does comply with the *Campus Sex Crimes Prevention Act*, effective October 27, 2002. Section 1601 of *Public Law 106-386* requires all offenders who are required to register pursuant to state law to provide notice as required under state law of each institution of higher education at which the person is employed, carries on a vocation, or is a student and of each change in enrollment or employment status of such person at an institution of higher education in the state.

Offenders who are students or workers as defined by *NRS 179D.110* and *179D.120* and all offenders who are present for forty-eight hours or more on the Great Basin College campus pursuant to *NRS 179D.240* and *179D.460*, must comply with the registration requirements of *NRS Chapter 179D* and register with the police or sheriff for the jurisdiction that campus is located within.

Employee Sex Offender Notification. As an employee of Great Basin College you are hereby notified that this College does comply with the *Campus Sex Crimes Prevention Act*, effective October 27, 2002.

Section 1601 of Public Law 106-386 requires all offenders who are required to register pursuant to state law to provide notice as required under state law of each institution of higher education at which the person is employed, carries on a vocation, or is a student and of each change in enrollment or employment status of such person at an institution of higher education in the state.

Offenders who are students or workers as defined by *NRS 179D.110* and *179D.120* and all offenders who are present for forty-eight hours or more on the Great Basin College properties pursuant to *NRS 179D.240* and *179D.460*, must comply with the registration requirements of *NRS Chapter 179D* and register with the police or sheriff for the jurisdiction that campus is located within.

Campus Report to the U.S. Department of Education. As required by the *Clery Act*, yearly crime statistics for all Great Basin College campuses are reported to the U.S. Department of Education. Each yearly report may be reviewed at the U.S. Department of Education web site or at the Great Basin College web site, by clicking department, then security, and then the *Campus Report on Crime*. (*GBC Policies and Procedures*, 4.20)

Appendix C

Eastern Oregon University Sex Offender Policy

Sex Offender Statement and Protocol

The Federal Campus Sex Crimes Prevention Act of 2000 (CSCPA), which became law October 28, 2000, but which delayed certain provisions until October 28, 2002, amends to Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

CSCPA provides special requirements relating to registration and community notification for sex offenders who are enrolled in or work at institutions of higher education. In addition to the Wetterling Act, CSCPA also amended the Calorie Act, an annual crime reporting law, and the Family Educational Rights and Privacy Act of 1974 to allow the disclosure of this information regarding students.

As provided in the Wetterling Act, any person required to register under a state sex offender registration program must notify the state regarding each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student and must also alert the state of any change in enrollment or employment status. These federal requirements will require state law changes, expected to occur in 2003.

Under current state law, computerized sex offender information can be obtained through local law enforcement agencies and the Oregon State Police through their sex offender registration information line at (503) 378-3720 extension 4429. This computerized database can access sex offender information by name, address, zip code or county.

Rationale and Protocol for Handling Registered Sexual Offenders

Rationale:

ORS 181.585 to 181.587 specifies how information related to registered sex offenders should be handled by community corrections personnel. A registered sex offender is defined as a person who exhibits characteristics showing a tendency to victimize or injure others and has been convicted of a sex crime listed in ORS 181.594 (2)(a) to (d), has been convicted of attempting to commit one of those crimes, or has been found guilty except for insanity of one of those crimes. Under certain circumstances, community corrections personnel are required to engage in a notification process related to the registered sexual offender. In an effort to safeguard the health and well being of the campus community, this policy is enacted to further specify how EOU will respond when notified that a registered sex offender is present on campus.

(Note: At times, community corrections personnel may notify the college that a registered sex offender is enrolled or plans to enroll. In such cases, college staff may choose to follow and/or modify the procedure below to meet the needs of the situation.)

Protocol:

1. When a person in the process of application to become a student is identified as a registered sex offender currently on supervision, the Parole and Probation Officer for

Union County Community Corrections shall notify the EOU Vice President for Student Affairs.

2. Upon such notification, the Vice President for Student Affairs will consult with the Parole and Probation Officer to ascertain the level of risk posed by the student to the campus community, and to develop an appropriate plan to manage such risk. The Parole and Probation Officer is responsible for providing the college with accurate information related to risk level, and for recommending notification strategies.
3. In developing the college's response to the individual and the level of risk, the Vice President for Student Affairs shall consider the following issues:
 - a) The risk assessment and recommendations of the Parole and Probation Officer shall be given primary consideration.
 - b) The interests of individuals in the campus community in having a safe learning, living and/or employment environment versus the privacy needs of the individual.
 - c) The educational context of the student's intended enrollment (e.g., whether the registered sex offender, currently on supervision, is required by the college to have close contact with an individual(s) in a private setting).
 - d) Other factors appropriate to the individual sex offender, and the work, academic or living environment setting.
4. The student will be required to meet with the Vice President for Student Affairs (or his/her designee) to discuss Eastern Oregon University policies and procedures. The student will be required to enter into a behavior contract with the institution. The contract will be reviewed quarterly.
5. The Vice President for Student Affairs (or his/her designee) may work with other appropriate departments on campus if notification is considered necessary. Depending on circumstances, the following offices may be included in this notification process: the Provost's Office, the offices of the academic deans, individual faculty members, the Director of Housing, the Director of Counseling, the Director of the Student Health Center, the Director of Student Activities, the Security Supervisor, persons serving as direct supervisors of the offender, and other faculty and staff as necessary. Information which may be disclosed includes, but is not limited to, the person's name and address; a physical description of the person; the type of vehicle that the person is known to drive; any conditions or restrictions placed upon the person's probation, parole, post-prison supervision or conditional release; a description of the person's method of offense; a current photograph of the person; and the name and telephone number of the person's parole and probation officer.
6. The Parole and Probation Officer shall notify the Office of Student Affairs prior to the first term during which a registered sexual offender plans enrollment. The Vice President (or his/her designee) may consult as necessary to assess if modifications to the college's intervention plan are necessary, and/or to notify parties based on changes in the student's course schedule or college status.
7. A copy of the Behavior Contract will be forwarded to the appropriate Parole and Probation Officer.
8. All students that enter into a Behavior Contract are bound by all institutional rules and regulations, including the Student Code of Conduct. Therefore, those who do not cooperate will be subject to disciplinary action and/or emergency action upon the University's directive.

Appendix D

Western Washington University Sex Offender Policy

It shall be the policy of the Western Washington University Police Department to operate an ongoing program to track and make appropriate community notifications concerning registered sex offenders whose presence may be reasonably expected on or near the University campus. Tracking and notification concerning registered sex offenders at University owned properties remote from the main campus will be the responsibility of the local law enforcement agency with jurisdiction. The University Police Department will request notification from local jurisdictions when a registered sex offender is believed to be living, attending or working at any WWU satellite location. The Department will coordinate with, and assist other law enforcement agencies, and will maintain documentation on offenders as appropriate.

AUTHORITY:

This program will be governed by Washington State Law, RCW 9A.44.130, RCW 4.24.550, and as informed by Washington Association of Sheriffs and Police Chiefs.

RESPONSIBILITY:

Responsibility for the program shall be with the Chief of University Police or designee.

BACKGROUND:

RCW 9A.44.130 requires the registration of sex offenders and establishes procedures, definitions, and penalties. It is the responsibility of the County Sheriff to administer the registration program. The University Police Department has no obligation or authority to register offenders.

RCW 4.24.550 authorizes public agencies to release to the general public certain information concerning sex offenders. The intent of the legislation is "to require the exchange of relevant information about sexual predators among public agencies and officials and to authorize the release of relevant and necessary information about sexual predators to members of the general public."

WWU, Public Safety Page 2 of 6

Policy

Effective Date: June 2004

Approved By: Public Safety University

Police, BFA 6/94 Authority: RCW 9A.44.130 & 4.24.550

Cancels: See Also:

The Washington Association of Sheriffs and Police Chiefs has published a recommended policy concerning the release of information about sexual predators. This policy defines three levels of offenders.

The University Police Department does not have the responsibility for determining the appropriate level as used in the WASPC policy. The WWUPD policy deals with notifications and procedures based on offender level determinations made by the Whatcom County Sheriff.

DEFINITION:

For the purpose of this policy, a person is a registered sex offender if they are required to

register according to RCW 9A.44.130. Such persons include:

- A. A person convicted of, or juvenile found to have committed, a sex offense as defined by RCW 9.94A.030;
- B. A person found not guilty of a sex offense by reason of insanity under Chapter 10.77 RCW;
- C. A person found incompetent to stand trial for a sex offense and subsequently committed under Chapter 71.05 or 71.34 RCW;
- D. A person committed as a sexual psychopath under Chapter 71.06 RCW; or
- E. A person committed as a sexually violent predator under Chapter 71.09 RCW.

PROCEDURES:

The Whatcom County Sheriff's Office (WCSO) policy indicates that the Sheriff's Office will register and classify sex offenders. WCSO will provide all county law enforcement agencies with offender registration information, photograph and risk level assessment rating. In the case of a Level III offender residing in the county, informational flyers will be sent to all local law enforcement agencies. In the case of registered sex offender residing in the City of Bellingham, WCSO will make notification to the Bellingham Police Department (BPD) and provide appropriate information. The Bellingham Police Department will be responsible for notification. In the event that a registered sex offender notifies the Sheriff's Office that (s)he has enrolled at Western Washington University, the Sheriff's Office is required by law to notify the University Police Department.

WWU, Public Safety Page 3 of 6

Policy

Effective Date: June 2004

Approved By: Public Safety University

Police, BFA 6/94 Authority: RCW 9A.44.130 & 4.24.550

Cancels: See Also:

When WWUPD is notified by WCSO or BPD of a registered sex offender who either resides on or near campus, works on campus, or otherwise is reasonably expected to be on campus, community notifications will be made based on the risk assessment level as determined by the Whatcom County Sheriff's Office.

RECORDS:

WWUPD will maintain records files on all registered sex offenders covered under this policy.

The files will include:

1. Copies of all files, photos and other correspondence provided by other agencies.
2. A record of all notifications made.
3. Copies of all community advisory flyers or other public notices, including press clippings.
4. Copies of any WWUPD case files or follow up investigation reports concerning the offender.

RISK ASSESSMENT LEVELS:

LEVEL I Low

Risk

A. Low risk to the community.

1. Includes all offenders required to register.

2. Offense is nonviolent.
3. Offense is committed in a family setting.
4. Offender has successfully completed a treatment program.
5. Overall the offender is a low risk to the general public.

LEVEL II Intermediate

Risk

A. Intermediate risk to the community.

1. Crime occurs outside of a family setting.
2. Victim not a blood relative.
3. Offender may or may not have successfully completed a treatment program.
4. Commission of multiple offenses.
5. Offender poses a risk to the general community who reside in immediate proximity to the offender.

WWU, Public Safety Page 4 of 6

Policy

Effective Date: June 2004

Approved By: Public Safety University

Police, BFA 6/94 Authority: RCW 9A.44.130 & 4.24.550

Cancels: See Also:

6. Offender has predatory tendencies in the sense that they involve themselves into families or neighborhoods where there is opportunity to groom victims.

LEVEL III High

Risk

A. High risk to the community.

1. Offender exhibits predatory tendencies as defined by state law RCW 71.09.020.
2. Criminal history of repeated sexual offenses (acts may or may not have included violence).
3. Offender has not completed a treatment program.
4. Acts directed toward strangers / general public.
5. Offender expresses intentions and / or desires to continue committing offenses.
6. Diagnosed as a sexual predator by mental health professional.
7. Acts directed towards individuals with whom a relationship has been established or promoted for the primary purpose of victimization.

NOTIFICATIONS:

LEVEL I Low

Risk

1. Vice President

for Business and Financial Affairs.

2. University Police Officers and all other WWUPD classified staff.

3. Vice President

for Student Affairs

4. Dean of Students

No general public notification

LEVEL II Intermediate

Risk

1. All LEVEL I notifications.
2. President
3. Provost/Vice President for Academic Affairs
4. Director of University Residences if offender is a resident student or employee of Food Service, Viking Union or University Residences.
5. Director of Human Resources if offender is an employee.
6. Public Safety Department student security employees.

WWU, Public Safety Page 5 of 6

Policy

Effective Date: June 2004

Approved By: Public Safety University

Police, BFA 6/94 Authority: RCW 9A.44.130 & 4.24.550

Cancels: See Also:

7. Community Advisory flyer prepared and distributed to affected University units (such as employer, instructors, library, food services). With notice of confidentiality – for staff only.
8. Child Care Center
9. Director of remote site if affected.

No general public notification

LEVEL III High

Risk

1. All LEVEL I and LEVEL II notifications.
2. Community Advisory flyer distributed to all departments via interoffice mail.
3. Community Advisory flyers distributed to University Residences for posting in Residence Halls.
4. Notices to Western Front, KUGS and FAST.
5. Notice posted on University Police Web site.
6. Posters may be posted in public areas of campus.

IMMUNITIES:

RCW 4.24.550 provides immunity to Western Washington University, its officials and employees:

1. Public Agencies are authorized to release relevant and necessary information regarding sex offenders to the public when the release of the information is necessary for public protection.
2. Except as otherwise provided by statute, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information as provided in subsection (2) of this section.
3. Nothing in this section implies that information regarding persons designated in subsection two (2), is this section in confidential except as otherwise provided by statute.

Further immunities are proscribed in RCW 4.24.470, Liability of officials and members of governing body of public agency Definitions and RCW 4.24.490, Indemnification of state employees.

Copies of relevant portions of these statutes are included in this document.

WWU, Public Safety Page 6 of 6

Policy

Effective Date: June 2004

Approved By: Public Safety University

Police, BFA 6/94 Authority: RCW 9A.44.130 & 4.24.550

Cancels: See Also:

STATEMENT of LEGISLATIVE INTENT:

The Washington State Legislature, in passing RCW 4.24.550, described its intent as follows:

"The legislature finds that sex offenders pose a high risk of engaging in sex offenses even after being released from incarceration or commitment and that protection of the public from sex offenders is a paramount governmental interest. The legislature further finds that the penal and mental health components of our justice system are largely hidden from public view and that lack of information from either may result in failure of both systems to meet the paramount concern of public safety. Overly restrictive confidentiality and liability laws governing the release of information about sexual predators have reduced willingness to release information that could be appropriately released under public disclosure laws, and have increased risks to public safety. Persons found to have committed a sex offense have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Release of information about sexual predators to public agencies and, under limited circumstances, the general public, will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems so long as the information released is rationally related to the furtherance of these goals. Therefore, this state's policy as expressed in RCW 4.24.550 is to require the exchange of relevant information about sexual predators among public agencies and officials and to authorize the release of necessary and relevant information about sexual predators to members of the general public."

Appendix E

Linfield College Sex Offender Policy

Linfield College Sex Offender Protocol

The Campus Sex Crimes Prevention Act, and related federal and Oregon laws, provide special requirements relating to registration and community notification for sex offenders who are enrolled in or work at institutions of higher education.

In general, any person required to register under a sex offender registration program must inform the Oregon State Police when that person is employed or is a student at any institution of higher education in Oregon. The State Police will notify campus security whenever it receives such information. In addition, under certain circumstances, community corrections personnel are required to provide notice regarding registered sexual offenders in the local community.

Statement of Sex Offender Protocol

Linfield wants its campuses to be a safe setting in which to learn, live and work. To safeguard the well being of its campus communities, this protocol specifies how Linfield will respond when notified that a registered sex offender is employed by or enrolled at the College. If warranted by the particular facts of any such notification, the College may modify any aspect of this protocol, which will also apply to the extent possible when the College is informed of any registered sex offender's presence on campus.

A. Registered Predatory Sex Offender Protocol

Registered predatory sex offenders are prohibited from entering upon Linfield property, using any Linfield facility or attending any Linfield event, regardless of whether the property, facility or event is open to members of the Linfield community, including family members of the Linfield community and/or the general public.

B. Registered Sex Offender Protocol

1. When a student or employee is identified as a registered sex offender, but has not been designated as a predatory offender, an appropriate College representative will consult with the Oregon State Police Sex Offender Unit and the sex offender's parole officer, if any, in order to ascertain the level of risk to the campus community posed by the student or employee and to determine if a plan to manage such risk can be developed.
2. In assessing the level of risk and in developing the College's action regarding the individual, the following factors shall be considered:
 - a. The risk assessment and recommendations of the sex offender's parole officer.
 - b. The interests of the campus community in maintaining a safe learning, living and working environment versus the privacy needs of the individual.
 - c. The venue of the offender's education program or work assignment (e.g., whether the registered sex offender would have close contact with any individuals in a private setting).
 - d. Other factors applicable to the individual sex offender, and the work, academic and/or living environment.
3. Subject to the development of a plan for managing risk, as a condition of continued student enrollment and/or employment, the registered sex offender will be required to enter into a Behavior Contract with the College.
4. The Dean of Faculty, the Vice President for Student Services and/or the Director of Campus Safety may work with other appropriate departments on campus if notification is

considered necessary. Depending on the circumstances, the following may be included in the notification process: the President, the Academic Deans, individual faculty members, the Director of Housing, the Director of Counseling, the Director of the Student Health Center, the Director of Student Activities, the Vice President for Finance and Administration, the Director of Admissions, persons serving as direct supervisors of the sex offender, and other faculty and staff as necessary. Information which may be disclosed includes, but is not limited to, the person's name and address; a physical description of the person; the type(s) of vehicle(s) that the person is known to drive; any conditions or restrictions placed upon the person's probation, parole, post-prison supervision or conditional release; a description of the person's type of offense; a current photograph of the person; and the name and telephone number of the person's parole and probation officer.

5. The registered sex offender's compliance with the terms of the Behavior Contract will be reviewed on a regular basis as determined by the College. At any time, the College may modify the Behavior Contract (for example, to address changes in a student's course schedule, residential life assignment, or an employee's job assignments). Further appropriate notification(s) will be made if necessary.
6. A copy of the Behavior Contract will be forwarded to the appropriate parole officer and the Director of Linfield Campus Safety.