

**BELLINGHAM TECHNICAL COLLEGE  
POLICY & PROCEDURES GUIDE**

POLICY  <b>Sexual Offender Notification</b>	Section 432.0 Page 1 of 3
POINT OF CONTACT Vice President of Student Services	INITIAL DATE OF POLICY: 10/01/96
RELATED POLICIES and/or PROCEDURES 430.0 Privacy of Students	THIS PAGE WAS LAST REVISED ON: 12/07/2022
APPLIES TO  Students	WAC/RCW RCW 4.24.470 RCW 4.24.490 RCW 4.24.550 RCW 9A.44.130

**POLICY**

Bellingham Technical College (BTC) may make appropriate notifications to the College community concerning registered sex offenders whose presence may be reasonably expected on or near the College campus. The College community consists of employees, students, and general public on or about the campus site.

The College will coordinate with and assist local law enforcement agencies and will maintain documentation on offenders as appropriate.

Employees and students are prohibited from using released information to threaten, intimidate, harass, or injure a convicted sex or kidnapping offender or cause damage to their property. Such actions may result in criminal charges, employee discipline up to and including termination, or student disciplinary action, as applicable, under the Student Code of Conduct.

Any abuse of released information will not be tolerated as it could potentially impact BTC's ability to release this important information to the public.

**PURPOSE**

To increase the safety and welfare of students and employees of BTC by providing timely and appropriate notification upon learning of the enrollment/presence of convicted sexual and/or kidnapping offenders. This notification shall be in accordance with applicable state law and shall be in such a manner as maintains safety without creating excessive anxiety among students and employees.

**AUTHORITY**

This process will be governed by the following Washington State Law:

- RCW 4.24.550(1)      **Sex offenders and kidnapping offenders – Release of information to public**  
 “In addition to the disclosure under subsection (5) of this section, public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender[.]”
- RCW 4.24.550(2)      “[T]he extent of the public disclosure of relevant and necessary information shall be rationally related to: (a) The level of risk posed by the offender to the community; (b) the locations where the offender resides, expects to reside, or is regularly found; and (c) the needs of the affected community members for information to enhance their individual and collective safety.”
- RCW 9A.44.130      **Registration of sex offenders and kidnapping offenders**  
 Requires the registration of sex offenders and establishes procedures, definitions, and penalties. It is the responsibility of the Whatcom County Sheriff to administer the registration program.

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## **PURPOSE OF NOTIFICATION**

An informed public is a safer public. Notification is not intended to increase fear. Law enforcement agencies issue narrative notices regarding the pending release of sex offenders. The narrative notices describe the identity and criminal history behavior of the offender and shall include a risk level classification for the offender.

Upon receiving a narrative notice, local law enforcement agencies review all available information and assign risk-level classifications to all sex offenders about whom information will be disseminated for the purpose of community notification. Public officials, public employees, and public agencies are immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. (RCW 4.24.550(7)).

The extent and types of College notifications are determined on a case-by-case basis, after direct consultation with the local law enforcement and depending upon the offender risk factors.

### **Level I**

The vast majority of registered sex offenders are classified as Level I offenders. They are considered at low risk of re-offending. These individuals may be first time offenders and they are usually known by their victims. They normally have not exhibited predatory type characteristics, and most have successfully participated or are participating in approved treatment programs.

*Level I offenders are generally not the subject of general public notification to the campus community.* The extent and types of notifications for Level I sex offenders may be adjusted on a case-by-case basis, but the College community and Level I sex offenders can generally expect the following types of **notifications** to be made:

- Key administrators
- Campus Assessment, Response, and Evaluation Team
- Affected Employees (including work study)
- Any individual college community member upon request

### **Level II**

Level II offenders have a moderate risk of re-offending. They generally have more than one victim and the abuse may be long term. These offenders usually groom their victims and may use threats to commit their crimes, and they have a higher likelihood of re-offending than the Level I offenders. They are considered a higher risk to re-offend because of the nature of their previous crime(s) and lifestyle (drug and alcohol abuse and other criminal activity). Some have refused to participate or failed to complete approved treatment programs. Typically, these individuals do not appreciate the damage they have done to their victims.

Washington State law may allow the public disclosure of Level II Registered Sex Offenders under certain conditions. Level II notifications including relevant, necessary and accurate information may be disclosed to public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found.

Level II offenders are generally *not* the subject of general public notification to the campus community. The extent and types of notifications for Level II sex offenders may be adjusted on a case-by-case basis, but the College community and Level II sex offenders can generally expect the following types of **notifications** to be made:

- President's Administrative Team, key administrators, and the Campus Assessment, Response, and Evaluation Team
- Tutoring Center, Library, Learning Center, and Student Center
- Faculty in the classes in which the student is enrolled
- Students may be notified in all the classes in which the offender is enrolled
- Any individual college community member upon request.

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### Level III

Level III offenders are the greatest risk to the community. Most are predatory, have other violent crime convictions, refused treatment and are known substance abusers. Community notification is the most extensive.

Washington State law permits notifications about Level III offenders that include relevant, accurate and necessary information. This information is permitted to be disclosed to the public at large. The extent and types of notifications for Level III sex offenders may be adjusted on a case-by-case basis, but the College community will receive the following **notifications**:

- President's Administrative Team and key administrators
- Campus Assessment, Response, and Evaluation Team, Tutoring Center, Library, Learning Center, and Student Center
- Faculty and students in the classes in which the student is enrolled
- All college departments and employees via internal email
- Community advisory flyers posted to campus bulletin boards and in relevant classrooms
- Any individual college community member upon request

The Whatcom County Sheriff's Office maintains an online registry of Level III Sex Offenders who are registered to live in Whatcom County. This resource can be accessed on the BTC website at: <https://www.btc.edu/AboutBTC/ReportsandPolicies/SafetyInformation.html#SexualOffendersRegistry>.

### **IMMUNITIES**

RCW 4.24.550 provides immunity to BTC, its officials and employees:

- (7) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The immunity in this section applies to risk level classification decisions and the release of relevant and necessary information regarding any individual for whom disclosure is authorized. The decision of a law enforcement agency or official to classify an offender to a risk level other than the one assigned by the department of corrections, the department of social and health services, or the indeterminate sentence review board, or the release of any relevant and necessary information based on that different classification shall not, by itself, be considered gross negligence or bad faith. The immunity provided under this section applies to the release of relevant and necessary information to other public officials, public employees, public agencies, and to the general public.
- (8) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information authorized under this section.
- (9) Nothing in this section implies that information regarding persons designated in subsection (1) of this section is confidential except as may otherwise be provided by law.

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*.