



## UNIVERSITY OPERATING PROCEDURE

### Title: 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, use of scooters, and the erecting of 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; (3) causes disruption to the regular operation of University functions, both academic and administrative; or (4) causes or threatens harm to persons or property. Individuals or groups who engage in such 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.

Disciplinary sanctions that restrict campus access, such as dismissal or suspension, are authorized and processed according to applicable conduct policies.

#### Applicability of the Procedure

This applies to students, employees, contractors, guests, and the general public.

#### Definitions

*Authorized University Officials:* those officials who are authorized to issue an Administrative No-Trespass Notice by virtue of their institutional responsibility for the University's buildings, grounds, or other facilities, as well as their designees, as follows, or as otherwise designated by the Chief Safety and Compliance Officer:

- *Dean of Students (for currently enrolled students)*
- *Chief Safety and Compliance Officer (for current employees, former students and employees, affiliated employees, and non-affiliates)*

*No-Trespass Notice:* an administrative or policy issued written directive or notice, sent by an Authorized University Official by letter or e-mail, or personally delivered by the University's Department of Police Services, or designee, notifying an individual or group that they are prohibited from entering the University campus. A limited no-trespass notice

restricts access to a portion of the UVM campus, such as residence halls or recreational facilities, or that permits to named areas or facilities only during certain days/hours.

**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 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 to call the University's Department of Police Services if the individual(s) or group(s) 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 ("Administrative No-Trespass")***

Authorized University Officials may issue an Administrative No-Trespass Notice requiring individuals or groups to vacate and not re-enter 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; (3) causes significant disruption to the regular operation of University functions, both academic and administrative; or (4) causes or threatens harm to persons or property.

Each Administrative 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 available.

The scope, duration, and other stipulations of the Notices must be proportional to the underlying misconduct and must be narrowly tailored to protect the University community from further misconduct. An Administrative No-Trespass Notice will expire no later than six months from its date of issuance, unless the Administrative No-Trespass has been issued on an interim basis while a University investigation or resolution process is pending. Administrative No-Trespass Notices may be renewed for additional, subsequent periods by Authorized University Officials.

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

### ***Issuance of No-Trespass Notices by Police ("Police Issued No-Trespass")***

Sworn officers from the University's Department of Police Services ("UVM Police Services") may ask individuals or groups to vacate and not re-enter 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; (3) causes significant disruption to the regular operation of University functions, both academic and administrative; or (4) causes or threatens harm to persons or property.

UVM Police Services 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 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 Police Issued No-Trespass Notice must be proportional to the underlying misconduct and must be narrowly tailored to protect the University community from further misconduct. A Police Issued No-Trespass Notice will expire no later than thirty days from its date of issuance. A Police Issued No-Trespass Notice of longer duration may be issued only with the advance written approval of the Chief Safety and Compliance Officer, or their designee, subject to a maximum duration of six months from its date of issuance.

Copies of all Police Issued No-Trespass Notices will be promptly delivered to the Dean of Students (if the excluded individual is a currently enrolled student) or the Chief Safety and Compliance Officer (for all other populations). The Dean of Students and Chief Safety and Compliance Officer shall inform other offices and individuals of the Notice, as appropriate to their operations.

### ***Appeal Procedures***

Currently enrolled students may appeal a No-Trespass Notice by submitting an appeal in writing, within fifteen days of the Notice issue date, to the Vice Provost for Student Affairs or their designee.

All other trespassed individuals 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 their 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 appellate official reviewing the appeal will consult as needed with relevant University offices and individuals 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 any parties who were harmed in the underlying incident giving rise to the no trespass notice, 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 appellate official, 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 the No-Trespass Notice (*e.g.*, granting access to specific locations at specific times), or vacate the No-Trespass Notice. The decision of the appellate official, 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 ("affected person") or particular area of campus and there is a modification to or repeal of the No-Trespass Notice on appeal, the affected person or persons 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 a No-Trespass Notice may face disciplinary consequences up to and including dismissal. Disciplinary procedures shall be as set forth in the Code of Student Conduct, 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 laws.

## Contacts

Questions concerning the daily operational interpretation of this UOP should be directed to the following:	
Title(s)/Department(s):	Contact Information:
UVM Police Services (to report safety concerns warranting consideration for police issued no trespass or to report a potential violation of a No-Trespass Notice)	284 East Avenue (802) 656-3473
Dean of Students (to report safety concerns warranting consideration for administrative no trespass of a current student)	Nicholson House (802) 656-3380
Chief Safety and Compliance Officer (to report safety concerns warranting consideration for administrative no trespass of non-students; for approval of police issued no trespass greater than six months)	348 Waterman Building (802) 656-8937
Vice Provost for Student Affairs (for appeals relating to students and former students)	Nicholson House (802) 656-3380
Vice President for Finance and Administration (for appeals relating to faculty, staff, and non-affiliates)	350B Waterman Building (802) 656-0219

## Forms/Flowcharts/Diagrams

- None

## Related Documents/Policies

- [Code of Student Conduct](#)
- [Discrimination, Harassment, and Sexual Misconduct Policy](#)
- [Facilities and Grounds Use Policy](#)
- [Free Expression; Campus Speaker; Response to Disruption Policy](#)
- [Personal Safety and Security Policy](#)

## Training/Education

Training will be provided on an as-needed basis as determined by the Approval Authority or the Responsible Official.

## About This Procedure

<b>Responsible Official:</b>	Chief Safety and Compliance Officer	<b>Approval Authority:</b>	Chief Safety and Compliance Officer
<b>Affiliated Policy Number(s):</b>	V. 1.1.3, V. 1.3.2, V. 2.8.8, V. 3.20.4, V. 4.30.1	<b>Effective Date:</b>	October 16, 2014
<b>Revision History:</b>	<ul style="list-style-type: none"><li>• V. 4.1.8.1 Trespass effective August 21, 2006</li><li>• V. 4.1.8.2 No-Trespass Orders/Notices effective September 2, 2011</li><li>• V. 5.20.3/V. 4.1.8.3 effective January 31, 2012</li><li>• October 16, 2014 transitioned from a University Policy to an Operating Procedure</li><li>• October 24, 2019 Responsible Official transitioned from the Vice President for University Relations and Administration to the Vice President of Operations and Public Safety (VPOPS). Title of VPOPS changed to Chief Safety and Compliance Officer July 2022.</li><li>• August 5, 2020</li></ul>		

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*University of Vermont Policies and Operating Procedures are subject to amendment. For the official, approved, and most recent version, please visit UVM's [Institutional Policies Website](#).*