



University Operating Procedure

No-Trespass Notices

Overview

The University generally allows the public at large to use and enjoy the grounds and sidewalks of its campus. This general policy is subject to restrictions, as posted, against trespassing in certain University buildings, athletic fields, and service and maintenance areas. Specific activities such as bicycling, skateboarding, rollerblading, and the erecting of symbolic structures may also be restricted by the terms of other specific University policies or rules. In addition, access may be denied to persons or groups seeking the use of space already reserved for the use of others or space reserved by the University for non-public purposes.

The University does not condone behavior that (1) violates civil or criminal laws (e.g., laws governing disorderly conduct or excessive noise); (2) poses a threat to the health, safety, welfare, or academic experience of members of the University community; or (3) causes significant disruption or causes or threatens harm to persons or property. Individuals or groups who engage in that behavior may be denied access to part or all of campus through oral notice or the issuance of a written No-Trespass Notice, and may be subject to additional administrative, civil or criminal sanctions as well.

Procedures

Designation of Restricted Areas

University departments seeking to restrict access to University property or facilities that they occupy or otherwise utilize should contact Campus Planning Services (for issues relating to use and access) or Physical Plant (for appropriate signage).

Reporting a Potential Instance of Threatening or Disruptive Behavior

Authorized officials may ask individuals or groups to leave University premises if they engage in behavior that warrants removal under this Procedure. Officials are advised call the University's Department of Police Services if the individuals or groups refuse or fail to cooperate.

Members of the University community should contact the Department of Police Services if they believe that a group or individual is engaging in behavior that warrants removal under this Procedure.

Issuance of No-Trespass Notices by University Officials

The Vice President for University Relations and Administration, the Vice Provost for Student Affairs, the Dean of Students, and such other officials as may be authorized by the Vice President for University Relations and Administration may issue a No-Trespass Notice requiring individuals or groups to vacate University premises because of behavior that (1) violates civil or criminal laws (e.g., laws governing disorderly conduct or excessive noise); (2) poses a threat to the health, safety, welfare, or academic experience of members of the University community; or (3) causes significant disruption or causes or threatens harm to persons or property.

Each No-Trespass Notice must be in writing and specify the reason for the Notice, a description of the specific behavior(s) leading to the Notice, the scope and duration of the prohibition, the potential consequences of the violation of the prohibition, and the appeal avenues (if any) available.

The scope, duration, and other stipulations of the No-Trespass Notices must be proportional to the underlying misconduct and must be narrowly tailored to protect the University community from further misconduct. A No-Trespass Notice will expire no later than six months from its date of issuance. A Notice of longer duration may be issued only with the advance written approval of the Vice President for University Relations and Administration or as the result of a sanction from the Center for Student Ethics and Standards following the resolution of a student conduct case.

Copies of all No-Trespass Notices will be provided to the Chief of Police Services.

Issuance of No-Trespass Notices by Police

Sworn officers from the University's Department of Police Services ("UVM Police Services") may ask individuals or groups to vacate University premises because of behavior that (1) violates civil or criminal laws (e.g., laws governing disorderly conduct or excessive noise); (2) poses a threat to the health, safety, welfare, or academic experience of members of the University community; or (3) causes significant disruption or causes or threatens harm to persons or property.

Those officers may also issue No-Trespass Notices when they have detained or removed a person from campus in the course of their legitimate law enforcement activities. Each No-Trespass Notice must be in writing and must specify the reason for the Notice, a description of the specific behavior(s) leading to the Notice, the specific violation of law or policy leading to the Notice, the scope and duration of the prohibition, the potential consequences of the violation of the prohibition, and the appeal avenues available.

The scope, duration, and other stipulations of the No-Trespass Notice must be proportional to the underlying misconduct and must be narrowly tailored to protect the University community from further misconduct. A No-Trespass Notice of a longer duration than thirty days may be issued only with the approval of the Vice President for University Relations and Administration. A No-Trespass Notice will expire no later than six months from its date of issuance.

Copies of all police-issued No-Trespass Notices will be promptly delivered to the Vice President for University Relations and Administration and also to the Dean of Students (if the excluded

individual is a current or former student) or the Provost (if the excluded individual is a current or former faculty member).

Appeal Procedures

Students and former students may appeal a police-issued No-Trespass Notice by submitting an appeal in writing, within fifteen days of the Notice issue date, to the Dean of Students or her/his designee.

Current and former faculty and staff and non-affiliates may appeal a police-issued No-Trespass Notice by submitting an appeal in writing, within fifteen days of the Notice issue date, to the Vice President for University Relations and Administration or his/her designee.

Consideration of Appeal

In the written appeal, the basis of appeal should be stated as precisely as possible. The following bases of appeal will be considered:

- A compelling reason for needing access to the area from which one has been excluded (*e.g.*, to attend class). In the letter of appeal, the location and time of desired access, the reason for access, and the name (if applicable) of a University contact person to verify the need for access should be included.
- A clear abuse of discretion by the official who authorized or issued the No-Trespass Notice.
- New information or evidence related to the incident or circumstances around the issuance of the No-Trespass Notice (*e.g.*, resolution of criminal or judicial case).

Upon receipt of an appeal request, the University official reviewing the appeal will consult as needed with other University officials to verify the need for access to campus, to gather additional information or advice, or to review the impact that an appeal may have on the victim(s), and may also consult with the trespassed person. The appeal will be considered first and foremost in the context of the health, safety, and security of the UVM community.

Appeal Decision

The Dean of Students, Vice President for University Relations and Administration, or designee will render a written decision regarding the appeal before the expiration of the No-Trespass Notice. The appeal decision may: uphold the No-Trespass Notice, modify it (*e.g.*, granting access to specific locations at specific times), or vacate it. The decision of the Vice President for University Relations and Administration, Dean of Students, or designee shall be final.

Disclosure to Affected Parties

If the original No-Trespass Notice included a condition of no contact with a particular individual or particular area of campus and there is a modification to or repeal of the No-Trespass Notice on appeal, the aggrieved person or persons and other University officials as appropriate will be notified of the appeal decision.

Reporting a Potential Violation of a No-Trespass Notice

Members of the University community should contact UVM Police Services if they believe that an individual or group is present on campus in violation of a No-Trespass Notice.

Consequences of Violation of a No-Trespass Notice

A current University student or employee who violates No-Trespass Notice may face disciplinary consequences up to and including dismissal. Disciplinary procedures shall be as set forth in the Code of Student Rights and Responsibilities, the applicable staff or faculty handbook, or the applicable collective bargaining agreement for represented employees. All persons who violate No Trespass Notices may also face prosecution for unlawful trespass under Vermont criminal law, 13 V.S.A. § 3705, punishable by imprisonment of not more than three years or a fine of not more than \$2,000, or both. All persons who violate No Trespass Notices may also face civil sanctions or prosecution for unlawful trespass or other violations of Vermont's criminal laws.

Definitions

Authorized University Officials: those officials who are authorized to issue a No-Trespass Notice by virtue of their institutional responsibility for the University's buildings, grounds, or other facilities, as well as their designees.

A No-Trespass Notice: is a written directive or notice, sent by authorized University officials by letter or e-mail or personally delivered by the University's Department of Police Services, notifying an individual or group individual that they are prohibited from entering the University campus or some particular portion of it.

Trespassing: occurs when a person enters or remains on University premises after an authorized University official or sworn police officer notifies that person orally or in writing that his or her entry or presence is prohibited. Trespassing also occurs when a person enters or remains on University premises bearing a posted sign or placard prohibiting that person's presence in that place.

Contacts/Responsible Official

Questions related to the daily operational interpretation of this procedure should be directed to:

UVM Police Services (to report a potential incident of trespassing or a potential violation of a No-Trespass Notice)
284 East Ave.
(802) 656-3473

Dean of Students (for appeals relating to students and former students)
Nicholson House
(802) 656-3380

Vice President for University Relations and Administration (for appeals relating to faculty, staff, and non-affiliates)
350B Waterman Building
(802) 656-0152

The Vice President for University Relations and Administration is the official responsible for the interpretation and administration of this procedure.

Forms

None

Related Documents/Policies

Campus Demonstration Policy

<http://www.uvm.edu/~uvmppg/ppg/student/demonstrations.pdf>

Code of Students Rights and Responsibilities Policy

<http://www.uvm.edu/~uvmppg/ppg/student/studentcode.pdf>

Facilities and Grounds Use Policy

<http://www.uvm.edu/~uvmppg/ppg/facil/facsched.pdf>

Personal Safety and Security Policy

http://www.uvm.edu/~uvmppg/ppg/general_html/personalsafety.pdf

Sexual Harassment & Misconduct Policy

http://www.uvm.edu/policies/general_html/sexassault.pdf

Effective Date

Approved by the Vice President for University Relations and Administration October 28, 2014