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Chapter 3: Chapter Title: Security

Section 2: Policy Name: Registered Sex Offender

Approval Authority: President

Interpreting Authority: Director, Campus Safety

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Next Review Date: January 2021

Registered Sex Offender Policy

Policy Statement

Under the provisions of the Family Educational Rights and Privacy Act, as amended by the Campus Sex Crimes Prevention Act, and the New York State Sex Offender Registration Act, Manhattanville College 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 New York 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 Campus Safety.

The registry of Sex Offenders in New York can be obtained by checking the <http://www.criminaljustice.ny.gov/nsor/>.

Entities Affected by the Policy

Faculty, staff, and students

Policy Background

No comprehensive policy addressing this issue previously existed.

Policy Procedures

Registered Sex Offenders are not barred from employment or enrollment with College. Any limitations and restrictions on employment must be both reasonable, job related, and directly related to areas of potential risk.

Upon receipt of notification that an employee or student is a Registered Sex Offender, Director, Campus Safety, will notify the Director, Human Resources, if the Registered Sex Offender is an employee or notify Dean of Students if the Registered Sex Offender is a student.

Self-Reporting Requirements:

- All Registered Sex Offenders are required to self-report their status to Campus Safety upon employment or enrollment.
- If student/employee is designated as Registered Sex Offender after employment or enrollment, the self-reporting must occur within one (1) Business Day of the designation.

Prohibitions:

- Registered Sex Offenders are prohibited from working in or being upon the premises without authority of any area of the College that is designated to provide service/care to children. This prohibition includes locations and/or events that are designated at the discretion of College 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 Registered Sex Offender is essential, their immediate supervisor must escort them for the entire time that they are working in the prohibited location.

Definitions

Business Day

Day when the College is open for business

Law enforcement agency having jurisdiction

“(a) (i) the chief law enforcement officer in the village, town or city in which the offender expects to reside upon his or her discharge, probation, parole, release to post-release supervision or upon any form of state or local conditional release; ...and (b) in the case of a sex offender who is or expects to be employed by, enrolled in, attending or employed, whether for compensation or not, at an institution of higher education, (i) the chief law enforcement officer in the village, town or city in which such institution is located; ... and (iv) if such institution operates or employs a campus law enforcement or security agency, the chief of such agency....” NY SORA Section 168-a (4).

Nonresident worker

“Any person required to register as a sex offender in another jurisdiction who is employed or carries on a vocation in this state, on either a full-time or a part-time basis, with or without compensation, for more than fourteen consecutive days, or for an aggregate period exceeding thirty days in a calendar year.” NY SORA Section 168-a (14).

Nonresident student

“A person required to register as a sex offender in another jurisdiction who is enrolled on a full-time or part-time basis in any public or private educational institution in this state including any secondary school, trade or professional institution or institution of higher education.” NY SORA Section 168-a (15).

Sex Offender

Generic term for all persons convicted of crimes involving sex, including rape, molestation, sexual harassment and pornography production or distribution.

Registered Sex Offender

“Any person who is convicted of any of the offenses set forth in NY SORA Section 168-a (2) and Section 168-a(3). Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this article as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this article.” NY SORA sec. 168-a (1).

Responsibilities

Registered Sex Offender

“Any sex offender shall, (a) at least ten calendar days prior to discharge, parole, release to post-release supervision or release from any state or local correctional facility, hospital or institution where he or she was confined or committed, or, (b) at the time sentence is imposed for any sex offender released on probation or discharged upon payment of a fine, conditional discharge or unconditional discharge, register with the division on a form prepared by the division.” NY SORA Section 168-f (1).

“Any nonresident worker or nonresident student, as defined in NY SORA Section 168-a (14) and Section 168-a (15), shall register his or her current address and the address of his or her place of employment or educational institution attended with the division within ten calendar days after such nonresident worker or nonresident student commences employment or attendance at an educational institution in the state. Any nonresident worker or nonresident student shall notify the division of any change of residence, employment or educational institution address no later than ten days after such change. The division shall notify the law enforcement agency where the nonresident worker is employed or the educational institution is located that a nonresident worker or nonresident student is present in that agency's jurisdiction.” NY SORA section 168-f (6).

Violations of the Policy

Failure to self-report may result in disciplinary action up to and including termination of employment or expulsion. Violations of this policy will be handled in accordance with normal College procedures.

Interpreting Authority

Director, Campus Safety

Statutory or Regulatory References

New York State Sex Offender Registration Act of 1996. , New York Laws, Corrections Law 168.

Found at: <http://www.criminaljustice.ny.gov/nsor/claws.htm>

Sex Offender Registration Act, NY Law Section 168. Found at:

<http://www.criminaljustice.ny.gov/nsor/index.htm>

Policy Adoption Review and Approval

Recommended approval by President's Cabinet on January 7, 2016

Approved by President on January 7, 2016