



The University of Vermont

Policy V.4.1.8.3

Responsible Official: Vice President
for Finance and Administration

Effective Date: January 31, 2012

No-Trespass Orders/Notices

Policy Statement

The University of Vermont 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. When a person's or group's actions violate civil or criminal laws or University policy or pose a threat to the health, safety, welfare, or academic experience of members of the University community, that person or group may be denied access to all or part of campus through oral notice or issuance of a written No-Trespass Order or Notice.

Reason for the Policy

The University does not condone behaviors that violate civil or criminal laws (e.g., laws governing disorderly conduct or excessive noise), nor does the University condone behaviors that pose a threat to the health, safety, welfare, or academic experience of members of the University community. Individuals who, through their behavior or words, create significant disruption or engage in or threaten personal harm or the destruction of property may have their access to University property, buildings, equipment, or campus areas restricted or denied.

Strategic Direction

This policy supports the following goals in the University's Strategic Plan (http://www.uvm.edu/president/?Page=strategicplan2009_2013.html):

- *Student Experience*: Provide a distinctive university experience that prepares students for success as accountable leaders in the 21st century.

- *Institutional Efficacy*: As an institution, model the highest standard of ethical conduct, accountability and best practice, public service, and strong commitment to lifelong learning.

Applicability of the Policy

This policy governs exclusion from all University premises, including land, buildings, facilities, and other property owned or leased by the University of Vermont. This policy applies to all persons, including University faculty, staff, students, visitors, and guests.

Policy Elaboration

The following are examples of behaviors that may result in the issuance of a No-Trespass Order or Notice.

- a. Offenses Against Persons (e.g., physical harm, non-physical abuse, sexual assault, stalking)
- b. Property Offenses (e.g., destroying or vandalizing property, unauthorized access of property, unauthorized or inappropriate use of property)
- c. Public Order/University Order Offenses (e.g., use of weapons, creating a safety hazard, indecent exposure)
Violations of law or University policies (e.g., alcohol and illicit drugs, sexual misconduct, sexual assault)

Definitions

A No-Trespass Order: is a written directive sent by authorized University officials by letter or e-mail that notifies an individual that he or she is prohibited from entering the University campus or some particular portion of it.

A No-Trespass Notice: is a written notice, personally delivered to an individual by the University's Department of Police Services, notifying that individual that he or she is prohibited from entering the University campus or some particular portion of it.

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

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.

Procedures

Designation of Restricted Areas

University departments seeking to restrict access to University property or facilities under their control should contact Campus Planning Services (for issues relating to use and access) and 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 policy. Those officials may 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 policy.

Issuance of No-Trespass Orders

The Vice President for Finance and Administration, the Dean of Students, other authorized officials, or their designees may issue a No-Trespass Order requiring individuals or groups to vacate University premises because of behavior that violates civil or criminal laws or University policy or poses a threat to the health, safety, welfare, or academic experience of members of the University community.

Each No-Trespass Order must be in writing and specify the reason for the prohibition, the specific alleged violation of law or policy leading to the Order, the scope and duration of the prohibition, the potential consequences of the violation of the prohibition, and the appeal avenues (if any) available to the excluded individual.

The scope, duration, and other stipulations of the No-Trespass Order must be proportional to the underlying misconduct and must be narrowly tailored to protect the University community from that misconduct. A No-Trespass Order will not remain effective longer than six months from its date of issuance. An order of longer duration may be issued only with the approval of the Vice President for Finance and Administration or as a 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 Orders will be provided to the Chief of Police Services.

Issuance by Police of No-Trespass Notices

Sworn officers from the University's Department of Police Services may ask individuals or groups to vacate University premises because of behavior that violates civil or criminal laws or University policy or poses a threat to the health, safety, welfare, or academic experience of members of the University community.

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 specify the reason for the prohibition, 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 to the excluded individual.

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 that misconduct. A No-Trespass Notice of a longer duration than 30 days may be issued only with the approval of the Vice President for Finance and Administration.

Copies of all police-issued No-Trespass Notices will be promptly delivered to the Vice President for Finance 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 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 No-Trespass Notice by submitting an appeal in writing, within fifteen days of the Notice issue date, to the Vice President for Finance 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 (e.g., to attend class) for needing access to the area from which one has been excluded. 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 contact University Police to review the circumstances around the issuance of the No-Trespass Notice. The University official reviewing the appeal will also consult 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 Finance 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 repeal it. The decision of the Vice President for Finance and Administration, Dean of Students, or designee shall be final.

Disclosure to Affected Parties

If the original No-Trespass Notice or Order 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/Order 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 Order or Notice

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

Consequences of Violation of a No-Trespass Order or Notice

A current University student or employee who violates a No-Trespass Order or 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 Orders or 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.

Forms

None

Contacts

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

Police Services (to report a potential incident of trespassing or a potential violation of a No-Trespass Order/Notice, and for procedural issues related to No-Trespass Notices)

284 East Ave.
656-3473

Dean of Students (for appeals relating to students and former students)

Nicholson House
656-3380

Vice President for Finance and Administration (for appeals relating to faculty, staff, and non-affiliates)

350B Waterman Building
656-0152

The Vice President for Finance and Administration is the official responsible for the interpretation and administration of this policy.

Related Documents/Policies

Campus Demonstrations

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

Code of Student Rights and Responsibilities

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

Domestic Abuse and Violence Prevention and Response

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

Facilities and Grounds Use

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

Personal Safety and Security

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

University Roof Access for Academic Research Procedure (Under development)

Effective Date

Approved by the President January 31, 2012