



UNIVERSITY OPERATING PROCEDURE

Title: No-Trespass Notices

Policy

The University generally allows the public at large to use and enjoy the grounds and sidewalks of its campus, as well as certain buildings and facilities during designated hours. Simultaneously, many areas of campus are open only to University affiliates with specific access by virtue of a work or class assignment.

The University may issue trespass notices or warnings to individuals or groups for any lawful reason including but not limited to conduct 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; (4) causes or threatens harm to persons or property; or (5) involves trespassing in areas clearly posted as limited access such as residence halls, labs, or physical plant facilities. In addition to criminal or civil penalties for violating no trespass notices, disciplinary proceedings may also be initiated for university affiliates consistent with the standards and procedures of applicable policies and collective bargaining agreements.

Definitions

Authorized University Officials: those officials who are authorized to issue trespass notices or warnings:

- *Any person designated by the Chief Safety & Compliance Officer*
- *Any sworn member of the Department of Police Services*

No-Trespass Notice: a written notice, sent or delivered by an Authorized University Official or designee by hand or electronically, notifying an individual or group that they are prohibited from entering the University campus, or a portion thereof.

Trespassing: Pursuant to Vermont law 13 VSA 3705 et seq, trespassing occurs when a person enters or remains on premises in violation of a no trespass order or when a person enters or remains on premises bearing a posted sign or placard prohibiting that person's presence in that place.

Procedures

Designation of Restricted Areas

Operational units are required to appropriately communicate facilities restrictions to individuals seeking access. University departments seeking to assess access restrictions or clarify scope of access to University property or

facilities that they occupy, control, or otherwise utilize should contact Campus Planning Services (for issues relating to use and access) or Physical Plant (for appropriate signage). Signage at facility entry points indicating restrictions is strongly encouraged.

Issuance of No-Trespass Notices

Authorized University Officials may issue a No-Trespass Notice requiring individuals or groups to vacate and not re-enter University premises pursuant to this policy.

Each 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. A No-Trespass Notice issued by University staff other than Police Services will expire no later than six months from its date of issuance, unless the No-Trespass has been issued on an interim basis while a University investigation or resolution process is pending. The terms of such an interim No-Trespass shall be communicated as part of the underlying process. In all cases, No-Trespass Notices may be renewed or extended for good cause.

No-trespass notices issued by Police Services shall be for a minimum duration of 6 months and, generally, for one year unless there is a compelling reason for a shorter duration.

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

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) on a monthly basis. 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

All trespassed individuals may appeal a No-Trespass Notice by submitting an appeal in writing, within ten days of the Notice issue date, to the Chief Safety & Compliance Officer or their designee ("appellate official").

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 need for access to the area from which one has been excluded (*e.g.*, to attend class or access support services). 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 party to 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 will render a written decision regarding the appeal as swiftly as possible. 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.

Reporting a Potential Violation of a No-Trespass Notice

Members of the University community shall 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, or the applicable staff or faculty policy, or collective bargaining agreement. 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 no trespass of a current student)	Nicholson House (802) 656-3380
Chief Safety and Compliance Officer (to report safety concerns warranting consideration for no trespass of non-students by a delegate of CSCO; for appeals)	348 Waterman Building (802) 656-8937

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 Speakers; Response to Disruption](#)
- [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

Responsible Official:	Chief Safety and Compliance Officer	Approval Authority:	Chief Safety and Compliance Officer
Affiliated Policy Number(s):	V. 1.1.3, V. 1.3.2, V. 2.8.8, V. 3.20.4, V. 4.30.1	Effective Date:	October 16, 2014
Revision History:	<ul style="list-style-type: none"> • V. 4.1.8.1 Trespass effective August 21, 2006 • V. 4.1.8.2 No-Trespass Orders/Notices effective September 2, 2011 • V. 5.20.3/V. 4.1.8.3 effective January 31, 2012 • October 16, 2014 transitioned from a University Policy to an Operating Procedure • 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. • August 5, 2020 • March 26, 2024 		

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