

Approved by Executive Director

I. PURPOSE

The purpose of this policy is to establish warning and enforcement guidelines for use of the Michigan Trespass Statute. This policy is administered in conjunction with the University of Michigan Freedom of Speech and Artistic Expression Policy, SPG 601.1, Violence in the University Community Policy, SPG 601.18 and the Senate Assembly Statement on Academic Freedom, <http://www.provost.umich.edu/faculty/handbook/1/1.C.html>.

II. POLICY

For the protection of the University community and property and to reduce disruption of the University's activities and functions, it is sometimes necessary to prohibit individuals as described below in IV.B.1. from entering or remaining upon property owned or leased by the University of Michigan, by issuing a trespass warning.

III. SCOPE

This policy applies to all University of Michigan owned or leased property in the State of Michigan, except the Flint and Dearborn campuses. The administration of this policy is coordinated with the administration of the trespass policies of the Flint and Dearborn Departments of Public Safety. A trespass warning issued by one University of Michigan agency may be enforced on all University owned or leased properties, including the properties of the other campuses, if the individual receiving the warning is notified that it applies to all campuses.

IV. PROCEDURES

A. Authorization

1. The Executive Director of DPS as provided by the President of the University, has the authorization to delegate officers to act as agents of the University for the purpose of the trespass act.
2. This delegation shall be authorized in writing.

B. Trespass Warning

1. Officers may use their professional discretion, consistent with this policy, to issue a trespass warning if an individual:
 - a. Committed or is suspected of committing a crime while on campus against persons or property;
 - b. Refuses or fails to comply with established University rules that protect the health and safety of persons or property;
 - c. Disrupts the lawful operations and functions of the University; or
 - d. Demonstrates a risk of physical harm or injury to others or property.
2. When an officer issues a trespass warning, the officer shall read the trespass warning to the individual and give a trespass warning form to the individual.

3. Faculty, students, and staff may be issued a trespass warning only in extenuating circumstances (e.g., posing an immediate threat to the safety of others). Administrative alternatives to issuing the warning to faculty, students and staff include but are not limited to referral to:
 - a. Staff responsible for administration of the Statement of Student Rights and Responsibilities;
 - b. The individual's manager or the Office of Academic or Staff Human Resources;
 - c. Other University disciplinary action.
4. Issuing a trespass warning does not preclude the officer from taking other law enforcement action or from recommending that a complainant seek a civil personal protection order.
5. Officers must submit each trespass warning to the shift supervisor at the end of the relevant shift for a review that includes compliance with this policy. The shift supervisor, upon review, may recommend a lifting or modification of the warning to the Executive Director who may do so at his or her discretion.
6. Trespass warnings shall remain in effect for one year or until rescinded or modified by the Executive Director. Unless an earlier time period is granted on appeal, each warning shall be reviewed by DPS on an annual basis for possible rescission or modification. After an annual review, a decision not to rescind a warning by DPS must be accompanied by a written justification for continuing the warning. Notice of the decision to extend the trespass warning must be sent to the individual, if possible, including notice of the right to appeal a negative decision.
7. At the time of the annual review, DPS may extend the duration of a trespass warning for a certain number of years or indefinitely if an individual poses a long-term danger to a faculty member, staff member or student or to the members of the University community in general. An extended warning of this nature shall be provided to the individual in writing, if possible. The decision to issue an extended warning may be appealed.

C. Trespass Warning Violation

1. If the individual is provided with the trespass warning and refuses to depart, the individual may be arrested by the police officer for violation of the trespass act.
2. If an individual who has previously been issued a trespass warning enters upon prohibited University-owned or leased property, the subject has violated the trespass statute. A written trespass General Incident Report shall be generated. At the officer's discretion, the officer may make a custodial arrest, seek an arrest warrant, and/or document the violation of the trespass warning in the General Incident Report.
3. An individual previously issued a trespass warning who is being treated at any University medical care facility is considered authorized to be there during the patient's treatment period, unless the trespass warning indicates otherwise in writing.

D. Trespass Appeals

1. All individuals issued a trespass warning have the right to appeal the warning in its entirety or in part and shall be informed of that right when the warning is issued. A request for an initial appeal of a trespass warning may be submitted at any time after the warning is issued.

2. Trespass warning appeals will be heard by the Executive Director or his or her designee. Individuals wishing to make an appeal shall be directed to make an appointment with the Executive Director. An appeal meeting will be offered within 30 days of the request.
3. At the appeal meeting, the individual may bring an attorney or other support person.
4. After the appeal is heard, the Executive Director or his or her designee shall issue a decision in writing within 10 business days. Notice of a negative decision will be accompanied by information regarding the subsequent available appeal described in #5 (below).
5. A negative decision by the DPS Executive Director may be appealed to the Associate Vice President for Facilities and Operations (AVPFO) or his or her designee. An appeal meeting will be scheduled within 30 days and a decision issued within 10 business days. The decision of the (AVPFO) will be final.
6. After the initial appeal, no further appeal will be granted unless the individual can demonstrate a change in circumstances which must be submitted in writing along with the request for an additional appeal meeting. The extension of a trespass warning by DPS after an annual review will be considered sufficient change in circumstances to grant a new appeal.
7. Generally, a trespass warning will not be modified or rescinded on appeal until any related criminal matter is adjudicated.
8. Generally, appeals after second or subsequent violations of the Trespass Act will not be granted.

E. Trespass Warning Form

1. Authorized agents of the University will issue Trespass Warning Forms.
2. Refusal to stay long enough to hear the warning or refusal to accept the issued form shall be documented in an incident report and will be considered if the warning is appealed.
3. Trespass warnings shall be recorded and maintained by the DPS Records Unit for 7 years after the warning is rescinded.

The process for a central depository of records shall include all three campuses.

F. Annual Review

DPS will share data related to trespass warnings issued during each calendar year with the UM Campus Safety and Security Committee by February 1 of the following year. The data will be stripped of all personal identifying information concerning the individual who received the warning. The data will include the number of warnings issued, the number of individuals who received warnings, the basis, geographic scope and duration of each warning. The UM Campus Safety and Security Committee shall review the data and make any recommendations related to application of this policy by DPS to the Executive Vice President and Chief Financial Officer.

[NOTE: CONTENT ONLY, FINAL FORM TO BE DESIGNED BY DPS]

University of Michigan – Ann Arbor

Trespass Warning

I _____, under authority granted to me by the President of the University of Michigan, now direct you to immediately leave the location described below. Your failure to do so subjects you to arrest and prosecution for violation of the Michigan Trespass Statute.

REASON FOR WARNING

This warning is being issued to you because you (check all that apply):

- Committed or are suspected of committing a crime while on campus against persons or property;
- Refused or failed to comply with established University rules that protect the health and safety of persons or property;
- Disrupted the operations and lawful functions of the University; or
- Demonstrated a risk of physical harm or injury to others or property.

SCOPE OF WARNING

You are also informed that any future entry into the following areas will subject you to arrest for trespassing (check one):

- The following location(s): _____
- Any land and any building owned or leased by the University of Michigan

This warning applies to (check one):

- Ann Arbor Campus only
- Ann Arbor, Flint, and Dearborn Campuses

DURATION OF WARNING

This warning is in effect for 1 year from today's date, unless extended for cause.

HEALTH SYSTEM

You may seek medical care at the University of Michigan Health System without violating this warning, unless this trespass warning indicates otherwise.

TRESPASS LAW

The Michigan Trespass Statute (MCL 750.552) reads in part as follows:

"Any person who shall willfully enter, upon the lands or premises of another without lawful authority, after having been forbidden to do so by the owner ..., or any person being upon the land or premises of another, upon being notified to depart therefrom by the owner ..., who without lawful authority neglects or refuses to depart therefrom, shall be guilty of a misdemeanor."

RIGHT TO APPEAL

You have the right to appeal this warning, or any extension of it, by appointment with the Director of the Department of Public Safety (DPS) at the University of Michigan at (734) 763-3434. DPS must schedule your appointment within 30 days of your request. An attorney or other support person may accompany you to the appointment. You may appeal the reason for the warning, the property covered by the warning, and the length of time the warning will be in effect. You will not be in violation of this Trespass Warning when you appear at DPS for your appeal appointment.

Issued to: _____ DOB: _____

Address: _____ Phone/E-mail: _____

The time is now _____ on _____

Report or Cad Card #: _____

Issuing Agency/Campus: _____