Update as of Feb. 6, 2014

From: Tracy Ellig
To: MSU administrators

On Saturday, Feb. 1, MSU student Kevin Briggs escaped from the custody of the Bozeman Police after being arrested for an alleged sexual assault. Briggs status as a registered sex offender is likely to raise questions about why the Montana University System allows registered sex offenders to enroll and how applications for admission from registered sex offenders are processed. This paper attempts to answer both those questions.

**Why does the Montana University System admit those with a history of sexual or violent offenses?**

(The following two paragraphs do not exist in policy, but are an articulation of how the university system approaches this issue.)

We are a public education system with a mission to serve those who seek an education. If we, as a society, believe that those people who have completed their sentences for a crime should have the opportunity to rehabilitate and better themselves, then public institutions, such as the university system, need to take that into consideration when making a decision for admission.

Montana's constitution provides for the restoration of civil rights once criminal sentences have been served. Public education in Montana cannot summarily reject student applications based solely on whether the applicant has been required to register as a sexual or violent offender in his or her past.

**How are applications for admission processed for those with history of sexual or violent offenses?**

All students who apply for admission to Montana State University are asked four questions on their application:

1. Have you ever been convicted of a felony (please include instances of deferred sentencing)?

2. Have you ever been subjected to court-ordered confinement for threatening or causing physical or emotional injury to persons or property?

3. Have you ever been disciplined, suspended from, or placed on probation at any educational institution for nonacademic reasons?

4. Have you ever been required to register as a sexual or violent offender?

If an applicant marks any of these as “yes,” then he/she is asked to provide the university with more thorough information. Any falsification or omission of data may result in denial of admission or dismissal.

Once the additional information is received, the applicant's case is routed to the Campus Safety & Welfare Review Committee. The purpose of the committee is to review and evaluate new and returning applicants for admission to Montana State University who, in accordance with the university admissions policy, report a criminal or other specified behavioral history.
The committee is a university committee comprised of representatives of the University Police, Registrar, Admissions and Enrollment Services, Auxiliary Services (campus housing authority), Student Affairs, the Faculty, and the Associated Students of Montana State University (ASMSU). The committee will be chaired by the Dean of Students or designee. The Committee will review and confirm the information provided by the applicant, and may conduct a personal interview with the applicant.

The Campus Safety & Welfare Committee will consider a number of factors which may include, but are not limited to:

1. nature and severity of the crime(s) or basis for dismissal/suspension;
2. currency and frequency of the crime(s) or incident(s);
3. the applicant’s activities since conviction (employment, education, participation in mandatory/voluntary programs);
4. recommendations of parole officers/case managers and professional practitioners concerning the applicant’s rehabilitation and potential for success in the university environment;
5. the applicant’s prior academic achievement, if appropriate, and;
6. an assessment of the applicant’s potential to be successful as a member of the University community.

The Committee will make findings and recommendations to the Dean of Students. The Dean of Students will approve or deny the applicant’s admission as well as restrictions or conditions, if any, imposed on the applicant if admitted. The Dean of Students will notify the applicant of the decision.

An applicant whose application for admission is denied by the Dean of Students may appeal the Dean's decision by submitting a written appeal to the Vice President for Student Success. If the Vice President for Student Success determines that there is basis for appeal, the appeal may be remanded to the Committee for clarification, additional information or reconsideration. The Vice President may require a personal interview with the applicant. The Vice President for Student Success will then render a written decision to the applicant. The decision of Vice President for Student Success is the final decision of the University.

The above actions follow the Montana Board of Regents policy regarding admission requirements:

Board of Regents Policy 301 (Admissions Requirements) includes the following provision:

“Any campus may deny or condition admission, readmission, or continuing enrollment of any individual who, in the judgment of the campus, presents an unreasonable risk to the safety and welfare of the campus and persons thereon. In making such judgment, the campus may, among other things, take into account the individual’s history and experience relative to (1) violence and destructive tendencies, (2) behavior at other educational institutions, and (3) any rehabilitative therapy the individual may have undergone. A decision to utilize the authority conferred by this paragraph shall be communicated to the individual in writing. Each campus shall have a procedure by which such decisions may be appealed.”

If a student is admitted, what other action does the university take?
Students who are registered offenders who are admitted are usually admitted with certain conditions. They are admitted subject to those conditions. For example, students who are registered offenders are not authorized to live in university housing. The university is required by federal law to issue a statement advising the campus community where it can obtain information about registered sex offenders. MSU does that by posting a list of registered sex offenders and violent offenders who are employees or students on its MSU Sexual or Violent Offender List, which can be found at: http://www.montana.edu/police/svol.shtml

Other information:

- The MSU Police Department offers crime prevention presentations and provides escorts which are available on campus 24 hours a day for any student, faculty, staff or visitor. The MSU Police can be reached at (406) 994-2121.

- The VOICE Center offers confidential support to those impacted directly or indirectly by sexual assault, relationship violence, domestic violence and stalking. Advocates are available to speak with on the 24-hour support line at (406) 994-7069.

- Anonymous reports can be made to the MSU Police Department at switness@montana.edu and at the VOICE Center. However, the above cases occurred off-campus, so MSU Police urges students, faculty, staff and members of the public to contact Bozeman Police at (406) 582-2000 ext. 2 or Headwaters Crime Stoppers at 406-586-1131. For emergencies call 911 immediately.

- The state of Montana provides a Sexual or Violent Offender Registry whereby citizens can use a searchable database for find registered sexual or violent offenders by offender, name, city, and address: https://app.doj.mt.gov/apps/svow/

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