
UNIVERSITY POLICY

No Trespass Order Policy

Accommodations for individuals with disabilities in accessing these policies are available upon request by emailing accessiblepolicy@wcupa.edu

Purpose and Scope

West Chester University ("WCU" or "University") seeks to provide a safe and secure learning environment for students and members of the University community. WCU also has the authority to establish requirements and expectations for persons on University property.

Pursuant to those purposes and that authority, WCU establishes this policy on "Issuance of No Trespass Order," which places limits on individuals who violate University policy, regulations, or rules; who pose a risk to campus safety or security; who commit a crime or are a nuisance or threat to those on campus; who intimidate a student or member of the University community; or who are otherwise disruptive.

This policy applies only to non-students nor faculty or staff and as such is not intended to address issues related to current students or employees.

Policy Statement

Individuals may be issued a no-trespass order for all University property or a specific part of University property. Depending on the conduct, the individual may also face criminal charges.

Definitions

University Property: Refers to property owned or controlled by West Chester University.

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No Trespass Appeal Board Refers to a board consisting of three hearing board members (staff or faculty members) who will hear the reasons a no-trespass order was issued and determine if the order should be rescinded, or remain in place.

No Trespass Appeal Board Chairperson Refers to the hearing board member who chairs the Appeal Board and facilitates the conduct of the hearing.

Individuals refers to visitors who are not students, faculty, or staff.

Procedures

Issuance

An individual deemed in violation of this policy may be issued a no-trespass order to all University property or a specific part of University property. This order will be issued by the Director of Public Safety or designee. The no-trespass order will be sent to the individual, via U.S. mail, to the best-known address of the individual being issued the order, or may be hand delivered to the individual. Notification of the no-trespass order will be forwarded to University Police, as well as other appropriate individuals. The no-trespass order is in effect upon a verbal ban from law enforcement, hand delivery, or five (5) business days after being placed into the U.S. mail, whichever occurs first.

Appeal

Should an individual who is issued a no-trespass order (“Appellant”) disagree with the order, they may appeal the issuance of the order at [No Trespass Order Appeal \(https://publicdocs.maxient.com/reportingform.php?WestChesterUniv&layout_id=25\)](https://publicdocs.maxient.com/reportingform.php?WestChesterUniv&layout_id=25)

Instructions for appeal will be included in the No Trespass Order Letter. The Appellant’s appeal must be received within seven (7) business days of the date stamped on the original order.

NOTE: The no-trespass order remains in effect during the appeal process.

Contents of the Appeal Document

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- a) The appeal document must contain all the following in order to be considered:
- b) The reason the Appellant was on West Chester University's property when the infraction that led to the no-trespass order occurred. The reason the Appellant needs to return to West Chester University's property.
- c) A statement as to what occurred in the Appellant's opinion that led to the no-trespass order being issued.
- d) Any other facts the Appellant wishes to be considered.

Scheduling of the Appeal Hearing

- a) If an administrative appeal hearing is conducted, it will be scheduled within 30 days of the date of receipt of the appeal.
- b) The Appellant will be provided a minimum of a five business day notice of the appeal hearing. This correspondence will include the exact time, date, and location of the appeal hearing.

Absent exigent circumstances the appeal hearing will be scheduled on a University business day between the hours of 8:00 a.m. and 4:30 p.m.

Appeal Hearing

Should an appeal hearing be scheduled, the Appellant will report to West Chester University's Police Headquarters for the hearing and be accompanied while on campus by a University Police Officer.

- The Appellant will be provided the opportunity to hear the evidence presented that led to the issuance of the original no-trespass order.
- The Appellant may be accompanied by one advisor, who may not speak or participate in the hearing.
- The advisor may only consult privately with the Appellant.
- An advisor who is disruptive will be directed to immediately leave the appeal hearing.
- The hearing will be suspended until the disruptive person leaves the room.
- The Appellant may present witnesses.

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- The appeal hearing will take place whether the Appellant is or is not present for the hearing at the scheduled date and time.
- The Appellant is permitted to question those requesting the no-trespass order. The chairperson may impose reasonable limits on this questioning and other information presented at the hearing, including, but not limited to, limiting witness information that is deemed outside the scope of the Appeal Board's role, allowing a witness to be placed behind a screening device or to testify by phone, requiring the Appellant to submit written questions that the Board will ask, or providing other certain security measures for witnesses.
- After the conclusion of the evidence, the Appeal Board will meet privately and determine by a preponderance of evidence if the no-trespass order remains in place, or is rescinded. Each of the three members of the Appeal Board shall have one vote, including the chairperson.
- The decision will be determined by a simple majority vote of the members.
 - Appeal hearings are closed proceedings. Only those invited to participate or have a University business role may be in attendance.
 - The Appellant will be notified of the final decision in writing within five business days of the hearing.
 - The decision of the Appeal Board is final.

Reviewed by: Chief of Policy, Assistant Dean- Office of Student Conduct,
Vice President of University Affairs

Policy Owner: Chief of Police

Approved by: Chief of Police
2016

Effective Date: 2016

Next Review Date: Currently Under Review

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History:

Initial Approval: 2016