

# Auburn University at Montgomery

## Policies and Procedures

**Title:** Trespassing on University Property

**Responsible Office:** Campus Police

### I. PURPOSE

Auburn University at Montgomery is a tax-supported state institution and may be visited by the general public under certain conditions. Persons who violate university policy, regulations, rules, or pose a risk to campus safety or security have no "right" to be on university property and may be advised to leave by the Chancellor or her/his duly authorized representative.

### II. POLICY

Persons who violate university policy, regulations, rules, or pose a risk to campus safety or security may be removed from the campus by use of a trespass.

### III. EFFECTIVE DATE

May 1, 2009

### IV. APPLICABILITY

This policy applies to all University employees, students, and authorized and unauthorized guests of the University.

### V. RESPONSIBILITY

Responsibility for the implementation and administration of this policy rests with the Chief of Police.

### VI. DEFINITIONS

Definitions provided in Title 13A, Chapter 7, Section 13A-7-1 of the Code of Alabama are applicable to this policy:

(1) PREMISES. Such term includes any "building," as herein defined, and any real property.

2) BUILDING. Any structure which may be entered and utilized by persons for business, public use, lodging or the storage of goods, and such term includes any vehicle, aircraft or watercraft used for the lodging of persons or carrying on business therein, and such term includes any railroad box

car or other rail equipment or trailer or tractor trailer or combination thereof. Where a building consists of two or more units separately occupied or secure, each shall be deemed both a separate building and a part of the main building.

(3) DWELLING. A building which is used or normally used by a person for sleeping, living or lodging therein.

(4) ENTER OR REMAIN UNLAWFULLY. A person "enters or remains unlawfully" in or upon premises when he is not licensed, invited or privileged to do so. A person who, regardless of his intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of such premises or other authorized person. A license or privilege to enter or remain in a building which is partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privileges unless notice against trespass is personally communicated to him by the owner of such land or other authorized person, or unless such notice is given by posting in a conspicuous manner.

## VII. PROCEDURES

### A. Issue of a Trespass

Even though AUM is an open campus, reasonable limits consistent with the First Amendment of the US Constitution, may be imposed on the time, place, manner, and types of activities for which access will be permitted. Therefore, depending on the circumstances any person may be directed to leave a specific area of the University although the rest of the campus may remain open to them. Where appropriate, a person may be trespassed from the entire campus.

The Auburn University at Montgomery Campus Police Department is assigned the responsibility to assist the Chancellor or his/her duly authorized representative in exercising his/her authority to remove those individuals who do not abide by university policies, practices, or rules or who pose a risk to campus safety or security.

Any person may be directed to leave or prohibited from entering the campus or a specified area, and trespassed indefinitely if the person:

1. Commits any crime on campus
2. Threatens, and interferes with any member of the university community, including faculty, staff, and students, and visitors
3. Acts in a way that poses or indicates a threat
4. Acts in a way that disrupts normal university operations
5. Violates university policies, regulations, or rules
6. Prowls around buildings or parking lots without satisfactory explanation
7. Fails to obey the instructions of a law enforcement officer

8. Otherwise behaves in a suspicious or disorderly manner
9. Represents a continuing threat to the campus community by having committed serious criminal offenses(s) on or off campus

Campus Police should be contacted immediately if a person(s) has engaged in one or more of the activities listed in 1 through 9 above.

Any person trespassed from campus will complete and receive a Trespass Notification (Attachment A).

## **B. Appeal Process**

A person who has been trespassed may appeal by submitting a written appeal to the Dean of Students within ten days of the date the trespass was issued. The written appeal should include the person's reason for being on campus at the time, the person's future need to be on campus, and any other information the person wishes the Dean of Students to consider. The trespass remains in effect during the appeal. The Dean of Students shall review the written appeal and the record of the warning to determine if the warning was imposed in compliance with these procedures.

The Dean of Students may accept, reject, or modify the trespass in a written decision that will be mailed to the individual(s). The Dean of Students shall inform the person in writing of the decision within 10 working days.

If the person wishes to appeal to the Dean of Students' decision, he/she may do so by submitting a written appeal to the Vice Chancellor for Academic Affairs within ten days of receipt of the Dean of Students' decision. The Dean of Students' decision remains in effect during the appeal. Upon receipt of the written appeal, the Vice Chancellor for Academic Affairs will set a date, time, and place for an informal hearing and advise the person in writing at least ten days before the hearing that the person may attend and present relevant evidence and witnesses. The officer who issued the trespass shall also be notified and will attend the hearing and may be questioned. Attendance at the hearing will be restricted to the trespassed person, the issuing officer, and others having personal knowledge of the events. The Vice Chancellor for Academic Affairs will review all the evidence and may accept, reject, or modify the Dean of Students' decision. The Vice Chancellor for Academic Affairs will notify the person in writing of the decision and that the decision is final.

## **C. Trespass Arrest**

Officers may arrest when a person has been trespassed and refuses to leave.

Officers may arrest when a person is detained on campus property and records indicate that the person has been trespassed.

Trespasses for minor offenses may not result in an arrest. Written warnings should be given again, if appropriate, and the file updated. Court orders and University disciplinary orders/decisions remain in effect for the duration stated in the order/decision, and any violation of the order/decision may result in arrest.

If there is any doubt concerning the arrest, the office should trespass the individual again and escort the person from campus. If a review of the incident by campus police officials indicates the individual was trespassing, officers may obtain a warrant for trespassing.

#### **D. Re-instatement Process**

A person who has been trespassed may request reinstatement by submitting a written request to the Dean of Students. The written request should include the person's reason for being on campus at the time, the person's future need to be on campus, and any other information the person wishes the Dean of Students to consider. The trespass remains in effect during the reinstatement process. The Dean of Students shall review the written request and the trespass to determine if re-instatement is possible.

The Dean of Students may accept, reject, or modify the request for re-instatement in a written decision that will be mailed to the individual(s). If the person wishes to appeal to the Dean of Students' decision, he/she may do so by submitting a written request for re-instatement to the Vice Chancellor for Academic Affairs within ten days of receipt of the Dean of Students' decision. The Dean of Students' decision remains in effect during the appeal. Upon receipt of the written appeal, the Vice Chancellor for Academic Affairs will set a date, time, and place for an informal hearing and advise the person in writing at least ten days before the hearing that the person may attend and present relevant evidence and witnesses. The officer who issued the trespass shall also be notified and will attend the hearing and may be questioned. Attendance at the hearing will be restricted to the trespassed person, the issuing officer, and others having personal knowledge of the events. The Vice Chancellor for Academic Affairs will review all the evidence and may accept, reject, or modify the Dean of Students' decision. The Vice Chancellor for Academic Affairs will notify the person in writing of the decision and that the decision is final.

### **VIII. INTERPRETATION**

Any questions arising concerning this policy will be interpreted by the Chief of Police.

**APPROVAL TO PROCEED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

Attachment A



*Our Standard is Excellence.*

TRESPASS NOTIFICATION  
CAMPUS POLICE

Date: \_\_\_\_\_

Effective immediately, you, \_\_\_\_\_, are trespassed from Auburn University at Montgomery property or any of the buildings thereon.

If you, \_\_\_\_\_, are caught on Auburn University at Montgomery property after being permanently trespassed, and your access privileges have not been reinstated, you will be arrested and charged with criminal trespass.

DESCRIPTION

Drivers License \_\_\_\_\_

Date of Birth \_\_\_\_\_

Height \_\_\_\_\_

Weight \_\_\_\_\_

Hair Color and Style \_\_\_\_\_

Sex \_\_\_\_\_ Race \_\_\_\_\_

Vehicle Year, Make and Model \_\_\_\_\_

Tag Number \_\_\_\_\_

Social Security Number \_\_\_\_\_

Current Address \_\_\_\_\_

This trespass warning was received by me, the above listed party (parties) on this date \_\_\_\_\_ at \_\_\_\_\_ (time).

Warning Officer \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

Auburn University at Montgomery's Trespass Policy is attached to this trespass document.