

SUBJECT: Denial of Participation in College Courses, Programs or Activities

- I. An individual may be denied participation in College courses, programs or activities in accordance with the following procedures:
 - A. In the event an individual timely completes and submits an Institution of Higher Education Sex Offender Notification, (Notice) to the College, as required by applicable law, the Chief of Police (Chief) will review the Notice and determine whether participation is permissible under applicable law, whether the individual poses a threat or a potential threat to the college community, or whether the participation is in the best interest of the College. An individual who fails to timely provide Notice in accordance with applicable law will be subject to disciplinary action up to and including expulsion and/or prosecution.
 - (1) If applicable law does not prohibit the participation of the individual, the Chief will conduct an individualized, case-by-case assessment to determine whether the individual's participation is in the best interest of the College and does not pose a threat or a potential threat to the security and safety of the College community.
 - (2) In conducting the assessment, the Chief may consider factors such as type of offense, age of offender and victim, length of time since conviction, type of education course being sought, and/or recommendation of the offender's parole officer. The Chief may consult with others and may request additional information from the individual.
 - (3) When the assessment is completed, the Chief or a designee will communicate the decision to the individual. If the individual disagrees with the Chief's decision, the individual may appeal the decision in accordance with the College's applicable grievance procedure.
 - (4) Notification of Participation to College Personnel. If a registered sex offender is allowed to participate, the following notifications may be made:
 - (i) For Level I offenders in addition to the Midland College Police Department, relevant administrators, the child care facility, and the Early College High School Principal may be notified of the participation.
 - (ii) For Level II offenders in addition to those who receive Level I notices Faculty and staff in whose program and/or course and/or activity the individual is participating may be notified.
 - (iii) As Level III offenders pose the greatest risk to the community, such offenders will normally not be allowed to participate, but in the event that they are allowed to do so, all persons receiving Level I and Level II notices may be notified.