POLICY STATEMENT

Subject: Policy on Issuance of No Trespass Orders		
Date: February 21, 2019	Distribution Code:	Reference Number:
Addition ___ Deletion ___ New Item ___	Originating Office: Department of Public Safety	President's Approval: _____

Purpose

This policy will establish the standard and process that is to be applied when the Indiana University of Pennsylvania (the "University") decides whether to issue a No Trespass Order to an individual.

Scope

This policy applies to individuals who are not affiliated with the University either as a student or an employee and addresses conduct of individuals on all property owned or controlled by the University.

Objective

The objective of this policy is to ensure a productive, safe and secure environment for all members of the University community. The University retains the right to restrict access to any non-affiliated individual(s) who presents a threat or danger to University property, self, or any member of the University community or who engages in conduct that is disruptive of the University's educational, working and living environment.

Definitions

Appeal: An internal University process that affords an individual the opportunity to have University official independently review the factual basis for the issuance of a No Trespass Order.
No Trespass Order: A lawful order from the Director of Public Safety or any commissioned member of the University's Department of Public Safety which excludes a non-affiliated individual from all, or a portion of, University-owned or -controlled property, either permanently or for a specified term, based on a violation of University policy, local ordinance or public law. A No Trespass Order may be issued to an individual not affiliated with the University whose conduct is determined to present a threat or danger to University property, self or any member of the

University community or is disruptive to the University's educational, working and living environment.

Non-affiliate: An individual who is not an employee or actively-enrolled student of the University. Affiliation, for purposes of this policy, refers solely and specifically to an individual and not to an entity.

Policy

The University understands that as a public institution of higher education parts of its campus are open to the general public. The University, however, must assure that it is providing and maintaining a productive, safe and secure educational, working and living environment for all members of the University community.

As a condition to access University property, members of the general public assume an obligation to conduct themselves in a manner compatible with University policies, local ordinances and public laws. A non-affiliated individual may be issued a No Trespass Order excluding the individual from University property if the individual engages in conduct that: 1) violates a local ordinance, a public law or a University policy; 2) represents a threat of harm to the individual's self or any member of the University community or involves damage to University property; 3) disrupts or interferes with the operations of the University.

The following areas are not open to the general public without permission from a University official: (1) academic/research classrooms and laboratories; (2) University offices and workspaces used by faculty, staff and students; and, (3) the University buildings used for student residential living. Any non-affiliated individual who is not authorized to be in any of the aforementioned areas may be issued a Warning, a No Trespass Order or be subject to arrest for unlawful trespass. Restricted areas of the University will be posted accordingly.

Warning – Purpose and Authority to Issue

A Warning may be issued to a non-affiliated individual as a notice of a possible violation(s) of University policies, local ordinances or public law. This Warning may be issued by the Director of Public Safety or any commissioned member of the Department of Public Safety and will note the possible consequences of any future violations.

A Warning issued to a non-affiliated individual must set forth sufficient facts establishing the violation along with any other pertinent information related to the violation. A copy of the Warning will be issued to the individual along with any other applicable documentation (e.g., a criminal citation). Warnings that are issued to non-affiliated individuals may be used as factual support in the event a No Trespass Order needs to be issued in the future based on a pattern of misconduct.

No Trespass Order – Purpose and Authority to Issue

A No Trespass Order may be issued when a non-affiliated individual violates this policy. No Trespass Orders may be issued by the Director of Public Safety or any commissioned member of the Department of Public Safety. No Trespass Orders may be issued for a specified area or facility on property owned or controlled by the University or all property owned or controlled by the University, depending on the circumstances. No Trespass Orders may be for a specified period of time or issued as a permanent restriction from access to property owned or controlled by the University.

Appeal Process

A non-affiliated individual who receives a No Trespass Order may appeal the decision to the Office of the Vice President for Administration and Finance. The University's appeal process is not applicable to any criminal charges, which must be resolved through the appropriate court of jurisdiction.

1. An appeal of the No Trespass Order must be filed in writing with the Office of the Vice President for Administration and Finance within 10 (ten) business days of the date of service of the No Trespass Order. Written appeals may be hand-delivered or mailed to:
   Office of the Vice President for Administration and Finance
   Sutton Hall, Room 233
   1011 South Drive
   Indiana, PA 15705
2. Failure to file a timely written appeal with the Office of the Vice President of Administration and Finance will be considered a waiver of the non-affiliated individual's right to an appeal.
3. Written appeals should include:
   a. Appellant's contact information, including address, telephone number and email address
   b. Date of issuance of the No Trespass order
   c. Reason for being on University property at the time of the issuance of the No Trespass Order
   d. Future need to be on University property
   e. Any other information Appellant wishes to be considered
4. Upon receipt of a timely written appeal, the Vice President of Administration and Finance will review all relevant information and documentation secured from the Appellant and the Department of Public Safety.

5. The Vice President of Administration and Finance may delegate the authority to review an appeal to any other Cabinet member.
6. The Vice President of Administration and Finance or an assigned designee may uphold, rescind or modify the No Trespass Order in a written decision that will be mailed to the address provided in the written appeal. The Vice President of Administration and Finance may also remand the No Trespass Order to the Director of Public Safety with a request to address specific matters of concern.
7. If a written appeal is filed, the restrictions set forth in the No Trespass Order shall remain in effect until the appeals process is completed. If the No Trespass Order is upheld and the non-affiliated individual to whom the No Trespass Order was issued returns to property owned or controlled by the University or to a specific location noted in the No Trespass Order, that individual will be subject to arrest under applicable public law.

Authority

Act 188 of 1982, as amended, is the enabling legislation for the Pennsylvania State System of Higher Education (PASSHE) in the Commonwealth of Pennsylvania.

As defined in Act 188, **Section 20-2009-A. Powers and Duties of Councils of Trustees, sub (4);** and **Section 20-2010-A. Power and Duties of Institution Presidents, sub (5)** entrust the power and duty, "*To review and approve the recommendations of the president pertaining to policies and procedures governing the use of institutional facilities and property;" and, "To establish policy and procedures governing the use of institutional facilities and property in accordance with guidelines established by the local council,"* respectively.

As defined in Act 188, **Section 20-2019-A. Campus Police Powers and Duties, sub (a) (1 to 8)** entrust the power and duty for Campus Police, among other actions detailed in this section, "*to enforce good order on the grounds and in the buildings of the institution; to protect the grounds and buildings of the institution; to* ***exclude*** *all disorderly persons from the grounds and buildings of the institution; and, to adopt means necessary for the performance of their duties."*

Distribution Code: A
Description: __ All employees __ All Students
Originating Office: Department of Public Safety
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