



The following changes were made to the Sex Offender Policy:

### **~~MGCC Policy Related to Legislation Regarding Admissions~~**

~~Section 23-2.2:1 of the Code of Virginia requires that the VCCS send enrollment information to the Virginia State Police concerning applicants to institutions of higher education. This information is transmitted electronically and compared against the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry. Language on the web application informs applicants that their information is being transmitted to the State Police.~~

~~In the event that the State Police determine that an applicant or an enrolled student who has attended at least one class meeting at any Mountain Gateway Community College location is listed on the Sex Offender Registry, the State Police will notify a local law enforcement agency who will notify MGCC.~~

~~When the college receives such a notification:~~

- ~~• The applicant will be denied admission to MGCC in accordance with its admission policy as published in its catalog:  
*Admission Denied/Revoked:* Admission to the college, or to college functions or activities, will be denied or revoked to individuals who have demonstrated unsafe and/or disruptive conduct.~~

~~If the applicant has already registered for classes and attended at least one class meeting at any MGCC location before the college receives notification from the State Police, the student will be immediately informed that he/she is being administratively withdrawn from classes and will receive a refund. The offender's name will be listed on the main website along with a link to the Virginia Sex Offender Registry per the Campus Sex Crimes Prevention Act~~

- ~~• The student who has attended at least one class meeting may invoke his/her right to an appeal.~~

### **~~Appeal Process for the Withdrawal for a Convicted Sex Offender~~**

~~When a convicted sex offender is administratively withdrawn from classes at Mountain Gateway Community College, he/she may invoke the following appeal process:~~

- ~~• The withdrawn offender will receive a letter from the Director of Student Services stating his/her denial of admission or administrative withdrawal.~~
- ~~• The withdrawn offender may write a letter of appeal to the Director of Student Services in which he/she provides the following information:
  - ~~○ Disclosure of the nature of the offense for which he/she has been convicted.~~
  - ~~○ Justification for consideration of admission/reinstatement; Statement acknowledging his/her understanding that his/her identity and status as a convicted sex offender will be publicized on the college campus in accordance with federal and state law if he/she is admitted or reinstated.~~~~

*Note: If a student is appealing a denial of admission or an administrative withdrawal, he/she must submit the letter of appeal to the Director of Student*

~~Services within seven (7) calendar days of the denial or administrative withdrawal.~~

~~A team of administrators will review the information submitted and make a decision by a simple majority vote within seven (7) calendar days of receiving the letter of appeal. The Director of Student Services will serve as the moderator of the panel and will be a voting member of the panel only in the event of a tie vote.~~

~~The Director of Student Services will inform the withdrawn offender by letter of the decision of the appeals panel. The decision of the appeals panel shall be final.~~

~~If an offender has been denied admission or withdrawn from courses, he/she is encouraged to meet with the Director of Student Services to discuss further education options.~~

### **Sex Offender Registry**

~~The MGCC campus community is advised that the following site may be accessed to obtain information on registered sex offenders: VA Sex Offenders. This site, maintained by the Virginia State Police, provides information about registered sex offenders in the geographical area served by Mountain Gateway Community College (as well as anywhere in Virginia). Once the web site is reached, click on "sex offender registry" for relevant information. Information about offenders who are enrolled as students may be obtained through Student Services.~~

### **Currently Enrolled Registered Sex Offenders**

~~To comply with federal mandates, MGCC must inform the public of registered sex offenders who are attending classes at MGCC. The individuals listed below will also be hyperlinked to their entries in the sex offender registry itself.~~

~~*\*\*None are known to be enrolled this semester\*\* Additional Information is available on the MGCC Web Site.*~~

~~*A signed copy of this policy is available in the President's Office.*~~

Section 23.1 – 407 of the *Code of Virginia* requires that the VCCS send enrollment information to the Virginia State Police concerning applicants to institutions of higher education. This information is transmitted electronically and compared against the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry File. Language on the web application informs applicants that their information is being transmitted to the State Police.

In the event the State Police believes that an applicant to Mountain Gateway Community College (Mountain Gateway) has failed to register, reregister, or verify their registration information as required by law, the State Police will investigate and determine whether the person may be charged with a registration violation.

Additionally, a person who is required to register, reregister, or verify their registration information must indicate on the registration form that they are enrolled at Mountain Gateway and our location and notify the local law enforcement agency in person within three days of any change in their enrollment status with Mountain Gateway. The local law enforcement agency will forward the registration information to the State Police and the State Police will notify

Mountain Gateway. When the college receives such a notification, the following procedures apply:

- A. The student will be sent a letter to their mailing address by the Associate Vice President of Student Affairs which states that due to status as a sex offender listed on the National Crime Information Center Convicted Sexual Offender Registry, the applicant must complete an online request form ([Registered Sexual Ofender Request](#)) for review for continued admission or enrollment.
- B. Once the student completes the online request form, a decision will be made after a review of the information provided and after due consideration of the totality of the circumstances. The applicant will be notified within ten (10) business days of receipt of the online form.
- C. If the student registers for classes before the college received notification from the State Police, but prior to attending classes, the student will be immediately informed that they must complete the online request form for review of continued admission. The student must complete the form prior to the start of classes. If the form is not completed, then admission will be revoked. The student will be dropped from classes and will receive a refund.
- D. An applicant may invoke their right to an appeal process. The applicant may appeal the decision of the initial request to the Threat/Care Assessment Team within seven (7) business days of the date of decision letter.

### **Appeal Process for Denial of Admission or Withdrawal for Convicted Sex Offender**

When a registered sex offender is denied admission to or has had their admission revoked from Mountain Gateway Community College, they may invoke the following appeal process:

- A. The student will receive a letter from the Conduct Officer stating their denial of continued attendance.
- B. The student may submit an [online appeal](#) to the Care/Threat Assessment Team in which they are to provide the following information:
  - o Disclosure of the nature of the offense for which they have been convicted;
  - o Justification for consideration of continued attendance.

**Note: If a student is appealing a denial of reinstatement or revocation of admission, they must submit an online appeal to the Threat/Care Assessment Team within seven (7) calendar days of revocation.**
- C. The Care/Threat Assessment Committee will review the information submitted and make a decision by a simple majority vote within fourteen (14) calendar days of receiving the appeal. The Associate Vice President of Student Affairs will serve as the convener of the panel and will be a member of the panel.
- D. The Associate Vice President of Student Affairs will inform the student by letter of the decision of the appeals panel. The decision of the appeals panel shall be final.

This policy also applies to persons on Mountain Gateway Community College campuses and Mountain Gateway Community College Workforce supported instruction. Students in these programs would follow the same appeal process.

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*~~\*\*None are known to be enrolled this semester\*\* Additional Information is available on the MGCC Web Site.~~*