

POL 04.10.03  
Trespassing on University Property

**Authority:** Chancellor

**History:**

- Issued: March 19, 2024

**Related Policies:**

- [REG 11.30.01 - Student Code of Conduct](#)
- [REG 11.30.03 - Student Conduct Disciplinary Procedures](#)
- [REG 11.30.02 - Student Rights and Responsibilities](#)
- [POL 05.30.02 - Workplace Violence Prevention Policy](#)

**Additional References:**

- [N. C. Gen. Stat. §14-159.12 & 13](#)

**Contact Information:** Chief of Police (910.521.6235)

## 1. INTRODUCTION

The University of North Carolina at Pembroke (UNCP) is a public institution of higher education that can be visited by the general public. Even though UNCP is an open campus, the University has the ability to determine the expectations and parameters for a person's presence on university property. Individuals do not have a right to be on university property. Consistent with applicable laws, the university has the ability to restrict, withhold, or remove a person's access to or presence on university property.

This policy describes the circumstances under which a person's access to or presence on university property may be restricted, withheld, or removed. This policy also provides the procedures for trespassing a person from a specific area of university property (while having access to other University property), or where appropriate, from all University property.

## 2. DEFINITIONS

2.1 "University property" means property owned, leased, or controlled by UNCP and/or its Endowment Fund, and also includes any form of UNCP transportation.

2.2 "Authorized University Official" for purposes of this policy means UNCP Police ("University Police") (and any university police officer); Director, university housing; director, Office of Student Conduct, or dean of Students.

2.3 "Trespassed" means for a campus ban to be placed on individuals through procedures explained below. Individuals who are trespassed are not allowed onto university property.

## 3. POLICY

Persons who violate University policies or regulations or pose a threat or risk to the safety and security of the university community or University property may be advised to leave by the Chancellor or designee. Such individuals may be trespassed from university property pursuant to N. C. Gen. Stat. §14-159.12 or 14-159.13 or as authorized by this policy.

#### **4. AUTHORITY**

UNCP's chancellor has delegated to University Police the primary authority to restrict, withhold or remove access to university property from persons who pose a threat or risk to the safety and security of the university community or university property. Trespasses may be issued by any Authorized University Official subject to the provisions below.

#### **5. TRESPASS PROCEDURES**

5.1 Persons may be trespassed from university property on grounds including but not limited to the following:

5.1.1 Commission or conviction of any criminal offense, regardless of where it occurred;

5.1.2 Violation of university policies, regulations;

5.1.3 Failing to adhere to the lawful directive of a law enforcement officer or university official.

5.1.4 Engaging in behavior or conduct that presents a threat or risk to the safety and security of the university community or university property;

5.1.5 Engaging in behavior or conduct that obstructs, disrupts, interrupts or attempts to force the cancellation of any university-sponsored event or activity, including educational activities or other essential university processes, or activities by users authorized to use the university's facilities; or

5.1.6 Presence on university property without justification or legitimate reason.

5.2 Notice of Trespass: A person is trespassed when an Authorized University Official provides oral or written notice to a person that the person should not enter or remain on certain University property.

5.3 Scope and Duration

5.3.1 The trespass will be limited in scope to that which is reasonably necessary for the protection of the university community. The duration of a trespass is indefinite unless otherwise specified in the Notice of Trespass or as modified during appeal.

5.3.2 An Authorized University Official who issues a trespass may lift or reduce the trespass if, in his/her discretion, a determination is made that circumstances justify removal or reduction of

the trespass. The Authorized University Official must consult with the Person of Concern and Behavioral Threat Assessment Team prior to lifting any trespass issued pursuant to section 5 of this policy or for a violation of [POL 05.30.02 - Workplace Violence Prevention Policy](#).

#### 5.4 Student Disciplinary Matters

5.4.1 Students who are suspended on an interim basis, suspended, or expelled from the University for a violation of the Code of Student Conduct may be trespassed from the university by an Authorized University Official. The trespass shall remain in effect until the student's suspension ends, the expulsion is lifted, or otherwise specified by the Student Conduct and/or the Threat Assessment Team.

5.4.2 Students who are removed from university housing facilities on a permanent or interim basis will be trespassed by an Authorized University Official. The scope of the trespass will be outlined in the removal letter or university disciplinary decision that is provided to the student.

#### 5.5 Administration

5.5.1 University police will maintain a listing of trespassed individuals. Authorized University Officials must notify university police in writing when they issue a trespass of any type.

5.5.2 Once the Authorized University Official lifts the trespass, they shall provide written notice to university police so that records may be updated. The person subject to the trespass should not return to the restricted area without prior written authorization from university police or until notified in writing that the trespass has been lifted.

### **6. APPEAL PROCESS**

6.1. Notice: A person who has been trespassed by university police may appeal the trespass by submitting a written appeal to the chief of police within ten (10) business days of the date the trespass was issued.

#### 6.2 Documentation

6.2.1 The written appeal must include the person's contact information, trespass notice information, date of issuance, reason for being on university property that resulted in the trespass, and the person's future need to be on university property. The trespass remains in effect during the appeal.

6.2.2 In addition, the appealing individual should submit a detailed written statement of the basis for the appeal, along with any evidence the person wishes the chief to consider. Statements of witnesses or other individuals may also be submitted.

#### 6.3 Appeal Review and Decision

##### 6.3.1. Chief's Review

The chief will review the written appeal and the trespass record to determine if the trespass was issued in compliance with this policy. The chief may uphold, rescind, or modify the trespass and will provide the individual with their decision in writing. If, following the chief's decision, the trespass period is for 180 days or less, the chief's decision shall constitute the final university decision and no further appeal of the decision is permitted.

6.3.2. Further Appeal to vice chancellor: if, following the chief's decision, the trespass period is greater than 180 days, the trespassed individual may appeal the chief's decision to the vice chancellor for Finance & Administration ("vice chancellor"). Appeals to the vice chancellor must be received within ten (10) business days from receipt of the chief's decision. Failure to submit the appeal within this time limit will render the chief's decision final. The chief's decision shall remain in effect during the appeal.

6.3.3 Vice chancellor's review: After receiving and reviewing the written appeal and the record of trespass, the vice chancellor may, in their sole discretion:

6.3.3.1 request additional information or documentation from any involved party, including university police, for further consideration;

6.3.3.2 schedule a meeting where all involved parties may attend to present information and documents in person; or

6.3.3.3 uphold, rescind, or modify the trespass.

6.3.4 The vice chancellor shall inform the person of their appeal decision in writing. The vice chancellor's decision shall be the final university decision, and no further appeal of the decision is permitted.

6.4 Trespasses Resulting from Code of Student Conduct Violations: Appeals for trespasses resulting from a violation of the Code of Student Conduct are controlled by the applicable procedures provided in [REG 11.30.03 - Student Conduct Disciplinary Procedures](#).

## **7. TRESPASS ARREST**

7.1 University police may arrest a person who refuses to leave university property after being asked to leave by an Authorized University Official.

7.2 In areas that are posted "no trespassing", university police officers are authorized to issue a citation or make an arrest, where appropriate.

7.3 Court orders and university disciplinary decisions remain in effect for the duration stated in the order/decision and may result in an arrest for violations during that time period.