

# East Stroudsburg University of Pennsylvania Policy Template

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## Issuance of No Trespass Orders to Non-Affiliated Individuals

**Policy Number:** ESU-2024-01  
**Effective Date:** TBD  
**Related Policies:**

**Adopted:**  
**Amended:**  
**Last Reviewed:**

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- A. Policy Statement:** This policy establishes the standards and process that is to be applied when East Stroudsburg University considers whether to issue a No Trespass Order to an individual who is not affiliated with the University.

This policy applies to individuals who are not affiliated with East Stroudsburg University and addresses the conduct of individuals on all property owned or controlled by the University.

- B. Reason for Policy:** 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 violates University policy, local ordinance, or public law, including gaining entry through surreptitious means or by breaking and entering; presents a threat or danger to University property, self, or any member of the University community; engages in conduct that disrupts of the University's educational, working, and living environment.

### Prohibited Conduct

East Stroudsburg University is a public institution of higher education, and parts of the campus *are* open to the general public. The University, however, endeavors to provide and maintain a productive, safe, and secure educational, working, and living environment for all members of the University community.

As a condition to accessing 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. threatens harm to any member of the University community or themselves or damage to University property;

3. disrupts or interferes with the educational, working, and living environment of the University;
4. or gains entry through surreptitious means or breaking and entering.

The following areas are not open to Non-Affiliated Individuals, other than Invited Guests, without permission from authorized University personnel:

1. All University owned property.

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. Authorized University personnel may provide actual notice of a restriction through direct communication with an individual entering or remaining in an area or building not generally open to the public in lieu of such postings. While a great deal of campus remains open to the public, the University retains the right to restrict access to property owned or controlled by the University if a person engages in the conduct listed above.

#### **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 Police in consultation with the appropriate VP., the Dean of Students, the Executive Director of Student Conduct and/or the Office of Student Conduct Staff, the Title IX Coordinator, Residence Life Professional Staff, or other University Official and will note the possible consequences of any future violations.

A warning issued to a Non-Affiliated Individual must be issued based on sufficient facts establishing the violation along with any other pertinent information related to the violation. Warnings may be verbal or written. A copy of any written warning will be issued to the individual along with any other applicable documentation. 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. Non-Affiliated Individuals may be trespassed from University property for a period of no more than twenty-four hours without issuing a written No Trespass Order.

Warnings may be stand-alone temporary restrictions and are not a prerequisite to the issuance of a formal No Trespass Order.

#### **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 Police in consultation with the appropriate VP., the Dean of Students, the Executive Director of Student Conduct

and/or the Office of Student Conduct Staff, the Title IX Coordinator, Residence Life Professional Staff, or other University Official. No Trespass Orders may be issued for all or a specified area or facility on property owned or controlled by the University, depending on the circumstances. No Trespass Orders will be issued for a specified period of time.

### **Documentation and Communication**

All warnings (oral or written), as well as any No Trespass Orders issued under this policy, must be documented in writing. Such documentation must be preserved by the issuing department and communicated to the campus Chief of Police, the Police Director, and the Dean of Students. Additionally, any newly issued warnings or No Trespass Orders shall be communicated during any shift changes or transfers of on-call duties so that responsible parties are aware of any new developments.

For the granting of temporary permission to return to campus for a specific reason, a request must be submitted to and approved by the issuing University Official or Department (in the event of temporary permission the issuing University Official will notify the Chief of Police and Dean of Students).

- C. Appeal Statement/Process:** A Non-Affiliated Individual who receives a No Trespass Order may appeal the decision. The University's appeal process is not applicable to any criminal charges, which must be resolved through the appropriate court of jurisdiction.

An appeal of the No Trespass Order must be filed in writing to the issuing University Official within ten calendar days of the date of service of the No Trespass Order. Then an Appeal Officer will be assigned to review the appeal. The Appeal Officer will render a written decision on the matter within ten days of receipt of the appeal. Written appeals may be hand-delivered, mailed, or emailed to the initial issuing official.

If a written appeal is not received by the deadline the decision on the matter will become final.

Written appeals should include:

1. Appellant's contact information, including address, telephone number and email address.
2. Date of issuance of the No Trespass Order
3. Reason for being on University property at the time of the issuance of the No Trespass Order
4. Future need to be on University property
5. Any other relevant information the Appellant wishes to be considered.

Upon receipt of a timely written appeal, the Appeal Officer will review all relevant information and documentation relating to the reason for the issuance of the No Trespass Order.

The Appeal Officer may uphold, rescind, or modify the No Trespass Order in a written decision that will be emailed to the email address provided in the written appeal. The Appeal Officer may also remand the No Trespass Order to the original issuer with a request to address specific matters of concern.

If a written appeal is filed, the restrictions set forth in the No Trespass Order shall remain in effect until the appeal process is completed. If the No Trespass Order is upheld and the individual who was issued the No Trespass Order violates the No Trespass Order, that individual may be subject to arrest under applicable public law.

Any appeals of the final decision of the University are subject to 42 Pa.C.S. §763 (Direct appeals from government agencies).

### **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(a)(4), Powers and Duties of Councils of Trustees, and Section 20-2010-A(5), Power and Duties of Institution Presidents, 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(a), Campus Police Powers and Duties, 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.”

### **D. Definitions:**

**Appeal:** An internal University process that affords an individual the opportunity to have a University Official independently review the factual basis for the issuance of a No Trespass Order.

**Appeal Officer:** The individual with the authority appointed by the University to decide appeals. The Appeal Officer will be free of conflict of interest and bias.

**Invited Guest:** A person, group, club, or other organization invited by a student, staff, or faculty member for University business or social purposes.

**No Trespass Order:** An order from Police Officers, the Dean of Students, the Executive Director of Student Conduct and/or the Office of Student Conduct Staff, the Title IX Coordinator, Residence Life Professional Staff, or other University Official

which excludes a Non-Affiliated Individual from all, or a portion of, University-owned or -controlled property, for a specified period of time, based on an alleged violation of University policy, local ordinance, or public law; including gaining entry through surreptitious means or by breaking and entering. 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 disrupts to the University's educational, working, and living environment.

**Non-Affiliated Individuals:** An individual who is neither an employee nor a student subject to the Code of Conduct of the University.

**Student:** Any person:

- (1) admitted to the University, or
- (2) eligible to register or is scheduled for classes.

**University Official:** Any individual delegated authority from the President to issue warnings or No Trespass Orders under this policy.

**E. Keywords:** Trespass, non-affiliate

**F. Related Policies:**

**G. Other Relevant Information:**

**H. Enforcement Body:** ESU Police