

Effective: May 22, 2023

Administrative Policy Issuance of No Trespass Orders to Non-Affiliated Individuals Policy

Approved: May 22, 2023, President's Cabinet

Purpose

This policy establishes the standards and process that is to be applied when Millersville University of Pennsylvania (the "University") considers whether to issue a No Trespass Order to an individual who is not affiliated with the University (Non-Affiliated Individual).

Scope

This policy applies to individuals who are not affiliated with the University either as a student or an employee, including University alumni, and addresses conduct of these 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 who violates University policy, local ordinance, or public law; presents a threat or danger to University property, self, or any member of the University community; or engages in conduct that disrupts the University's educational, working, and living environment.

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.

No Trespass Order: An order from the University Police Chief or any commissioned member of the University's Police Department 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.

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

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

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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, 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 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) Is determined to present a threat or danger to University property, self, or any member of the University community.
- (3) Disrupts the University educational, working, and living environment.
- (4) Unreasonably disrupts or interferes with the educational, working, and living environment of the University.
- (5) Gains entry through surreptitious means or breaking and entering.

The following areas are not open to Non-Affiliated Individuals without permission from a University official:^{1 and 2}

- (1) Academic/research classrooms and laboratories.
- (2) University facilities used by faculty, staff, and students, in connection with academic activities or residential living.
- (3) 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. 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. 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 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 the Chief of Police or any commissioned member of the Police Department or University Official (or designee) 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. Warnings

¹ Possession of a ticket for a ticketed event constitutes permission associated with that specific event.

² Invited guests including speakers/guest lecturers etc. are precluded from this general restriction.

may be verbal or written. University officials issuing verbal or written warnings to Non-Affiliated Individuals should report the warning to any commissioned member of the Police Department for documentation of all pertinent information related to the warning. A copy of a written warning should be issued to the individual along with any other applicable documentation. Warnings that are issued to a Non-Affiliated Individual 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 expelled for University property for a period of no more than seventy-two-hour hours without issuing a written 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 the Chief of Police or any commissioned member of the Police Department. 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 Finance and Administration. 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 Finance and Administration within 10 (ten) business days of the date of service of the No Trespass Order. Written appeals may be hand-delivered or mailed to:

Delivery Address -
Millersville University Police Department
237 N. George St.
Millersville, PA 17551

Mailing Address –
Millersville University Police Department
PO Box 1002
Millersville, PA 17551

- (2) Failure to file a timely written appeal with the Office of the Vice President for Finance and Administration 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

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- c. Reason for being on university property at the time of the issuance of the No Trespass Order, if applicable.
 - 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 for Finance and Administration will review all relevant information and documentation secured from Appellant and the University Police Department and any other University official.
- (5) The Vice President for Finance and Administration may delegate the authority to review an appeal to any other University Cabinet member.
- (6) The Vice President for Finance and Administration may 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 for Finance and Administration may also remand the No Trespass Order to the University Police Chief 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 appeal 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.

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.”*