

LAKE SUPERIOR STATE UNIVERSITY

Trespass Policy

This policy was approved by the LSSU Board of Trustees on November 8, 2013

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 Lake Superior State University Campus Violence and Weapons policy and with other bona fide University agreements.

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 Lake Superior State University, by issuing a trespass warning.

III. SCOPE

This policy applies to all Lake Superior State University owned or leased property in the State of Michigan.

IV. PROCEDURES

A. Authorization

1. The Director of Public Safety 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 in the presence of a police officer (as defined by Section 257.42 of the Michigan Vehicle Code). In any incidents at which an individual is instructed to leave campus without the issuance of a trespass warning, the incident report will be forwarded to the Director of Public Safety for review. If warranted, a trespass warning may, subsequently, be issued.

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 policies contained in the Student Handbook;
 - b. The individual's manager, the Office of the Provost or the Human Resources Office;
 - 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 Director of Public Safety at the end of the officer's shift. The Director will undertake a review that includes compliance with this policy when the Director returns to his or her office. The Director, upon review, may lift or modify the warning at his or her discretion.
6. Trespass warnings shall remain in effect for one year or until rescinded or modified by the Director of Public Safety. Unless an earlier time period is granted on appeal, each warning shall be reviewed by the Director of Public Safety on an annual basis for possible rescission or modification. After an annual review, a decision not to rescind a warning by Public Safety 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, Public Safety 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 Public Safety officer will contact city police to press charges 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 Incident Report shall be generated. At the officer's discretion, the officer may seek an arrest warrant, and/or document the violation of the trespass warning in the Incident Report.

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 Director or his or her designee. Individuals wishing to make an appeal shall be directed to make an appointment with the Director. An appeal meeting will be offered within 30 days of the request.
3. After the appeal is heard, the 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).
4. A negative decision by the Director may be appealed to the Vice President for Student Affairs (VPSA) 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 VPSA will be final.
5. 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 Public Safety after an annual review will be considered sufficient change in circumstances to grant a new appeal.
6. Generally, a trespass warning will not be modified or rescinded on appeal until any related criminal matter is adjudicated.
7. 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 Public Safety 7 years after the warning is rescinded.

F. Annual Review

Public Safety will share data related to trespass warnings issued during each calendar year with the Shared Governance Oversight Committee and the LSSU Cabinet 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 Shared Governance Oversight Committee and the LSSU Cabinet shall review the data and make any recommendations related to application of this policy by the Department of Public Safety to the Vice President for Student Affairs.

November 1, 2013

Lake Superior State University
Public Safety Department

650 W. Easterday Avenue

Sault Ste. Marie, MI 49783

906-635-2100

Under authority granted to me by the President of Lake Superior State University, I 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 Lake Superior State University

Duration of Warning

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

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 there from by the owner..., who without lawful authority neglects or refuses to depart there from, 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 at Lake Superior State University at (906) 635-2100. The Department of Public Safety must schedule your appointment within 30 days of your request. 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 the Trespass Warning when you appear at the Department of Public Safety for your appeal appointment.

Issued to: _____, DOB: _____

Address: _____, Phone/Email _____

The time is now: _____ On this date: _____

Signature of Officer: _____

Signature of recipient: _____

Upon completion of incident report officer will provide Incident Report number