

Restricting Access to University Property

Policy	Restricting Access to Campus Property
Effective Date	June 1994
Revised:	February 2001, October 2004, July 2008, December 2022
Review Date:	December 2025
Responsible Party:	University Police Department

1200.00 Introduction and Purpose

The University may prohibit, limit or otherwise restrict access to or use of its buildings, facilities or other property as may be necessary to provide for the orderly conduct of the University's educational, research and service programs and the safety and security of the campus property, students, employees, guests and other visitors.

1210.00 Related Laws & Policies

MSU Policies:

University Policy – 200.00 Use Regulations and Limitations
Use of Residence Halls and Family Housing Facilities

BOR Policies:

1006 Security and Law Enforcement Operations
1009.1 Campus security and safety

MCA:

Montana Code Annotated 2021 §45 6 203 Criminal Trespass to Property
Montana Code Annotated 2021 § 45 6 201 Definition of Enter or Remain Unlawfully

1220.00 Definitions

Administrative Trespass Notice: A document issued by Montana State University that gives notice to an individual that they are not permitted to enter or remain upon the property, lands, buildings, or premises of Montana State University as specified in the Administrative Trespass Notice or disciplinary action.

Authorized University Official: For purposes of this policy an Authorized University Official is defined as the President, the Dean of Students, the Chief of UPD, the Chief Human Resources Officer, the Managing Director of the Office of Institutional Equity, the Associate VP of Auxiliaries, the Director of Athletics, Director of MAES and the Executive Director of Extension. Designees may be appointed for MAES or Extension properties. For all others, authority may only be delegated when the Authorized University Official is unavailable (e.g. on vacation or extended leave), and then only to the individual who is designated to act in the capacity of an Authorized University Official while they are unavailable.

Criminal Trespass Warning: A warning that is a formal initial notice issued by the Montana State University Police Department ("UPD") that the behavior/trespass is inappropriate and violates university policy. A Criminal Trespass Warning may be issued prior to a Criminal or Administrative Trespass Notice.

Criminal Trespass Notice: A document issued by the UPD that gives notice to a person that they are not permitted to enter or remain upon the property, lands, buildings, or premises of Montana State University as specified in the Criminal Trespass Notice.

Days: Means business days unless stated otherwise. The University may extend or waive any deadline herein upon a determination of good cause. Good cause will include circumstances such as the impact of academic calendar breaks or holidays, other causes beyond the party's control (e.g., illness, death in the family), or other circumstances that support a determination of good cause.

University Property or Property: For purposes of this policy, University Property or Property is defined as all grounds, buildings, rooms, auditoriums, facilities, stadiums, transportation, or other spaces or improvements, that are owned, leased, used, or otherwise controlled by Montana State University, regardless of the type of event or activity occurring in the venue.

1230.00 Administrative Trespass Notice

An Administrative Trespass Notice may be issued to restrict an individual from all or some portion of University Property. The Administrative Trespass Notice must state the area of University Property to which the Administrative Trespass Notice applies, the dates that it is in effect, and how it may be appealed. Any future violations of the Administrative Trespass Notice may result in disciplinary action, up to and including termination of employment, conduct suspension, expulsion, and issuance of a Criminal Trespass Notice.

Administrative Trespass Notices may only be issued by an Authorized University Official.

An individual issued an Administrative Trespass Notice may appeal the Notice, as outlined below in section 1260.00.

All Administrative Trespass Notices must be copied to the MSU Chief of Police.

1240.00 Criminal Trespass Warning

A Criminal Trespass Warning may be issued when the actions are not severe enough to merit a Criminal Trespass Notice and there is a legitimate reason for the individual to access University Property. A Criminal Trespass Warning must include a description of the action(s) resulting in the Criminal Trespass Warning and any other relevant facts or information.

A violation of the Criminal Trespass Warning may result in disciplinary action, up to and including termination of employment, suspension, and/or expulsion, and issuance of a Criminal Trespass Notice.

Criminal Trespass Warnings may only be issued by UPD.

1250.00 Criminal Trespass Notice

A Criminal Trespass Notice may be issued to students, faculty, staff, or third parties, or to an individual's vehicle, as a result of a violation of an Administrative Trespass Notice, Criminal Trespass Warning, or because of behavior that:

1. violates criminal or civil laws;
2. violates the Office of the Commissioner of Higher Education's Policies, regulations, rules, or directives;
3. violates University policies, regulations, rules, or directives;
4. poses a threat to the health safety, welfare, or academic experience of members of the University community;
5. causes significant disruption to the regular operation of University functions;
6. causes or threatens harm to person(s) or property; or
7. where there is substantial University interest.

A Criminal Trespass Notice must state the area of University Property to which the Criminal Trespass Notice applies, the dates that it is in effect, and how it may be appealed. A Criminal Trespass Notice may be issued for any appropriate length of time at the discretion of UPD. Any future violations of the Criminal Trespass Notice may result in arrest or disciplinary action, up to and including termination of employment, conduct suspension, or expulsion.

Criminal Trespass Notices may only be issued by UPD. The Criminal Trespass Notice, no matter how initially transmitted to the trespassed individual, shall be memorialized in writing and written notification shall be delivered or mailed to the trespassed individual. If a trespassed individual refuses or is unable to sign the Criminal Trespass Notice, the issuing officer is authorized to issue the Criminal Trespass Notice without a signature from the trespassed individual.

An individual issued a Criminal Trespass Notice may appeal the Criminal Trespass Notice, as outlined below in section 1260.00.

1260.00 Appeals

Individuals wanting to appeal an Administrative Trespass Notice or Criminal Trespass Notice may follow the process outlined below.

Appeals must be submitted to the appropriate appellate authority. Students may appeal an Administrative or Criminal Trespass Notice to the Vice President for Student Success or assigned designee. Non-students may appeal an Administrative or Criminal Trespass Notice to the Vice President for Administration and Finance or assigned designee.

Appeals must be in writing (email is acceptable), submitted within fifteen (15) days from the date on the notice, and meet the criteria listed below. An appeal will initiate a review of the duration of the trespass.

Review by the appellate authority will be limited to the following grounds for appeal:

1. New evidence has been discovered that could substantially impact the original decision to issue a notice. A summary of this new evidence and its potential impact must be included in the letter of appeal.
2. The individual's rights were violated.

The letter of appeal must: i) identify the issue on appeal; ii) provide a detailed summary of the pertinent facts fulfilling the above criteria for an appeal; iii) include any relevant documentation in support of the appeal; and iv) state the desired outcome.

If a sufficient claim is presented under the specified grounds, the appellate authority may accept the appeal. If a sufficient claim is not presented, the appeal shall be dismissed with written notice to the appealing individual. Within ten days from receipt of the record, the appellate authority shall review the entire record and render a written decision. The appellate authority shall consult with the Authorized University Official (or designee) who issued the Administrative Trespass Notice prior to making any determination on appeal. The appellate authority may remand the case to the issuing Authorized University Official for further findings of fact or clarification.

The decision of the appellate authority is the final decision of the University. A copy of the decision shall be sent to the trespassed individual and included in the record.

1270.00 Temporary Authorization to Access University Property

Trespassed individuals wishing to enter University property for a specific event, program, or activity must seek and obtain written permission from the appropriate appellate authority. Students may submit a request for temporary authorization to the Vice President for Student Success or assigned designee. Non-students may submit a request for temporary authorization to the Vice President for Administration and Finance or assigned designee.

All requests should be submitted in writing (via email is acceptable), no later than fifteen (15) days prior to the date of the scheduled event. The request should include the individual's name, contact information, the specific event, location, date, time, and the reason for the temporary authorization.

Any individual who is granted temporary authorization should have proof of the authorization on their person at all times during the event and is expected to abide by all University policies and directives. Any such violation may result in immediate arrest.

Decisions granting or denying temporary authorization cannot be appealed.